Legislative Assembly

Thursday, 6 June 1991

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

PETITION - KUNUNOPPIN AND DISTRICTS HOSPITAL

Partial Closure Opposition

MR COWAN (Merredin - Leader of the National Party) [10.03 am]: I have a petition in the following terms -

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament Assembled.
>
> We, the undersigned, residents of the Shires of Mt Marshall, Mukinbudin, Nungarin and Trayning, strongly object to the partial closure of the Kununoppin and Districts Hospital.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 720 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 65.]

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

Annual Reporting and the Parliament - Discussion Paper No 1 Tabling

MR CATANIA (Balcatta) [10.05 am]: I present for tabling discussion paper No 1 of the Public Accounts and Expenditure Review Committee on annual reporting and the Parliament. I move -

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

This paper does not represent the culmination of a detailed investigation of the annual reporting requirements of Parliament; rather it is a beginning, in which the committee identifies issues which will need to be addressed before the Parliament will be totally satisfied with the quality of the reports that are presented to it.

The paper's main theme is that the Parliament is the primary target audience of annual reports and Government bodies have a responsibility to ensure that the needs of Parliament are met first and foremost. Similarly, Parliament has the responsibility to ensure that its needs are clearly defined and are understood by the bureaucracy. It is also up to Parliament to monitor compliance with annual reporting requirements. The committee contends that at this stage the Parliament is adopting ad hoc and ineffective control mechanisms and needs to do more before it can reasonably expect reporting standards to meet its requirements.

The paper recognises the importance that is now attached to performance measurement and reporting in the annual reporting process by the readers of reports. The committee acknowledges that this emphasis on outcomes represents a change in the traditional reporting practice of looking simply at inputs and process. There is now an explicit requirement for agencies to identify objectives and to attempt to measure and report on the success they have had in achieving those objectives. The advent of program budgeting will assist greatly in the process of identifying objectives or targets and has already begun to have an impact on how Government activity is reported. The committee believes that the Parliament has a significant role to play in ensuring that this new emphasis is reflected in all annual reports.

In order to gain an overview of the Parliament's current and potential needs in relation to annual reporting, the committee undertook a short questionnaire-type survey of members of Parliament. The committee considers that it can itself be considered representative of the Parliament and will seek to help more clearly define the needs of parliamentarians.

In addition to providing a description of Government activities and an index of the use of resources, annual reports are now seen as a method of assessing the performance of Government agencies. Not only are departments required to use the resources at their disposal in compliance with legislative and regulatory requirements, but also they are now expected to identify specific objectives and to show how well they have achieved those objectives. Annual reports that do not provide the user with information that will allow assessment of achievement of objectives are no longer considered to have much value.

It should be noted that the committee considers that there has been a significant improvement in the standards of public sector reporting over the past few years. The improvement is not only in the level of presentation, but also in the relevance of the information. By defining objectives for the organisation as a whole and the objectives and programs and subprograms, agencies are beginning to make assessment possible. This improvement, of course, is not universal; nor does it indicate that the agencies which are reporting well cannot do more. It does need to be acknowledged, though, that some agencies are on the right track.

The committee identified three main areas in the annual reporting process: The audience for annual reports, which must be the Parliament and the current level of parliamentary scrutiny and input into annual reporting; the timeliness of annual reports; and some content issues - in particular the significant shift in emphasis to performance assessment.

I turn to the first issue of audience. The committee considers it essential that the public sector keep clearly in mind that Parliament is the primary audience and that the needs of any other audience are secondary. In the past, a lack of systematic reviews by Parliament of annual reports and a lack of feedback has given the impression to the producers of the reports that once the reports are presented they are left in some back room cupboard to gather dust. The misconception that annual reports are ignored has implications for the morale of the producers, the quality of the product, compliance with legislation requirements and, of course, accuracy and timeliness. The survey confirmed that reports are used, because members refer to the reports regularly for information. However, it was borne out that the visible systematic response to annual reports was not evident to the producers of the reports.

The committee found that annual reports are scrutinised in Western Australia by only one body; that is, the panel and judges that present the W.S. Lonnie Awards for excellence in annual reporting. In the past that has been the only input Parliament has made to standards for annual reporting by Government departments. However, that scrutiny has risen over the past year as a result of the introduction of the Estimates Committees in Parliament. Annual reports will be used by members of Parliament during Estimates debates, so in that way added scrutiny of annual reports will occur. The committee identified that as the second area of scrutiny for annual reports. The committee considered the advantage that members of Parliament would have if they received annual reports - even if only in draft form - during Estimates debates. These could be unaudited and qualified accounts, but they could be used during debates. That process represents another scrutiny of annual reports of Government bodies.

For Parliament to ensure that annual reports are adequate, guidance must be given as to requirements. That is, annual reports should contain objectives; results achieved and progress towards achievement; resources used; and reasons for delays, amendments, deferments or cancellation. Additionally, a manual may also assist by consolidating the many legislative requirements used by Treasury. The manual could be made available to people who formulate the reports in order that they are aware of such requirements.

The committee also examined timeliness. Many agencies appear to believe that their reports do not need to be provided on time. This attitude is not only unacceptable because it constitutes a disregard for the law, but also because it can greatly reduce the usefulness of the reports as the information may be out of date. As the Senate Standing Committee put it -

> Without timeliness information loses much of its relevance, its quality and its usefulness as a tool of accountability.

It is important that the people responsible for the formulation of annual reports bear that in mind. In addition to the lack of parliamentary scrutiny few sanctions appear to be available to ensure compliance, apart from drastic measures available to the Parliament under legislation. It is important that we insist that the people responsible for annual reporting -

that is, departments - ensure that reports are presented on time. In that way the information contained in reports will be current and can be used. However, the Joint Parliamentary Committee of Public Accounts of the Commonwealth stated -

> Non compliance is a threat to one of the basic concepts of democracy - that it is the people's representatives and not unelected officials who have the ultimate authority and responsibility and who are in turn accountable to the people.

That is an important statement. It is our responsibility to ensure that the people responsible for the tabling of annual reports do so on time - and that the annual reports are presented to the main audience; that is, Parliament. The Commonwealth Public Accounts and Expenditure Review Committee agrees with this view and intends to urge the Parliament to set in place mechanisms to ensure compliance.

The paper contains comments on standardisation. Certain members suggested in the survey that the form of annual reports ought to be standardised. Many members disagreed that standardisation is possible because of the varying activities of Government and how in effect standards could be interwoven with those activities. Debate included the tendency for standards to be based on the lowest common denominator, resulting in less information being forthcoming rather than more. The problem with standardisation is that the contents have been various over the years. Some areas could be standardised but difficulties occur with reconciling the information contained in the annual reports. The suggestion by members was that this was possible.

The survey also addressed financial statements. The area of the financial statements that was singled out by most members as being unsatisfactory was the reporting of sources and applications of funds. This seems to indicate an emphasis on value for money and performance assessment. The growing tendency among members was a desire to know the source of funds and where they are applied. Some members had difficulty following financial statements. This may be in part due to their lack of accounting skills. There should be a clearer, precise and easier form of reporting financial statements so that the prime audience - the Parliament - knows exactly what is contained in financial statements. While the Auditor General's role is to ensure that the financial statements are accurate and in accordance with requirements, it should also be possible to make them at least comprehensible to the lay person.

This is very important. As I said before, the committee found that most members wanted to know what were the financial statements contained within the annual report, but due to a lack of accounting skills they were not able to deduce the information required. The main focus of that survey was that the performance measures - this was borne out by most members - and the achievement of the objectives should be spelt out so the members could deduce from the annual report whether those objectives had been achieved. The committee's survey revealed that generally the performance measures and reporting standards were inadequate - that was indicated precisely. Members were sceptical about the performance indicators, arguing that agencies will always use indicators which cast them in a favourable light. That is an important conclusion.

Diverse views have been expressed regarding measures of performance. The previous Auditor General stated that it was very difficult - almost impossible - to deduce how the measurement of performance is arrived at. However, the current Auditor General said that indicators could be audited and objectives could be easily identifiable. Performance measures play a very important and central role for agencies. The Auditor General and the parliamentary committees, such as the Public Accounts and Expenditure Review Committee, have a great role to play in accessing the performance measures.

Finally, the committee made six central conclusions: The committee acknowledges that significant improvements in the presentation of annual reports have occurred in the Western Australian public sector over the past two years. However, greater improvement can be achieved. A shift in emphasis has been evident to reporting based on programs and objectives which reflects general administrative changes. The information being presented is beginning to reflect a focus on performance and achievement of objectives. The committee believes that these improvements should be applauded, and that the agencies who have provided the improved reporting standards deserve credit. The W.S. Lonnie Awards provide such recognition and are therefore responsible for a significant improvement in public sector

reporting. However, the committee considers that some issues related to annual reporting require urgent attention. A clear commitment to the process is required from the Parliament. This commitment may include providing clearly defined guidelines about what is required in annual reports. Members will recall that I said at the beginning of my comments that the Parliament is the primary audience for annual reports. People producing annual reports will not find it difficult to provide what is required if the guidelines are clearly set.

The Public Accounts and Expenditure Review Committee sees a role for itself in representing the Parliament in this commitment. Also, a need exists for changes to current legislative requirements, specifically regarding the timing of reports; this is in light of changes to parliamentary practices and the auditing of performance indicators, which give a somewhat misleading authority to performance indicators. In addition, the committee is keen to see a more coordinated approach to reporting by the bureaucracy and by the Office of the Auditor General. The committee intends to discuss these matters with the people involved in the production, presentation, auditing and reading of annual reports. It is hoped that the committee's final report will help to clarify and define the needs of the Parliament and will identify ways in which those needs can be met.

I commend the report to the House because it will be a tool by which the Parliament can scrutinise Government departments; this will be particularly useful during the debate on the Estimates. It is our responsibility, through the avenues available to us, to ensure that when annual reports are tabled in this place, they are scrutinised and that the information they provide can be used by the Parliament to ensure that the objectives of each Government department are being met. This responsibility of scrutiny has not been adhered to in the past, but it can be achieved through the thorough examination of annual reports. We hope that the Public Accounts and Expenditure Review Committee will bring further matters to light in this regard in further discussion papers.

[See paper No 345.]

MR BRADSHAW (Wellington) [10.26 am]: I support the printing of this report. The Public Accounts and Expenditure Review Committee has been striving since its inception to ensure standardisation of reporting to this Parliament by Government agencies and departments. It is not good enough that reports come into this Parliament in all shapes and forms - in that case members cannot understand them in a logical manner. It is important that Parliament ensure that taxpayers' money is spent in a responsible manner, and that the performance of Government agencies is satisfactory. It will always be difficult to produce satisfactory performance indicators because, as the member for Balcatta indicated, Government agencies use performance indicators which place them in a good light. We need performance indicators which demonstrate whether the departments are doing the right thing with taxpayers' money, and those guidelines can always be improved upon.

We are not all lawyers or accountants in this place; therefore, we cannot follow all of the content of the reports if it is expressed in a complex way. I have always been critical of the Budget papers in that they are difficult to understand. This applied to many annual reports in the past, and many such reports have improved their manner of presentation to the Parliament; however, further improvement is needed in the reporting and the time frame in which they are delivered to the Parliament.

Apart from the Parliament's being responsible for expenditure by Government agencies, it is necessary to ensure that departments achieve their programs. This is one step to ensuring that Governments are accountable. I have been upset over the activities of the past few years, and the accountability of the Government is currently under assessment by a Royal Commission in Western Australia. I find it difficult to accept that Government agencies which are not responsible to the Parliament - for example, WA Government Holdings Ltd - can spend millions of taxpayers' dollars and expect the Parliament to approve payment to cover such misadventure by the Government. That applies to the petrochemical project, which did not involve accountability to this Parliament.

It is important that not only should Government agencies be accountable to Parliament so that members of Parliament can assess whether these departments are being run properly, but also that Government should be accountable. We do not want a repeat of the sham of the past few years where the Government has, through its agencies, purchased companies with no real value and the taxpayer has been left lamenting and paying for those misdeeds which have occurred.

MR TRENORDEN (Avon) [10.31 am]: I also support the printing of the report of the Public Accounts and Expenditure Review Committee. I have some points to make which are very close to my heart. When I was first appointed to the Public Accounts Committee of this Labor Government, my comment was that I considered it would be a waste of time. I was there because my leader told me I had to be there, and I thought the role of the Public Accounts Committee was less than it should be. Since that time I have become a convert.

Dr Alexander interjected.

Mr TRENORDEN: The member for Perth is absolutely right, I will be dangerous. Members of the committee have just returned from Darwin where we attended the biennial conference of public accounts committees with delegates from Canada, New Guinea and New Zealand. It was interesting to hear about the different roles that public accounts committees play within different Parliaments, all coming from the Westminster model but all having dramatically different ways of operating. We have a system where all Government agencies report to Parliament, and some two years ago the Burt Commission on Accountability raised a lot of dust and sorted out a few minor issues. The Parliament does not pay anywhere near enough attention to accountability. It is rather difficult getting the attention of members in this House but all members should read this report. How can we make Parliament accountable and not the Executive?

Mr Lewis: First you must convince the Executive that it must be accountable to Parliament; it is one of the problems.

Mr TRENORDEN: I will have something to say about that toward the end of my address.

Government departments do report, but what happens to those reports? They come to this place, they are tabled and they go off into the Bills and Papers Office and are shelved; very few people look at them. A survey of members indicated that they use these reports from time to time, but the mechanism is nowhere near strong enough; the Public Accounts and Expenditure Review Committee is nowhere near strong enough. Members have only half-hearted support for the committee.

Mr Pearce: The member should have been here under the Court Government.

Mr Court: That's right, those were the days!

Mr Pearce: No power, no resources and no information!

Mr TRENORDEN: That is basically the situation now, nothing has changed.

Reports come to Parliament and it is our role as committee members, and as representatives of the people, to process those reports and make some sense out of them. One of the functions of an effective Public Accounts and Expenditure Review Committee, as is the current committee - I do not want to cut across what our Chairman has said - if it were resourced at the level it should be, is to liaise with the Auditor General and pull some of these reports to bits. We could call in the people who put these reports together and make sure they are not just going through a process but are actually reporting to the people of Western Australia. That would be a fundamentally correct role for the Public Accounts and Expenditure Review Committee, which is an arm of this Parliament. An effective public accounts committee could be doing valuable work for the people of Western Australia. That happens to a degree, but not to the degree it should happen because the Government has refused to resource the Public Accounts and Expenditure Review Committee to the level it should be resourced because the Government is scared there could be some backlash.

Mr Lewis: The other reason is that a public accounts committee, by the nature of the people elected, is politically biased.

Mr Catania: That is not correct.

Mr Lewis: Let me finish. I am not reflecting on the members of the committee - it happens whoever is in Government. I am saying it should be balanced politically and have an independent chairperson.

Mr TRENORDEN: I have mentioned a number of things in that area. The chairman of a public accounts committee should be an Opposition member and a majority of the committee should be Government members.

Mr Catania: Don't you think it has a good balance now?

Mr TRENORDEN: I am not complaining about the way the Public Accounts and Expenditure Review Committee is working now, not at all; there is a genuine commitment among members to run on a non-political ethos.

Mr Kobelke: Would you apply that principle to the other place?

Mr TRENORDEN: The Public Accounts and Expenditure Review Committee has only one responsibility and that is to this Chamber. We are elected in this Chamber and we will report to this Chamber.

Mr Clarko: The member for Avon would be aware that in Tasmania that is exactly what happens; the Opposition chairs the public accounts committee and I think the same applies in Victoria.

Mr TRENORDEN: In Tasmania the public accounts committee has no staff whatever, but I do not want to be sidetracked. The Public Accounts and Expenditure Review Committee should be able to interact with the Auditor General and have a strong role to play on behalf of the Western Australian public in making sure that some of these Government departments are kept up to the mark more than they are at the moment. I have no doubt that many of them go through the process of putting a report together because an Act says they must and that it should be structured in a certain manner. They do it with the full knowledge that no-one will make them accountable for that report. I have been saying that for a considerable period, and I commend the Leader of the Opposition for his efforts in that regard. Mr Neville Smith, the retiring acting Auditor General has just put out a report - which every member of this House should read - on the independence of the Auditor General. The current structure and method of appointing the Auditor General is inappropriate and should be changed. That is an area where we as a group of parliamentarians, elected to the Parliament and not to our parties, should have some empathy.

Mr Catania: We are examining that in the Public Accounts and Expenditure Review Committee.

Mr TRENORDEN: That is right. I am saying to other members of this House that they should apply their minds to the Auditor General's report as well, because we are talking about the accountability provisions of Parliament. It is important that the Auditor General be an independent individual within the system and that we have a strong Public Accounts and Expenditure Review Committee that can liaise with the Auditor General to make sure that many of the things that are brought to light in the Auditor General's report are acted upon by the Parliament and not from a party political position.

One of the reasons that the people who elected us are sceptical is that, substantially, we have done away with Parliament. I would like to find some method of getting the Press to take a real interest in reporting the reports of the Auditor General and the Public Accounts and Expenditure Review Committee because those are fundamental issues of our system. Only one member of the Press is sitting in the Press Gallery at the moment and he is lame.

Mrs Edwardes: But good quality.

Mr TRENORDEN: Yes, but he is temporarily lame! It is an important but dry issue. I know it is not exciting but it is fundamental to our system that we deal with these problems which were referred to earlier by one of my colleagues on the committee.

One thing that the one per cent training levy could be used for is the training of parliamentarians so that we are better equipped to read annual reports and the like. That money will be made available for the training of parliamentary staff and members of Parliament and it would be better utilised if it equipped us with the ability to decipher and understand reports so that we can better debate those issues in Parliament and discuss them with the agencies.

A move is on to corporatise the State Government Insurance Commission and the State Government Insurance Office. Many Parliaments in this country are moving that way. I recently attended a conference in Darwin which discussed making Government corporate entities accountable to Parliament. Members should get hold of the extremely interesting paper on that issue which was put out by the conference. It is difficult for members to question the activities of the Water Authority at an Estimates Committee meeting, for

example, because that authority receives no allocations from the Consolidated Revenue Fund. That agency has the right to do what it likes, although it has to follow the direction of the Minister. The Parliament has no right to question its activities; it is at arm's length from the Parliament. There will be a move for more and more Government departments and agencies to move to that position as time goes by and that will be terrible. We need to be able to consider the roles of organisations that are accountable to this place and which have monopolies in delivering services to the people. However, we are finding more and more that members' access to information on those authorities is being removed.

Another important issue of which members of this House and the Press are not aware is the fact that we are moving from a cash accounting system to an accrual system, which is a good move because it will be harder for Governments to hide deficits. That is important for people to understand. Moving towards Budget programming is also a fundamental issue in the accountability process. However, we need to ensure as we do this that we provide a mechanism that makes those agencies accountable to this Parliament. I am concerned that the accountability process to this Parliament is diminishing. People are questioning that because organisations like the State Government Insurance Commission, the Government Employees Superannuation Board and other Government agencies have done strange things.

Mr Lewis: Strange? Highly improper.

Mr TRENORDEN: Yes, and the public are sceptical, which is unfortunate because you, Mr Speaker, and I have to live with that. Members of this House are sceptical about each other's actions and I know that you, Mr Speaker, are not happy with the diminution of the role of Parliament. At this time when those matters are under the microscope in Royal Commissions and other hearings, the 57 members of this place should be looking at events of the last 10 years and deciding to change the system. I suggest that one way of doing that is for the other 56 members of this Parliament to improve their attitude towards the Public Accounts and Expenditure Review Committee.

The SPEAKER: Fifty-five members.

Mr TRENORDEN: I am sorry, Sir. That is sadly the case and the number could be dropping.

The PAC could play a functional role in this Chamber. I am not saying that it does not now, but it could play a greater role. The good Public Accounts Committees that operate around the world under the Westminster system produce reports without bringing down Governments. It is not necessary for Public Accounts Committees to bring down Governments or Ministers. It is their job to report on the agencies. A Public Accounts Committee with the right attitude can do that without affecting Governments.

Mr Pearce: What if they are used politically? There was a time during the Tonkin Government when Ray Young, who was a member of that committee, made a statement immediately prior to the 1974 State election in which he alleged that the State was broke, a matter which had not been investigated by the committee. That was given a lot of play on the basis that he was a member of the committee. That was a dishonest use of that committee.

Mr TRENORDEN: I have no argument with that. There should be an ethos in the Public Accounts and Expenditure Review Committee.

Mr Pearce: It was not there then.

Mr TRENORDEN: Yes, but it was also wrong for former Minister David Parker to refer the SGIC argument to the committee when I was a member of it. That should not have happened because that matter then became very political. It would have been better had I not been on the committee at that time.

The Public Accounts and Expenditure Review Committee could get involved in a number of matters and keep those matters away from party politics. The Government has three members on that committee which could dampen down many issues. We cannot stop individuals doing the wrong thing in committees just as we cannot stop that happening in this Chamber. However, that committee could build up a very positive ethos.

The report that has been tabled today by the committee's chairman is important. Members, the Press and others should read it. Consideration of annual reports of agencies is important. It allows the Auditor General and the PAC to put pressure on departments that are doing the

wrong thing. Time and again, the Auditor General lists agencies that are doing the wrong thing. If that were tied in with the Estimates Committees of this Chamber, it would be a positive move towards accountability to the Parliament. I commend the report to all members.

MR DONOVAN (Morley) [10.50 am]: As a member of the Public Accounts and Expenditure Review Committee I intend to take a few minutes to underscore the quite important comments made by the chairman of the committee, the member for Balcatta, and the member for Avon, and to indicate that they were both saying essentially the same sorts of things.

I have served on the Public Accounts and Expenditure Review Committee under three chairman: The first of those subsequently became Minister for Parliamentary and Electoral Reform, and the second subsequently became Minister for Community Services. That says something about the kind of ethos, to which the member for Avon referred, that needs to be built up in the Public Accounts and Expenditure Review Committee. It is interesting to note the sorts of views taken by chairmen and subsequently put into practice in different roles. The point I make is that the committee, particularly through this report, has made a very fundamentally important statement about the role of Parliament and members of Parliament. That is the point the member for Avon and the chairman of the committee were making. There seems to be in this place a quite fundamental psychology: It is the job of members on the Opposition benches to say no, and it is the job of members on the Government backbenches to say yes. What is being said in respect of the reports is that members of Parliament have a much broader and bigger responsibility than that. It is probably time that some of us exercised it with more creativity and more positivism than we have perhaps been raised to do. The chairman went to great pains to say that these reports are by law, practice and tradition designed for the audience of Parliament, not simply because it is a nice place in which to lodge reports but because in this place sit the representatives of the people who are affected in their day to day lives by the activities of the departments represented by these reports. As the member for Avon said, and the chairman of the committee said in a different way, it is our responsibility to not only know what is in the reports, but also to provide the guidelines to the writers of the reports so that we play our parts in ensuring that the information we receive about departments and agencies is the information we need.

When reports are presented it might be worthwhile for members to select a few of them, study those reports and determine whether the recommendations and findings reported therein accurately reflect the day to day experiences of their electors at the hands of those departments, as filtered through the day to day inquiries made of members of Parliament. In other words, does the report of Homeswest at the end of the year reflect the experiences of my constituents who deal with Homeswest on a day to day basis? If not, it may be time to stand in this place and do something about it. Those reports belong to the Parliament and it is the responsibility of members of Parliament to make sure the reports do the job they are supposed to do.

Question put and passed.

TREASURER'S ADVANCE AUTHORIZATION BILL

Second Reading

DR LAWRENCE (Glendalough - Treasurer) [10.54 am]: I move -

That the Bill be now read a second time.

The Treasurer's Advance Authorization Bill authorises the Treasurer to make withdrawals from the public bank account to provide advances for authorised purposes chargeable to the Treasurer's Advance Account within the monetary limit available for the financial year commencing 1 July 1991. In addition, the Bill seeks supplementation of $20 million against the monetary limit authorised for the 1990-91 financial year. The monetary limit specified within clause 4 of the Bill represents an authorisation for the Treasurer to withdraw up to $200 million for the financing of advances in the 1991-92 financial year. This is equivalent to the proposed amended limit of $200 million in 1990-91 and compares with the authorised limit of $250 million in 1989-90.

The purposes for which advances may be made are set out within clause 5 of the Bill and remain unchanged from those authorised in previous years. Where payments are made in

respect of a new item or for supplementation of an existing item of expenditure in the Consolidated Revenue Fund or General Loan and Capital Works Fund, those payments will be chargeable against the appropriate fund pending parliamentary appropriation in the next financial year. Members will be aware that a number of activities, such as the Building Management Authority's capital projects and works and sales account, and suspense stores for printing and supply services, are initially financed by way of Treasurer's Advance which is subsequently recouped from the department or statutory authority on whose behalf the work or service was performed. Advances provided for other purposes are repayable by the recipient.

Clause 6 of the Bill seeks an increase of $20 million in the monetary limit authorised in the financial year ending on 30 June 1991. A number of unforeseen and unavoidable expenditures have already arisen during the year, particularly the need to supplement the limit to provide funding for the new Department of State Development. This additional expenditure, in the order of $18 million, will be offset by savings in the Budget provisions of the agencies absorbed into the new department. The expenditure has been authorised in accordance with the Financial Administration and Audit Act and will be submitted to Parliament in the normal way via the 1991-92 Appropriation Bills.

Members will note that clause 4 has been expanded in comparison with previous years. The Government received advice that the previous wording could have been interpreted in such a way that unrecouped advances made in previous years were not counted as part of the current year limit. In line with the Government's commitment to ensuring effective control of public funds, a new subclause (3) has been added to ensure that all unrecouped advances, whenever made, are fully subject to the limits set by Parliament. I commend the Bill to the House.

Debate adjourned, on motion by Mr Blaikie.

HONEY POOL REPEAL BILL

Second Reading

MR BRIDGE (Kimberley - Minister for Agriculture) [10.57 am]: I move -

That the Bill be now read a second time.

The primary purpose of this Bill is twofold: First, to allow the business undertakings of the Honey Pool of Western Australia to be carried on by a company incorporated under the corporations law and limited by shares. Second, to terminate the Honey Pool Act 1978 once incorporation, asset transfers, share issues, and the proposed transitional arrangements have been effected. The Honey Pool had its foundation in a voluntary pooling system established by a group of beekeepers in 1926. These pooling principles were the cornerstone of subsequent legislation enacted in 1955, 1970, and again in 1978. The essential features of the Honey Pool Act currently administered by the Honey Pool, include requirements to -

establish and administer voluntary pools for the reception, handling, sale and disposal of honey;

accept all honey delivered to the pools, regardless of the market conditions, quality or type;

trade in "products of the hive" such as honey, beeswax, and pollen; and

disburse proceeds from the sale and disposal of honey to suppliers who delivered honey to the respective pools.

Until the 1980s these requirements did not severely hamper the performance of the Honey Pool and beekeepers in general were satisfied with returns through the pooling system. By the mid 1980s participating beekeepers were becoming concerned that the Honey Pool Act was hampering the competitiveness of the Honey Pool and limiting its opportunities to maximise benefits to beekeepers. The legislative restriction on the Honey Pool to trade in products of the hive was limiting the opportunities to realise economies through product diversification. Furthermore, the requirement to accept all honey delivered to the Honey Pool regardless of market conditions, quality, or type constrained commercial flexibility. Such requirements were placing the Honey Pool at a competitive disadvantage.

In 1985 the State Government proposed a wide ranging review of the marketing of honey and bee products in Western Australia. The July 1986 report of the committee of inquiry

recommended, in general, that the Honey Pool should be allowed and encouraged to restructure into a producer cooperative. That recommended approach was generally supported by interested parties and lengthy negotiations ensued over steps to be taken to place the Honey Pool on an equal commercial footing with other private honey packers. The process on occasion led to division within the industry. However, to the local industry's credit, there was a willingness to continue dialogue and a preparedness to set past differences aside to achieve the preferred objective of commercialisation of the Honey Pool of Western Australia. The negotiation process involved members of the Honey Pool, representatives of commercial beekeepers supplying private packers, and the beekeepers' section of the Western Australian Farmers Federation. The culmination of the consultative process is the proposal captured in this Bill. That proposal is detailed in a document entitled "Proposal for Commercialisation of the Honey Pool of Western Australia" which I now table.

[See paper No 346.]

Mr BRIDGE: The three essential features of the proposal are as follows: First, the formation of an unlisted public company to be known as Wescobee Limited to be limited by shares and incorporated under the corporations law. The shareholding will be offered to, and control of the company will be exercised by, commercial beekeepers in Western Australia. The prospectus will empower the company to trade in any products and its object will be to maximise returns to honey suppliers. Secondly, the assets and the liabilities of the Honey Pool will be transferred to the incorporated company. Thirdly, the Honey Pool Act will be terminated once incorporation and transitional arrangements specified in part 4 of the Bill have been effected.

At this point it is appropriate to outline to the House the key elements in the proposed commercialisation and the underlying rationale for it. No Government funds or guarantees have been used by the Honey Pool and the acquisition of the assets of the pool has been funded by participating commercial beekeepers from past pool proceeds and loans. The transfer of assets to the newly formed company therefore gives explicit recognition to this fact. The initial distribution of the equity through the proposed share distribution recognises that commercial beekeepers who participated in past voluntary Honey Pools administered by the Honey Pool had primary claim over the assets. The proposed distribution also recognises that in surrendering the right to deliver to the Honey Pool other commercial beekeepers were forgoing something of value.

The share capital of the incorporated company will comprise 1.4 million A class ordinary shares of 50¢ par value and 18.6 million B class ordinary shares of 50¢ par value. A class and B class shareholders will have equal voting and dividend rights. The initial offer of A class shares will be at the direction of the Minister for Agriculture. The proposed offer will be 923 000 A class shares, or 71 per cent of the initial offers, to beekeepers who delivered honey to the Honey Pool in the five year period ending 30 June 1999 - these are referred to as "participant beekeepers" - and 377 000 A class shares, or 29 per cent of the initial offer, to those commercial beekeepers who delivered honey during the same five year period to other commercial honey packers in Western Australia - these are referred to as "non participant" beekeepers. These A class share offers will be credited as fully paid and based on past honey deliveries considered appropriate by the industry.

A further 100 000 A class shares will be held in reserve. These shares will be available for distribution by the new company's directors in cases where appeals against A class share offers by commercial beekeepers are judged to be inequitable. A validation committee will oversee the A class share distribution to non-participant beekeepers and consider any appeals against the A class share offer and, where appropriate, make recommendations to the board of directors of the company. The committee will comprise an independent chairman, a non-beekeeper member of the Western Australian Farmers Federation, and the chairperson of the Honey Pool, or its incorporated successors.

Any A class shares remaining within a reasonable period after the initial offer will be distributed on a pro rata basis to commercial beekeepers who took up A class shares in the initial offer. To enable the directors of the newly formed company to give effect to the A class shares offer credited as fully paid it will be necessary to override the requirements of section 1035 of the corporations law relating to matters of "valuable consideration" and "minimum subscription" relative to a share issue. This is a reasonable position to hold when

due recognition is given to considerations already made under past arrangements and the considerations involved in the commercialisation of the Honey Pool.

Initially 1.2 million B class shares will be distributed at the discretion of the Minister with a 20¢ call per share. It is proposed that one million B class shares will be offered to participant beekeepers on the same basis as the A class share offer. This will be adjusted where appropriate to ensure the minimum qualification for automatic rights to deliver to any future pooling system can be satisfied. The qualification for automatic rights to deliver to any pooling system are addressed later. A further 200 000 B class shares will be available to non-participant beekeepers who make application for such shares. Future issue of B class shares will be at the discretion of the directors of the new company.

Beekeepers will be given a combination of payment options to help alleviate the immediate cash flow impact of the 20¢ call, particularly because this will take place at a time of poor seasonal conditions. The B class share will also carry the automatic right to deliver honey to any pools established and operated by the company. This right will require the commercial beekeeper to hold either 50 B class shares per hive or a maximum shareholding of 15 per cent of the total B class shares on issue. It will remove the current open ended requirement on the Honey Pool to accept all honey delivered to it. At the discretion of the directors, honey will be accepted from beekeepers who do not satisfy the automatic right to the pooling system. Acceptance will depend on the company's requirements and the market for honey at any particular time. Any such beekeeper will not participate in the honey pooling system.

To ensure "ownership" of the company remains with the greatest possible number of commercial beekeepers in Western Australia, there will be a limitation on the size of shareholdings by individual beekeepers. The maximum shareholding of any one shareholder will be limited to 15 per cent of the total number of issued shares. Non-beekeeping shareholding will be limited to 20 per cent of the total number of B class shares. Non-beekeepers will not be involved in the initial B class share offer. The directors of the company will have the power to require the sale of any shares "held" in breach of these limitations. A and B class shares will be able to be sold and transferred to any other person or company seeking to purchase those shares, subject to previously mentioned limitations. It is proposed that, with the approval of a special majority of shareholders and subject to compliance with the corporations law, the company will be able to selectively buy back shares from shareholders. Share buy-back will provide the directors with a means to handle those beekeepers who wish to retire from the industry.

The board of directors of the newly formed company will comprise a minimum of six, to a maximum of eight, members. To ensure that control of the incorporated company remains with local beekeepers, five of the company's directors will be commercial beekeepers. The first directors of the company will be the existing directors of the Honey Pool of Western Australia. Approximately one third of the members of the board will retire each year, except the chairperson; therefore, there will be an election of directors - usually two - at each annual general meeting. Voting at such elections will be one vote per share, whether A class or B class, regardless of the amount paid up. The chairperson's appointment will be for a three year term, which may only be terminated by shareholders at a general meeting. The remuneration of directors will be determined by shareholders at annual general meetings. Pending the first meeting, the allowance determined for Honey Pool members by the Remunerations Tribunal will continue to apply. A pooling system will continue as along as it is feasible and commercially viable.

Another aspect which is drawn to the attention of the House is that, under the corporations law, the costs of operating a pool system may be prohibitive, unless exemption from the "prescribed interest" provisions can be obtained. These require the issuing of a prospectus from each pool and that the pool funds be administered by an independent trustee. This could result in additional working capital, interest, prospectus, and administration costs. To give the newly formed company breathing space to explore such an exemption under the corporations law, and to evaluate alternative operational arrangements, the Act will override application of the corporations law in this area in relation to any pools inherited by the new company from the Honey Pool or any pools commenced by the company before 31 December 1991. On balance, this was judged to be a reasonable transitional arrangement in the circumstances. The 31 December 1991 termination date was established on the

expectation that the passage of this legislation through Parliament might be accomplished by 30 June 1991, given broad industry support for corporatisation. In the event that this is not achievable, the Government's objective will be to move to amend this termination date during the Committee stage of the Bill to give the Honey Pool a "breathing space" of at least six months.

The value of the assets transferred to the newly formed company will be determined by the Minister for Agriculture. The value will be based on independent assessment. This will overcome the potential conflict of interest where the initial directors of the company will be the immediately retiring directors of the Honey Pool. It is hoped that all commercial beekeepers will consider Wescobee to be their company and that its formation will lead to consolidation of the industry and satisfactory returns to all members.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Blaikie.

LAND AMENDMENT (TRANSMISSION OF INTEREST) BILL

Order Discharged

MR PEARCE (Armadale - Leader of the House) [11.16 am]: I move -

That Order of the Day No 3 be discharged from the Notice Paper.

The reason is that the Minister for Lands has already given notice earlier in the sitting of a replacement Bill.

Question put and passed.

Order discharged.

HEALTH AMENDMENT BILL

Second Reading

MR WILSON (Dianella - Minister for Health) [11.17 am]: I move -

That the Bill be now read a second time.

The proposals contained in this Bill can be conveniently covered under six major headings: Amendments relating to health surveyors; the treatment of sewage; public buildings; game meat; fees and charges; and penalties. Each of these matters is dealt with under a separate part of the Bill - parts two to seven - with part one dealing with the usual preliminary provisions. I will now provide the House with an explanation of the need for seeking these amendments to the Act in the order that they will appear in the Bill. Members will be aware of the important role that health surveyors play in the protection of the public health of the general community. That role has been recognised through the provisions of the Act and the antecedent legislation going back to the last century when health surveyors were known as inspectors. The title of inspector was replaced with the existing statutory designation of health surveyor in 1970. The title "environmental health officer" is now recognised both nationally and internationally as the new professional title for health surveyors, and it is only appropriate that the change in title now be reflected in the law which bestows on that particular group of professionals specific statutory responsibilities.

Part 2 of the Bill deals with that position by deleting the existing definition of "health surveyor" and replacing it with a new definition of "environmental health officer"; replacing with the new title all current references in the Act to health surveyor; providing that all health surveyors holding existing appointments under the Act be deemed to have been appointed as environmental health officers; and making provision for all references to health surveyors in other written laws to be read as environmental health officers.

Part 3 of the Bill introduces amendments that will enable new treatment methods to be considered and approved for the on-site disposal of domestic sewage where connection to the mains sewerage system in unavailable. The existing provisions of the Act are restrictive in that they provide only for bacteriolytic treatment methods of sewage to be considered and do not provide sufficient power to enable the Health Department, in conjunction with local authorities, to ensure that approved installations of appliances using that method of treatment are appropriately maintained. Such appliances are identified in the Act as, "apparatus for the

bacteriolytic treatment of sewage". Septic tanks are such apparatus, and members will be cognisant of the fact that these appliances are in extensive use throughout the State.

While there are general concerns associated with the impact septic tanks are having on the environment, the maintenance of these systems by individual householders is relatively straightforward. However, new sewage treatment appliances are significantly more sophisticated in their operation than the basic technology involved in the septic tanks' system. These new systems employ both mechanical and chemical methods of breaking down the sewage. A critical component in the operational effectiveness of these new appliances is that they must be maintained on a regular basis by experienced technicians throughout the lifetime of the unit.

One such appliance which has gained substantial support in the Eastern States is the aerobic treatment unit. Basically, this unit is a scaled down form of a sewage treatment plant suitable for single household use. The unit incorporates a mechanically operated aeration system to assist with the breakdown of the sewage and a chlorination chamber to allow disposal of effluent by irrigation to the garden. The units do not rely on below ground installation and are therefore an acceptable alternative to septic tanks, particularly in marginal areas where site conditions are not suitable for septic tank installations. The units are environmentally friendly, but are slightly more expensive than a conventional septic system to install and maintain.

In order to allow consideration to be given to the installation of aerobic treatment units and similar appliances as and when they become available in this State, the provisions of the Act dealing with "apparatus for bacteriolytic treatment of sewage" need to be widened to enable compulsory public health compliance mechanisms in respect of the approval and maintenance of such systems to be put in place.

Mr Bloffwitch: Are they available at the moment?

Mr WILSON: They are being tried. Part 3 of the Bill provides for those matters by deleting the existing definition of "apparatus for the bacteriolytic treatment of sewage" and inserting the less restrictive definition of "apparatus for the treatment of sewage"; amending the various references in the Act to the old definition so that they comply with the new definition; and amending section 107 to allow for the compulsory maintenance of such apparatus as part of the approval process prior to installation and for regulations to be made in support of that process, including the prescribing of maintenance and inspection charges.

I now go to part 4 of the Bill, which provides for the devolution of responsibility for approving the building and opening and alteration of public buildings from the Health Department of Western Australia to local government. Generally speaking public buildings are those buildings in which members of the public assemble for a common purpose. Schools, churches, local community centres and places of entertainment such as nightclubs, entertainment areas of licensed premises and theatres are examples of public buildings. Hospitals are, by definition, not deemed to be public buildings. Statutory responsibility for ensuring that such buildings comply with standards of construction, including drainage, ventilation, lighting and sanitation requirements, and for securing the general safety and convenience of members of the public using those buildings has, since before the turn of the century, been vested in the Commissioner of Public Health, and more recently the Executive Director, Public Health, of the Health Department.

As members will be aware, local government authorities also have responsibility under the Local Government Act for the issuing of building licences and for ensuring that buildings are constructed in compliance with the Building Regulations 1989, which replaced the Uniform Building By-laws. The new building regulations incorporate, by adoption, the provisions of the Building Code of Australia, which sets specific structural and safety standards for public buildings which are referred to in the code as "assembly buildings" not covered in the former Uniform Building By-laws. That change prompted a re-examination of the need for the Executive Director, Public Health, to have a continuing statutory role in relation to public buildings in order to reduce duplication of activities, including regulatory requirements. That examination concluded that public health and safety would not be compromised if the statutory responsibilities of the Executive Director, Public Health, relating to approving the building and opening and alteration of public buildings were to be devolved to local government.

Part 4 of the Bill provides for the devolution of those statutory responsibilities by repealing the existing provisions of the Act and inserting a new regulatory scheme for public buildings. It has been necessary to develop a new scheme to ensure that the transfer of this function is supported by legislation which will allow local government to carry out its statutory obligations in this area effectively. The Health (Public Buildings) Regulations 1972 and the Health Act (Public Buildings Electrical) Regulations made under the existing provisions of the Act have also been reviewed and updated, and a new set of regulations is to be produced to complement the new statutory section for public buildings.

In general terms the new scheme continues to encompass the principal objects of the existing provisions of the Act reformulated to allow the approval process in respect of the construction, extension or alteration of public buildings that fall within the definition of "assembly building" in the Building Code of Australia to be dealt with like any other building under section 374 of the Local Government Act. The construction, extension or alteration of public buildings which do not fall within the definition of "assembly building", such as circus tents and enclosed sports grounds, will continue to be dealt with under the Health Act. Proposed new sections 176 and 177 provide for those matters.

The definition of "public building" has been redefined as set out in proposed new section 173, principally for the purposes of sections 176 and 177, so that it is more appropriately aligned to the definition of "assembly building". A certificate of approval specifying the purpose or purposes for which a public building can be used and the maximum number of persons the building may accommodate will still need to be issued before a building can be opened or used as a public building. However, the relevant local government authority will now be responsible for issuing the certificate instead of the Health Department. This change is set out in proposed new section 178.

One of the more important aspects of the existing provisions of the Act is that of the ongoing inspection of public buildings to ensure that crowd control and escape ways, and fire fighting and emergency lighting requirements are appropriately maintained in order to secure the safety of the persons who make use of those buildings. These matters are currently dealt with under the Health (Public Buildings) Regulations 1972. However, as the control of overcrowding and obstruction of escape ways are matters where persons authorised to undertake such inspections need the ability to respond immediately to any given situation in order to protect the public safety through relieving the overcrowding or removing the obstruction, suitable powers are given to such officers through the provisions of proposed new section 179 to assist them to deal with those potentially dangerous situations. The persons authorised for the purposes of new section 179 are environmental health officers, certain police officers, and other persons authorised by the chief non-elective executive officer of a local government authority or the executive director, public health, of the Health Department as defined in proposed new section 173 as "authorised person".

Regulation making powers to maintain existing standards of design, construction, safety and maximum accommodation requirements for public buildings not covered under the Building Regulations 1989 and the Building Code of Australia are provided for by proposed new section 180. The existing public buildings provisions of the Act do not bind the Crown, and that position is maintained by proposed new section 174. Penalties for breaches of proposed new part 6 of the Act are maintained at the same levels as apply to the existing provisions. Appropriate savings and transitional provisions are provided by clause 15 of the Bill.

Part 5 of the Bill introduces provisions which will enable certain species of free range game animals to be taken in the wild for slaughter and processing under controlled conditions so that the meat derived from the animals can be made available for sale for human consumption. There is a growing market for the production of meat derived from game animals such as buffalo, deer and rabbits which are farmed for that purpose. Interest has also been shown in extending this market to free range game animals, including kangaroos. South Australia and Tasmania have had regulatory control over meat derived from free range game animals for a number of years, and New South Wales is in the process of introducing similar controls.

This Government announced its intention to legislate in this area in May 1989. That decision was made following consideration of a report on game meat compiled by a group of experts from the Departments of Health, Conservation and Land Management, and Agriculture, the

Commonwealth Department of Primary Industries and Energy, the Commonwealth Scientific and Industrial Research Organization, the WA Institute of Environmental Health, and the Western Australian division of the Meat and Allied Trades Federation of Australia. The report recommends that the Code of Practice for Game Meat for Human Consumption (1989) produced by the National Standing Committee on Agriculture be used as the basis for establishing regulatory control of the game meat industry. The code, which has national acceptance, sets the public health standards that should be complied with in the slaughter, handling, storage, transport and processing of game meat that is to be made available for sale for human consumption. It also covers inspection and branding requirements and standards of construction for field depots and processing establishments.

Part 5 of the Bill provides for the amendment of part VIIA of the Act to introduce a new division 2A which incorporates comprehensive regulation making powers to allow adoption of the standards set out in the code. It also empowers the Executive Director, Public Health to prohibit, by notice published in the *Government Gazette*, the slaughter for sale of game animals in specified areas of the State. This power is required to allow such action to be taken in order to protect the public health when it is known that a species of game animal in a particular area is diseased or is considered for other reasons to be unfit for human consumption. The amendments contained in part 5 of the Bill are intended to complement the animal management programs administered by other State agencies. In order to maintain the integrity of those programs a savings provision has been included. This will ensure that the operational effect of these amendments does not interfere with the requirements of the written laws under which those programs are administered. These amendments will allow more economic and beneficial use to be made of the State's free range game animals and will provide consumers with a wider choice of meats and meat products that are both nutritious and safe.

Part 6 of the Bill introduces long overdue reforms to the fees and charges provisions of the Act. The Health Act charges each local authority with the responsibility of carrying out the provisions of the Act within its municipal district. Part of that responsibility involves local authorities in the issuing of licences and granting of registrations in accordance with the requirements of the Act. The Act provides power for local authorities to make by-laws in respect of those matters for which licences and registrations are required, including the power to impose fees and charges to assist in offsetting the cost of administering those schemes. The Act contains 17 separate provisions that empower local authorities to prescribe fees and charges by by-law. A number of those provisions fix the maximum fee or charge that may be prescribed. Some of those fixed fees and charges have not been subject to increase since the Act's inception; others have not been amended for 30 years or more, with the latest changes having been effected in 1975. This has resulted in an added burden being placed on local authorities by restricting their ability to prescribe reasonable fees and charges for their services in those areas. The amendments covered in clauses 20 to 25 of part 6 of the Bill lift that burden by deleting the provisions in the Act which fix a maximum fee or charge. These amendments will allow local authorities to impose fees and charges that more reasonably reflect the costs of providing the necessary services associated with the processing and issuing of the required licences and registrations.

The second reform introduced by part 6 relates to the existing need for fees and charges imposed by local authorities under the Act to be prescribed by by-law. This procedure is both cumbersome and costly as the Act requires that the by-laws be both confirmed by the Executive Director, Public Health, and approved by the Governor before they have effect. Also, the time involved in meeting those requirements does not always allow local authorities to implement change within presupposed time frames, which can cause difficulties for local authorities in the management of their financial affairs. In order to resolve these difficulties a new section 344A is introduced by clause 26 of the Bill to empower local authorities to set fees and charges by resolutions in lieu of making by-laws. Section 344A has been drafted along similar lines to section 191A of the Local Government Act and covers those 17 separate provisions of the Health Act to which I previously referred. I am advised that section 191A of the Local Government Act has worked extremely well since its introduction in July 1987 and I have no reason to believe that section 344A will operate any differently. The amendment also provides the Minister with power to revoke or amend a fee or charges set by resolution if considered to be excessive. These amendments

support the generally held view that local authorities should be given greater autonomy to manage their affairs.

The final part of this Bill reintroduces a general penalty provision into the Act, the former provision having been repealed by the Health Amendment Act 1987, and establishes specific penalties for breaches of sections 144 and 147. These existing deficiencies are preventing the Act from being fully enforced. Part 7 also introduces appropriate changes to the penalty provisions to support the new public buildings requirements set out in part 4 of the Bill. I commend the Bill to the House.

Debate adjourned, on motion by Mr Blaikie.

WESTERN AUSTRALIAN COASTAL SHIPPING COMMISSION AMENDMENT BILL

Committee

Resumed from 14 May. The Chairman of Committees (Dr Alexander) in the Chair; Mrs Beggs (Minister for Transport) in charge of the Bill.

Clause 9: Section 27A inserted -

Progress was reported on the clause after the following amendment had been moved -

> Page 4, line 25 - To insert after "purpose." the following -
>
> > (7) No guarantee shall be given by the Treasurer under subsection (1) unless all papers and documents connected with the assignment of the construction agreement to Westpac Banking Corporation and the charter of the vessels from Westpac are first laid before both Houses of Parliament.

Mrs BEGGS: When last we debated this amendment some discussion took place about the agreements that had been arranged between Westpac Banking Corporation and the Western Australian Coastal Shipping Commission, and the purpose of the amendment moved by the member for Moore was to ensure that the agreements were tabled in both Houses of Parliament. I said at that time that I was a bit reluctant to table the agreements, although I personally had no difficulty with doing so, because I thought it was proper for me to approach Westpac to seek its views on the matter. I subsequently did that, and Westpac certainly was not opposed to my tabling the agreements in both Houses.

At the same time I sought the advice of the Crown Law Department and Treasury officers. I have some difficulty with accepting the amendment, on the Crown Solicitor's advice, which was that "without any reference to, and definition of, the Westpac transaction in the preceding provisions of the proposed section, the amendment is meaningless and nonsensical".

In rejecting the amendment, I repeat that the Solicitor General's advice regarding this clause to insert new section 27A was that without any reference to and definition of the Westpac transaction in the preceding provisions of the proposed section the amendment is meaningless and nonsensical.

Mr Blaikie: Crown Law agreed that the definition given to the Westpac agreement is meaningful.

Mrs BEGGS: That may be the case, but the advice from Treasury is that currently a review is being undertaken of all guarantees and arrangements within Government. Treasury would prefer that the amendment not go ahead. It is suggested that after the review, provision will be made for the tabling of Government guarantees. I have been advised also that if we want to proceed with another amendment, we should use the provision in clause 9 of the Government Railways Amendment Act 1990 to amend section 54D(4), which reads -

> (4) The Treasurer shall, as soon as practicable after a guarantee is given under this section, inform in writing the Clerk of each House of Parliament of the giving of that guarantee and shall, if requested by either House of Parliament to produce that guarantee for the information of that House, within a period of 60 days after the making of that request -

That section then outlines other requirements. The Treasury states that the provision in that Act could possibly be adopted, following the rejection of this amendment. As a result of the

advice received, I do not accept the amendment. I have been told that the amendment is not proper; it does not achieve what the Opposition wants. As I am not permitted to table the document now, I will table it at the third reading stage. Any amendments of guarantees, or tabling of guarantees, should be done systematically rather than in an ad hoc way.

Mr Fred Tubby: Would you accept such an amendment, were it recommended?

Mrs BEGGS: I have not had an amendment prepared. It has been pointed out that a suitable provision exists in the Government Railways Act regarding the tabling of documents. That is perhaps the better way to go.

Mr Fred Tubby: Would you accept the provisions of the Government Railways Act as an amendment to this Bill?

Mrs BEGGS: I do not know how it would fit in. I do not have advice from Crown Law. I have received general advice from Treasury that if the Chamber agrees that an amendment should be made, that sort of provision would be preferable.

Mr COURT: When the Bill was debated last week, the Opposition was keen to have the agreements tabled in order to gain a full understanding of them. We appreciate that the agreements will be tabled and that Westpac Banking Corporation has no problem with that. We are in a catch 22 situation, but at least the documents will be tabled in this place prior to debate in the other place. In other words, concerns about the agreement cannot be debated in this Chamber.

The CHAIRMAN: That depends on when the third reading of the Bill occurs.

Mr COURT: If the Minister were prepared to make the documents available before they are tabled, we could have the third reading on another day.

Mrs Beggs: I prefer that the matter be finalised today.

The CHAIRMAN: To clarify the situation, regardless of whether the third reading occurs today, the Committee will report to the House and a motion will be put about the adoption of the report.

Mr COURT: It is not normal for the third reading stage to occur immediately following the Committee stage. If we complete the Committee stage today, and if we have access to the documents, perhaps next week we can handle the third reading of the Bill. That would be the normal procedure.

As to the guarantees, I was interested to hear the Minister refer to a clause in another piece of legislation. Our former colleague, Andrew Mensaros, was very keen to set in place a system - towards which we are now moving - where Parliament would know exactly what were the guarantees. In a simple Bill, which he put forward, basically within a certain time of the giving of guarantees they would be laid on the Table of this place and debated. The Opposition could not reject such guarantees, but the guarantees could be debated. The purpose of that legislation was not to take away the right to give guarantees. The Government has that right. It was a mechanism whereby the public would know about such guarantees. We could debate such a matter but we could not stop the Government from giving guarantees. That was a simple way to handle the situation. In the light of what has occurred in recent years - and it will always be the case, if we do not know exactly what the guarantees are - that was a very good suggestion. The entire question of Government authority - in this case, Stateships' leasing ships - and the question of other authorities' leasing equipment, should be watched closely. We have become concerned with the operations of the South West Development Authority because, as outlined by the member for Wellington, that authority has borrowed around $18 million even though it now has no assets to show where the money was spent. It has gone to building facilities, but the South West Development Authority has no visible means to pay interest on that $18 million. It is easy to borrow money; we can all do that. However, the only way to pay interest on such borrowings by the Government is through the Consolidated Revenue Fund - and no asset is shown on the other side. That is a scandal. A lease agreement can be regarded as an asset as it will help to earn money. We are very concerned about these deals. We want to know the details because on too many occasions after the event - and the South West Development Authority's activities are a classic example - we discover the money has been borrowed and spent; then we sit and argue about who shall pay the interest on the borrowings. That is one

of the reasons that we have considerable concerns regarding this matter. The process should be that a lease or a guarantee will come before the Parliament so we can at least know what is going on. I have not had the opportunity to discuss this further with my colleague; however, we appreciate the fact that the Minister is prepared to table the agreement, and if we can examine the agreement between the Committee stage and the third reading next week, I am sure we can resolve one of the problems we face.

Mr BLAIKIE: The events unfolding on St George's Terrace in the Royal Commission could well be attributed to the fact that the Parliaments of recent years have not been as constructive as those of previous years. From the little I have read of this matter, it appears that a significant change of direction is being undertaken by the Government regarding funding for the WA Coastal Shipping Commission. Sections 26(3) and 27(3) of the principal Act allow the commission to borrow moneys. Section 27 outlines the circumstances whereby the commission shall borrow and states in subsection (2) that the Governor can give approval subject to specific requirements. The Governor cannot approve such a loan unless a written proposal is received specifying the term and particulars of the proposed loan; the rate of interest to be paid on the amount of the loan; the purposes to which the amount of the loan is to be applied; and the manner in which the loan is to be repaid. That is to be submitted by the commissioner to the Treasurer. If the Treasurer approves of that loan, it moves on to the Government. Therefore, this is a Cabinet responsibility.

Section 27(3) states -

> The Treasurer may, in the name and on behalf of the Crown in right of the State, guarantee repayment of the principal moneys and interest thereon in respect of moneys borrowed by the Commission under this section and any liability of the Crown arising out of the guarantee is payable out of moneys in the Public Account as defined in the Audit Act, 1904, which, to the necessary extent, is appropriated accordingly.

The provision goes on to indicate that any loan raised under this section may be done so as prescribed, which means that it will come before the Parliament, or as the Governor approves. Once again, the matter will be referred to Cabinet for a decision. Subsection (5) reads -

> The Commission shall set aside half-yearly by way of a sinking fund, for the purpose of redeeming any moneys borrowed by it under this section, an amount calculated at a rate approved by the Governor and the Treasurer.

Yet again, this involves a Cabinet decision. Proposed new section 27A of the Bill provides that the decision will be made by neither the Governor nor Cabinet, but by the Treasurer - that is where the absolute responsibility will lie. That is my understanding of the situation, and I pause to allow the Minister to respond.

Mrs Beggs: There will be no change to the borrowing provisions and the Minister will be responsible for administration. Therefore, Cabinet approval will still be deemed to be necessary. The proposed new section will enable the Treasurer to give guarantees - that is not the case at the moment. A guarantee was sought when the agreement was made with Westpac, and we are attempting to give the Treasurer the power to give guarantees. When the agreement was signed by the Minister he provided a letter which said that as soon as possible an amendment would be brought before the Parliament to enable the Treasurer to give a guarantee. That is what we are doing - we are honouring our commitment. This is the same as the provision within the Government Railways Act.

Mr BLAIKIE: I thank the Minister. Proposed new section 27A reads -

> In addition to any guarantee provided by the Treasurer under section 26(3) or 27(3), the Treasurer is authorized to guarantee, on behalf of the Crown in right of the State, the performance by the Commission, in the State or elsewhere, of any financial obligation of the Commission, however or whenever arising, under any arrangement or agreement . . .

That is for the purpose of performing its functions under the Act. Only the Treasurer would have the absolute right to issue guarantees if this Bill were passed.

Mrs Beggs: No. It was required by the Minister that the Treasurer provide the guarantee.

That was requested by Westpac Banking Corporation, but under the Act the Treasurer could not provide it. However, the Treasurer is unlikely to give a guarantee without the approval or request of Cabinet.

Mr BLAIKIE: I am concerned that we achieve a WA Coastal Shipping Commission Act which is workable and satisfactory to the commission and to the Parliament. We do not want to be nitpicking for the next five, 10 or 20 years.

Mrs Beggs: Indeed. The Treasurer has the power to give guarantees under the principal Act, but the Treasurer cannot give guarantees on a charter agreement - that is the type involved in this situation.

Mr BLAIKIE: My understanding is that under the principal Act the Treasurer has some authority under section 27(1) or section 27(2) to issue guarantees only with the approval of Cabinet. I can accept that the Minister is saying that it would be strange if a Treasurer went out and did certain things without advising Cabinet. However, if a protection is not provided to ensure that the Treasurer does not do that, that situation may arise. Circumstances may well change in this House and the protection should be provided. Finally, I congratulate the Minister on presenting the agreement to the House. That is very important. However, I would like to see additional safeguards provided because the Treasurer would have these powers and could act without the knowledge of Cabinet. Therefore, the protections would be beneficial to the Government and to the people of Western Australia.

Mrs BEGGS: The member for Vasse has missed the point. Like every other Act of Parliament this Act gives the Treasurer the power to approve borrowings, and it requires ministerial and/or Cabinet approval - in most cases, both.

Mr Blaikie: We are on the same wavelength, but I want the details spelt out. The Minister is looking at the principle; I want the detail.

Mrs BEGGS: The current Act states quite clearly that the Treasurer has the power to approve guarantees on the borrowing. This clause will give the Treasurer the power to agree to borrowings for charter arrangements; under the current Act the Treasurer does not have that power.

Mr McNEE: I thank the Minister for her cooperation in making the documents available prior to the third reading. The Minister would be aware that the Opposition is being particularly careful in keeping a watchful eye on what is happening with taxpayers' dollars and she will appreciate why that is necessary.

Mr BLOFFWITCH: I also thank the Minister for making the documents available. I had a few worries because the Treasurer does have the power on behalf of the Crown to guarantee that the State will pay the principal and interest in respect of moneys borrowed, but section 27 of the Act also provides that the Governor must give his approval. I feel that the proposed amendment removes that requirement - we could argue whether he needs to give the approval - but is that the intent of the amendment?

Mrs Beggs: No.

Mr BLOFFWITCH: I would like the Minister to explain that further, and to deal more generally with the State's reasons for entering into an operating lease with Stateships. My queries are based on my business background and my experience of leases and hire purchase arrangements. I am astounded that the State seeks to enter into an operating lease for such a vast sum of money and commit itself to a payout in excess of the principal during the first four or five years, which is a standard lease term. The Minister mentioned that a lease is an asset, but she must be aware that the asset would be owned by Westpac Banking Corporation. Westpac would be operating under monstrous taxation concessions under the terms of that lease. Most people enter into a lease agreement because of the taxation clarity which exists. I do not believe the State has any tax obligation under Stateships as it is an asset of the Crown. So why are we entering into an arrangement which appears to be extremely beneficial to Westpac? I am sure Westpac must be tremendously happy with the deal it is getting.

Mrs Beggs: It is.

Mr BLOFFWITCH: If it were a commercial loan or hire purchase arrangement, and after three years one wished for some reason to pay out the loan, all one would pay out would be

the remainder of the loan; but the Minister must be aware that under a leasing arrangement one could be charged a penalty of anywhere between 70 and 90 per cent. Anything could happen to those ships and we could be forced to make that penalty payment. It is not sensible planning and I would like to hear the Minister's reasons for entering into such an arrangement. If the bank were not satisfied with the performance of one of my companies they would ask me for a personal guarantee. If we are being asked for a personal guarantee we must know what this State is guaranteeing, so we must see the documents. I have complimented the Minister for making the documents available and I commend her suggestion that we could incorporate within the Act provisions similar to those in the Government Railways Act. When the Public Accounts and Expenditure Review Committee report was tabled this morning, we heard the suggestion that members should take more interest in the financial dealings of this House and its expenditure. That would be very hard if we did not know the terms and conditions of the agreement.

Mrs BEGGS: It is all right to theorise about normal leasing practices, and from the member's vast experience in the motor trade industry he would be able to point to many cases where perhaps a leasing arrangement was not as satisfactory as a loan or buying arrangement. However, in the shipping industry it is perfectly normal to enter into lease arrangements; it is particularly attractive to the State Government in view of the enormous drawings on capital works which would be required to purchase or build three ships. The same charter arrangements were entered into with Stateships by the previous Liberal Government. The member must also understand that ships are portable assets and they can end up anywhere in the world at any given time, and on that basis ownership may not be in the best interests of the State.

Amendment put and negatived.

Clause put and passed.

Title put and passed.

Tabling of Documents

Mrs BEGGS: I table the agreements between Australian Shipbuilding Industries (WA) Pty Ltd., Westpac Banking Corporation, Western Australian Coastal Shipping Commission.

[See paper No 347.]

Report

Bill reported, without amendment, and the report adopted.

VALUATION OF LAND AMENDMENT BILL

Committee

The Chairman of Committees (Dr Alexander) in the Chair; Dr Lawrence (Treasurer) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 38 repealed and a section substituted -

Mr WIESE: Clause 4 seeks to remove the requirement for the Valuer General to carry out his valuations under a set of circumstances laid out in section 38 of the Act. The Act requires the Valuer General to

> . . . raise against each rating or taxing authority such charges in respect of the supply of valuation rolls, other valuations and any other goods and services he is authorised to supply as are from time to time prescribed . . .

Following that is the rider, that such charges shall not exceed the cost of such goods or services. Clause 4 of the Bill removes that rider. In her brief second reading speech, the Treasurer said -

> As presently enacted it is considered that the restriction on cost is limiting and does not reflect the professional nature of the work.

That gave me, and many others, a very clear indication that the Valuer General intends to change from the previous requirement of providing his services at cost to a policy of

imposing a charge which reflects the professional nature of the work. In other words, the Valuer General will apply his charges in the same way as does any other professional valuer at the moment. However, one would expect the cost of his services to be realistic as most of his services are supplied to other Government departments, local government and Government instrumentalities. The Valuer General should not be considering charging local government, the Water Authority or other public instrumentalities a fee based on the current professional rate. I therefore very strongly oppose the change. I seek a better explanation from the Treasurer for the reason the Valuer General is pursuing that course and I will listen with a great deal of interest to her remarks.

Mr LEWIS: The second reading speech does not explain what is the real intent of the Bill. On that basis the member for Wagin and I drew some points to the attention of Leader of the House, who was handling the Bill previously. We wanted to know what would be the ramifications on the parent Act of the incorporation of this amending Bill. It concerns me that the Bill will give the Valuer General the ability to trade commercially in the marketplace. In other words, he will be working in competition with the private sector.

Dr Lawrence: He will not be expanding his role in the private sector, he will simply be charging fees closer - as determined by regulations - to the real cost of providing a valuation. This is particularly important for statutory authorities. We want them to operate on a commercial basis and if they are getting services at below cost that will compel them to use the Valuer General, when on other occasions they might be better off if they used someone else.

Mr LEWIS: The Treasurer has just explained that the Bill's intention is not aimed at giving the Valuer General the imprimatur in a statutory sense.

Dr Lawrence: Quite the reverse; we do not want him to be doing that.

Mr LEWIS: I am heartened to hear that because we do not want that to occur either. I made the point during the second reading debate that I did not think it was appropriate that Government departments or agencies which charge fees for their services should charge for the full cost of those services. In professional practice the costs are usually reflected in the fees, whereas Government departments do not take into account the hidden costs.

Dr Lawrence: We do not look at the cost of staff, for example.

Mr LEWIS: Exactly. I agree with the Government that it is appropriate that departments recoup their costs. However, I have had a change of heart since speaking in the second reading debate. At that time, I thought that a reasonable fee, on an hourly basis, could be charged to take into account a raft of hidden costs. However, after speaking with local authorities - and I am surprised that they did not know much about this amending Bill - I found that they were nervous about this change because it all gets back to competition. It is all right for a person in the private sector to charge a fee for a professional service based on an hourly rate but it is not appropriate for that to occur in the Government sector because the Government sector has a captive market. No discipline exists when there is no competition.

Dr Lawrence: There is; local councils can legally use the services of a private valuer. The discipline would be on the Valuer General not to charge prices higher than those that would apply in the private sector.

Mr LEWIS: The parent Act provides that only the Valuer General can give local authorities the right to seek a private valuation. This Bill will give the Valuer General the power to set a fee on a professional basis, vis-a-vis an hourly rate, but the Valuer General will have the prerogative to say whether competition will exist in the marketplace. It may be okay for the Valuer General to charge a fee that is in line with the private sector - say at $40 an hour or whatever is appropriate - but it worries me that the Valuer General or his staff are not restricted in the time they spend on compiling that valuation. An hourly rate may be prescribed, but there is no limit on the time put into that valuation or the number of staff set to complete that work expeditiously. Therefore, the cost to the consumer could be high. The cost to the consumer must be maintained at a reasonable level. The Treasurer should explain why there is no discipline on the Valuer General's imprimatur and why he is the only one who has the prerogative to allow a private sector valuer to take part in a valuation for a Government agency. I could accept this Bill if it allowed local authorities to go to the private sector for a valuation without needing to receive the approval of the Valuer General. That

would create true competition. Those departments would know they were operating in a competitive market rather than a captive market. I would welcome an amendment which would give local authorities the ability to do that.

This Bill will simply establish one authority to make official valuations. Why should the Valuer General's Office alone have the ability to service the needs of Government and local government agencies? Why does the Valuer General's Office need to make a profit? I have no problem with costs being recouped, but I do not know why a department, which exists solely for the purpose of servicing Government agencies, is required to make a profit?

Dr Lawrence: Overall, the department does not make a profit.

Mr LEWIS: I can understand that; however, if the Valuer General's Office is servicing Government agencies why does it need to make a profit? The original legislation provides that the Valuer General shall recoup all costs and charges. Why is this amending Bill necessary? Surely, if there were problems with the Valuer General's Office not recouping its costs, that matter should be examined rather than proposing that the department charge a professional fee for valuations. Perhaps the accounting practices of the department and the fundamentals of the parent Act should be examined.

Dr LAWRENCE: I will address the last point first. The reason for the amendment - perhaps this was not made clear in the second reading speech - is not so much an attempt to change the basis upon which charges are made, but the Solicitor General's advice was that, under the Act, questions of costs have never been clearly defined and, as some of those costs are not really costs to the Valuer General's Office but are true costs of the valuation, there could have been argument about whether certain charges were being raised in accordance with the Act. Those charges will continue to be prescribed by regulation and, therefore, it is not possible for the Valuer General to charge an outrageous fee.

Mr Lewis: How will they be prescribed? Will they be prescribed on an hourly rate?

Dr LAWRENCE: An hourly rate and a fixed fee will apply. I imagine that there is an hourly rate and a fixed fee, depending on the nature of the task.

Mr Lewis: Does that focus on what the member for Wagin and I are saying? There is an hourly rate, but there is no discipline of the operators and the time they take to perform the task or of their conscientiousness. There is no competitive discipline that ensures that they operate within the time parameters of that fee.

Dr LAWRENCE: I think there is. If the member looks at what is proposed, when we are talking about local government in particular, the Auditor General will need to be involved only for the purposes of rating and taxing, and that is not at the point of approving who shall, in a sense, be his competitor; it is at the point of approving the valuation. There is no suggestion that local governments cannot use anyone they like for market valuations; if they are getting good rates for that they should do so. They can use private valuations for rating and taxing. However, in order to ensure that the valuation is conducted in accordance with the legislation, the Valuer General has to approve the valuation, not the valuer and, at that point, he does not charge for that approval. That is a normal part of the statutory operation of the department. He has to say in the end that that valuation has been carried out in accordance with the Act. However, anybody can undertake the valuation at the outset.

Mr Lewis: No, the approval of the Valuer General is required.

Dr LAWRENCE: The Valuer General has to approve the engagement, but that would not be on the basis of the charge being competitive with the Valuer General's charge. I presume it would be on the basis that that valuer is a fit and proper person to carry out the valuation; in other words, he would have to have the necessary qualifications to undertake the valuation.

Mr Lewis: That is not the argument. This Valuer General may have good intent. However, in 10 years' time another Valuer General might read the provision entirely differently.

Dr LAWRENCE: The Parliament will be approving these charges by way of regulation. If the charges that have been raised for the purposes of rating and taxes look extravagant and uncompetitive, it will be the province of this Parliament to pull them back again. That is as it should be. At the moment, the fees are set by regulation. The position does not change; it is the basis on which the assessment is made. The Crown Solicitor's view was that we did not have in the Act the basis upon which to make a decision about costs in a way that would be

unequivocal. The Valuer General is not likely to change the rates that he will charge because that would be the subject of immediate protest by this Chamber, certainly via local government.

In relation to the first query, discussions were held with the Local Government Association, Country Shire Councils Association and others at executive level and they raised no objections to the proposal. The key thing is whether this leads to an increase in charges to local government. I see no basis for that being the case. Because the regulations are subject to scrutiny they would preclude any arbitrary move by the Valuer General.

Mr STRICKLAND: The Premier told us that it is possible for the Valuer General to authorise independent valuers to do valuations which would be used for the purpose of striking rates and so on. However, what is of utmost importance is the relativity of the valuation. Currently, in the revaluation which occurred in the Scarborough electorate, valuations for business premises rose relative to residential premises. Consequently, the valuations reflect a fraction of the bill that each property will receive. Therefore, if one's valuation increases a lot in one year, one will pick up a higher fraction of the rate bill, either for city rates or for the water rates, or whatever. We have to be careful that the relativities do not change.

Dr Lawrence: You are reflecting on the profession's ability to be objective.

Mr STRICKLAND: On another occasion when I asked questions of the Valuer General on these matters in the Public Accounts and Expenditure Review Committee I was told that valuations can vary. He may have some criteria that allows him to set values under one set of rules, as opposed to variations sought through independent input. Could that be a problem? I consider that the relativity of the valuations is critical because that reflects the fairness in the valuations that are done from year to year before people get their rates bills. Trouble occurs, not because the authorities put up the rates a certain percentage, but because revaluations supposedly reflect changes in the market and so on, and if the valuation increases relatively, the rates bills increase beyond what was said would be the average increase.

What is the impact referred to in the second reading speech? Are we talking about a few hundred dollars to a local authority or are we talking about thousands of dollars, because that is also important? It has been said that the charge would be set on an hourly basis with a set fee. What will the figures be? What are local authorities being charged now and what will they be charged under the new system?

Dr LAWRENCE: The complaint about the relativity of valuations is not relevant to this clause. I understand the member's complaint that that may be the case. The member is saying that if there were many private valuers in the market, the tendency for relativities to get out of kilter would be exacerbated. We would not have any uniformity.

Mr Strickland: The debate is about whether it is credible to involve independent valuers.

Dr LAWRENCE: This legislative change does not signal any change in the rates which the Valuer General will levy for these purposes, and that applies to local government, statutory authorities and so on. His capacity to raise fees is subject not only to parliamentary scrutiny, because it would be by way of regulation, but also to scrutiny by the Cabinet and the Prices Surveillance Authority. They would have to be agreed to in the same way as increases to water rates and other Government charges. Therefore, the discipline to keep the charges low and reasonable is the same as the discipline which applies now; that is, scrutiny by the Treasury Department, the Parliament and the Prices Surveillance Authority. We are advised that the basis on which the fee is struck is artificial and that is the reason that the definition is being deleted from the Act. The basis for the behaviour of the Valuer General is not being changed and there is no suggestion that the Government will be trying to engage in some sort of cost recovery. The criteria for valuation for rating and taxing purposes are laid down in the Act. Whether the valuation is undertaken by the Valuer General, his staff - and presumably they change from time to time - or a private organisation, they are required to comply with the provisions of the Act. The Valuer General informs me that this is covered by section 25(4) of the Act wherein it provides that the Valuer General is required to approve the engagement of a valuer. I understand that this section of the Act has been used on only one occasion and that approval was granted.

Mr Lewis: That is the fundamental problem.

Dr LAWRENCE: The amendment will not change the Act. It is legally possible for local authorities to use private valuers and that has occurred on one occasion. The only requirement is that the Valuer General must be satisfied with the private valuer chosen and his valuations. Of course, he must ensure that the private valuer has a licence and has done the valuations according to the Act. Under this Bill there is no proposal to change the basis on which the Valuer General arrives at a decision to levy the fee for services. The amendment to the Act has been recommended for legal reasons because the definition of a cost is not seen to be sensible and the Valuer General will be subject to the same disciplines as he is now.

Mr Strickland: What figure are we talking about?

Dr LAWRENCE: The rates have not been set for the coming year. The existing charges are $8 for an assessment and $30 an hour and, as I said, an increase has not yet been considered. I do not know what increase has been requested, but I anticipate a marginal increase to take account of increases in costs.

Mr Strickland: At the end of the day the local authority must cover its expenses. If the assessment charge is increased from $8 to $16 it will have to recover the difference.

Dr LAWRENCE: The member for Scarborough can belt us around the ears if that is what is proposed by way of regulation. The Government is not proposing to increase charges to that degree.

Mr WIESE: The Treasurer has indicated a complete lack of knowledge of the procedures involved and she is trying to pass on information to the Chamber which is factually incorrect.

Dr Lawrence: The Valuer General is sitting next to me. You might think that my knowledge of this subject is not all that great, but you would not want to insult him by suggesting his recommendations to me are incorrect, would you?

Mr WIESE: I have an enormous respect for both the Treasurer and the Valuer General and I would not want to insult either of them, but I do not believe that the Treasurer knows the facts of the situation. The Valuer General has a captive market and he works with the local authorities, the Water Authority of Western Australia, and those organisations which are able to impose a rate by way of a valuation.

Dr Lawrence: I pointed out that that does not have to be the case.

Mr WIESE: I will point out why the Treasurer is incorrect. The Treasurer told members that local authorities did not have to use the services of the Valuer General and that they may use private valuers provided they are licensed. That is correct; however, we must bear in mind that the Valuer General has used his power in respect of local government only once The provision has existed in the Act for 13 years, yet it has been used on only one occasion. Local government is very careful about the way it spends its money and perhaps that is the reason it does not opt for private valuers.

Section 25(1) of the Act provides that a rating or taxing authority may, subject to the approval of the Valuer General and to such conditions as he determines, engage a valuer to make a general valuation of rateable land within a valuation district. That is correct, but the local authority must comply with two conditions. First, the Valuer General must approve the appointment of a private valuer and, secondly, he must approve the conditions. Subsection (2) provides that the person engaged must be licensed; no-one would quarrel with that. Subsection (4) provides "where the Valuer General approves" the engagement of a valuer - in other words, the shire must obtain the approval of the Valuer General for the valuer it appoints.

Dr Lawrence: Do you think that should not occur?

Mr WIESE: I have no problems with that, but I am trying to explain why it is difficult for local authorities to obtain the services of a private valuer and why it has happened on only one occasion. Once the Valuer General has approved the appointment of a private valuer the authority is required to submit his valuations to the Valuer General. Section 25(6) provides that the Valuer General may approve or decline to approve the valuations. There is no guarantee that the valuations will be approved. It is, if you like, at the whim of the Valuer General.

Dr Lawrence: The Valuer General does not act on whim. Clearly the Act is written in this way so that valuations cannot be done on a basis that is a breach of the Act.

Mr WIESE: I have no problem with that. I am trying to explain to the Committee why it is so difficult. The Valuer General may approve or decline. That is another disincentive to a local authority's employing a private valuer. We then get to what happens after that. Under section 25(7), if the Valuer General approves the valuation he shall adopt it. There are no ifs or buts; it is the valuation that will apply.

Dr Lawrence: As it would if it were his own valuation.

Mr WIESE: Yes. That is the reason I presume the Valuer General has the ability to approve or decline to approve a valuation, because if he accepts or approves it he then has to accept it as a valuation. I believe the Treasurer is misreading the situation in relation to section 25(8). She should bear in mind that if the Valuer General approves a valuation he has to adopt it. We then reach the situation outlined in section 25(8), which states -

> Where the Valuer-General adopts a valuation pursuant to this section, he may pay to the authority for which the valuation was made such sum as the Valuer-General determines. . .

The CHAIRMAN: Order! This dissertation is very interesting but I wonder whether the member for Wagin could explain to me how it is relevant to clause 4 of the Bill. Can he clarify which passage of the Act he is referring to at the moment?

Mr WIESE: I am referring to section 25 of the Act. I am debating clause 4 of the Bill and explaining to the Committee why I have the strongest objection to removing the basis of cost, which is proposed in clause 4. Therefore, what I am saying is absolutely relevant to clause 4.

The CHAIRMAN: Very well.

Mr WIESE: We have arrived at the point in section 25(8) where if the Valuer General approves a valuation it has to be adopted. Having adopted it, section 25(8) states that he may pay to the authority for which the valuation is done such sums as the Valuer General determines with the proviso -

> . . . but such sum shall not exceed either the cost of such valuation or the charge that the Valuer-General would have raised against the authority if the Valuer-General had made the valuation, whichever is the lesser.

That is the whole crux of the matter. If the local authority has the valuation done privately one still reaches the point that it has to be done at the same cost for which the Valuer General would have done it. Why on earth would a local authority employ a private valuer? There is absolutely no incentive to do that. In fact, there are strong disincentives to doing that because a local authority could employ a valuer and the Valuer General may then refuse to use the valuation that the authority has spent money on, with the result that it would still have to go through the exercise with the Valuer General because he had not approved that independent valuation. The Valuer General then does the valuation himself and the authority is lumbered with that cost as well. A strong disincentive exists in the present situation for local government authorities to use the Valuer General.

Dr Lawrence: Is the member recommending another system? What he is saying is a function of the current Act, not the amendments brought forward today.

Mr WIESE: I am recommending that the Act remain as it is and, if we are to get into this argument about the fees the Valuer General shall charge, that we should be sitting down with local government representatives and ascertaining a basis acceptable to all parties. It is great to say that the matter comes before the Parliament because it is prescribed.

Dr Lawrence: It does now.

Mr WIESE: I know that it does now. How many members of this place have ever looked at the regulations tabled in the House by which it shall be imposed?

Dr Lawrence: There can be no more stringent process than to bring a matter before the Parliament and require it to approve that matter.

[The member's time expired.]

Mr LEWIS: The member for Wagin has prepared the ground for what I am about to say and

has emphasised one of the major points not recognised by the Treasurer. The bottom line is that we write legislation in this place not for today, next week or next year but maybe for 10 years ahead. Politicians, Governments and Valuers General come and go. Valuers General who are in charge at different times may place a different interpretation on, or have a different philosophy of what a prescribed fee is, or how much it shall be when compared to current thinking by this Government. The first thing we have to do is be conscious that we are writing into this legislation something that can have an effect in 10 years' time when an entirely different philosophy from that of the present incumbent is being applied. The point I emphasise, which the member for Wagin made, is that there is no competitive discipline.

Dr Lawrence: Is there now?

Mr LEWIS: There is to the effect that the Valuer General can only charge an actual cost.

Dr Lawrence: But the point is, that is an artificial construction.

Mr LEWIS: What the second reading speech is saying, and the Treasurer has reiterated, is, "But should they not charge a competitive, professional fee?" That would be all very well, and I would agree with the Valuer General's doing that if he was operating in a competitive environment. However, the Valuer General, by the very nature of the legislation, is on his own prerogative the approving authority and determinator of whether a body can go out and find a competitive price. That was my first point. The second point that must be understood is that notwithstanding that there may be a prescribed competitive fee, the Valuer General's Office is a Government agency and there is no competitive discipline on the competence of the operatives of the Valuer General's office. The prescribed fee may be $30 an hour, which may be okay, but where is the discipline to say that the operative performing the work shall take 40 hours, or 200 hours? There is no competitive discipline on the person doing the job. The point is that the hourly rate may be restricted, but notwithstanding that there is no discipline relating to the time taken.

Dr Lawrence: How is it that the amendment suggested has an effect on that question one way or the other? The member for Applecross is addressing a separate matter because, presumably, providing a cost of valuation is defined, in a sense, by the Valuer General. If the member is suggesting that the department is extremely inefficient and, as a hypothetical case, takes 10 times the necessary time to do the valuation, the Valuer General can still say, "It is a cost. It took the officer 10 hours," and under the current Act the department could charge at that extravagant rate. In other words, the discipline does not exist in either case.

Mr LEWIS: I accept that the argument just put is probably valid. If so, why change current legislation?

Dr Lawrence: My understanding is that it is because of the possibility it may be challenged in law.

Mr LEWIS: No. The Valuer General has recommended these changes because an edict went out from Executive Government to all departments that they were not charging enough for their services and the real charge had to be placed on the record and passed on; that the Government should not be bearing that cost.

The CHAIRMAN: I draw the attention of members to Standing Orders in respect of the authority of the Chairman when in Committee. I am aware that the member for Wagin was quite clear that his remarks during the debate just adjourned were justified. I refer the member to Standing Order No 343 in relation to what happens when the Chairman asks for clarification and how the Chairman's requests must be treated when the House is in Committee.

Sitting suspended from 1.00 to 2.00 pm

[Questions without notice taken.]

Mr LEWIS: Prior to lunch we were discussing the fact that what is proposed in clause 4 reflects current practice. If the current legislation is competent to achieve what the Government wants it to achieve, why do we need to change the legislation? It must be emphasised that it is not necessarily the fee prescribed on an hourly basis, as occurs in consulting practices, which ends up being the problem with the bottom line cost; it is the competence of the valuer, as it would be in this case, and how long the valuer took to undertake a job which would be reflected in the fee. The Liberal Opposition, based on debate so far, will be voting against the clause.

Dr LAWRENCE: The member for Applecross may have some other view about why clause 4 is included, but the matter has been on foot since 1987 and it has come about because of advice from Parliamentary Counsel; it is purely for mechanical reasons. The Government has done no more than accept that advice and seek to abide by those instructions.

Mr LEWIS: I received some advice over the lunch break on other matters about which I will be talking when we debate clause 5 which are contradictory to the assurance the Treasurer and the Leader of the House have given to the Committee.

CHAIRMAN: Order! We should stick to clause 4 at the moment.

Dr Lawrence: From whom did you receive that advice?

Mr LEWIS: I received it over the luncheon break.

Dr LAWRENCE: If there is any doubt in the mind of the Leader of the Opposition about this matter, we should report progress so that he has an opportunity to examine the file which I am happy to give him. Perhaps he could discuss contrary advice he may have with the Valuer General and even Parliamentary Counsel. The matter is not political but of a machinery nature. If the Opposition's advice is sensible, the Government will consider it.

Mr Lewis: The Opposition's argument is not political either.

Dr LAWRENCE: In response to questions about whether we could charge fixed rates plus hourly rates which has been occurring for some time we were advised that the Act may not permit that scheme to apply. The clause seeks to remedy a possible deficiency; it does not seek to change current practice which has applied since 1987. The regulations and current practice may be at odds and we are seeking to synchronise them.

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by Dr Lawrence (Treasurer).

HUMAN REPRODUCTIVE TECHNOLOGY BILL

Committee

Resumed from 5 June. The Chairman of Committees (Dr Alexander) in the Chair; Mr Wilson (Minister for Health) in charge of the Bill.

Clause 7: Offences relating to reproductive technology -

Progress was reported after the clause had been partly considered.

Mr KIERATH: I move -

Page 18, after line 4 - To insert the following new paragraph -

(g) one or more cells or the nucleus of any cell to be removed from an egg in the process of fertilisation or any embryo;

If cells are removed from an adult human being, they do not have the potential to develop into a new human being. That is fairly important. It is, however, quite a different matter when cells are removed from an early embryo. We know from the naturally occurring splitting of early embryos to form identical twins that the cells of an early embryo may have the potential to develop into separate individuals. The Minister may remember some of my arguments about artificial twins. I am still unconvinced by the Minister's arguments, which I have had time to consider carefully. Because the Minister said he was not prepared to accept my earlier amendment this is another approach to try to overcome my concerns in this area.

Artificial twinning could be performed in two ways. A cell or group of cells could be separated from the rest of the embryo and placed in an appropriate culture to encourage its development if possible with artificial twinning. Alternatively, the nucleus containing the genetic information could be removed from the cell of an embryo and placed in a new cell membrane. The new cell could then grow into a twin of the original embryo. Those are the two areas about which I am concerned.

Why would anyone attempt artificial twinning? I can come up with only two reasons. Firstly, it could be attempted for the purpose of cloning; that is, to try to produce two

genetically identical individuals. I totally oppose that. If allowed to grow to birth, it would be prohibited by the ban on cloning. However, it is the period in between about which I have been speaking. The only reason it would be attempted would be to create an identical twin upon which to carry out destructive or hazardous diagnostic tests. If the test was not hazardous or destructive, there would be no reason to produce an artificial twin when the original embryo could be safely subjected to the same diagnostic procedure. That is very important.

Twinning would risk damaging the embryo and there must always be a degree of uncertainty about whether results on the twin apply directly to the original embryo as twinning may induce a change in the genetic structure of the twin. Such destructive or hazardous testing of an artificially produced twin is even more abhorrent than performing hazardous tests on an original embryo because a new individual would have been brought into being for the purpose of being destroyed by destructive testing.

It is not clear that the Bill's prohibition of diagnostic procedures that may have a detrimental effect on an embryo, as stated in the Minister's amendment, would apply to the destructive or hazardous testing of an artificial twin. This is because such twins do not appear to be covered by the definition of "embryo", nor are they encompassed in the term "egg in the process of fertilisation". I have considered the Minister's comments and I disagree with them. This amendment would effectively ensure the prohibition of artificial twinning. It should be noted that the period in which twinning may occur is the first 14 days of development of the embryo. As the Bill will allow embryos to be maintained outside of the body of a woman only to a maximum of 14 days development, this amendment should rightly be applied to all embryos outside the body of a woman. Again, that is a very important point.

To oppose this amendment would be to allow a substantial loophole in the Bill's praiseworthy aim of prohibiting all destructive and detrimental experimentation on human embryos. This aim, as the Minister for Health has often stated, is consistent with community abhorrence to such practices. The amendment will also enable the Minister to fulfil his promise to ban embryo biopsy, which is a term sometimes given to the destructive testing of an artificial twin.

Mr WILSON: I appreciate the member's concerns which he raised previously when discussing issues relating to embryo twinning. However, I refer him to page 7 of the Bill and the definition of "parthenogenesis". Under that definition, the creation of an embryo other than by fertilisation is covered. Therefore, embryos created by parthenogenesis would also come under the legal protection of this Bill. As embryos cannot be kept outside the body of a woman for any longer than the fourteenth day stage of development, any procedure, research or diagnosis proposed for an embryo or any cell of an embryo would come under the restrictions of the Bill. Given that a great deal of scientific evidence exists which either states that embryonic cells up to this stage are totipotential or could be claimed to be totipotential, nothing could be performed upon those cells that would be destructive under this Bill as it stands. What the member is proposing, therefore, by way of addition in this amendment would be redundant. The Bill's definition of "embryo" with clause 7(1)(c) covers the member's concerns.

In the second reading speech I said that embryo biopsy would be prohibited. It is therefore not the intention of the Bill to permit biopsy if the wellbeing and integrity of the embryo are placed at disproportionate risk. I simply reiterate that I do not believe this is necessary. The Bill as it stands covers the concerns raised by the member. I can do no more than reassure him in those ways that that is the case. I hope he is prepared to accept that reassurance.

Mr KIERATH: I cannot accept the line taken by the Minister. Bearing in mind the definition of parthenogenesis, subclause (1)(c) covers protection for the embryo. There is no doubt about it. I originally tried to amend that subclause to include the commencement of fertilisation, and that is one of the problems that arises when the egg is in the process of fertilisation. What is the Minister's objection to the amendment I have moved? In my view it does nothing more than make watertight the assurance given by the Minister. I have no doubt about the Minister's integrity or his assurances but I cannot understand the Government's reluctance to clarify this matter by including something more definite in the Bill. I want to remove any possible loophole in this provision. Also, I point out that the

Minister will not always be the Minister for Health, and things change over a period; therefore, the provision should be absolutely clear.

Mr WILSON: I apologise for an error I made in referring to subsection (1)(c), I should have referred to subsection (1)(e) which reads -

(e) a nucleus of a cell of an embryo to be replaced;

Would it satisfy the concerns of the member for Riverton if the words "or an egg in the process of fertilisation" were inserted after the word "embryo" in this subclause?

Mr Kierath: I would be far more satisfied.

Amendment put and negatived.

Mr WIESE: Clause 7(d)(ii) refers to the obtaining of an embryo by means of embryo flushing. I am not arguing against a prohibition on embryo flushing, but I seek from the Minister some guidance about why we are prohibiting that procedure. In the case of a woman who may be about to undergo some sort of surgical procedure and will never be able to produce eggs and embryos of her own, there may be a substantial benefit to that woman and her family if she were treated in such a way as to produce multiple embryos, and if those embryos were then flushed and able to be stored so that the woman and her husband could at some later time still be able to have children of their own. Why is there an absolute prohibition on this procedure?

Mr WILSON: It has been made clear from the beginning, and it is almost self-explanatory, that this Bill deals only with embryos outside the body of a woman. It is not dealing with embryos inside the body of a woman. Secondly, the basis on which the decision was made to introduce a measure of regulation in respect of the practice of in vitro fertilisation was to ensure that the procedures were as absolutely, or as close to absolutely, safe as possible, and as unintrusive as possible in respect to the welfare of women. Finally, the Bill provides that IVF will be available only for the genuinely infertile. All of those considerations have been clearly taken on board by the Bill. We are not dealing with embryo flushing in the sense of any research agenda.

Mr Wiese: I am not talking about research.

Mr WILSON: If our primary concern is not a research agenda, the three points I have made, which are largely to do with the principles on which the Bill is based, are really the only comments I can make in response to the points raised by the member for Wagin.

Clause, as amended, put and passed.

Clause 8: Establishment of Council -

Mr MINSON: I move -

Page 19, lines 23 to 25 - To delete subparagraph (i)(D) and substitute the following -

(D) The Commissioner for Health;

I strongly believe as a professional that the best method of control of any branch of research or profession is by a peer review. In this case, we will be looking for a degree of stability in direction from the proposed Western Australian Reproductive Technology Council. We ought also to look at the council's being, as far as possible, separate from any Government or any whims of a Minister. I hasten to add that that is no reflection on the current Minister; in fact, if I thought the current Minister were to be the Minister for a long time to come, I might not have moved the amendment.

Mr Wilson: That would not be my wish.

Mr MINSON: It is not my wish either.

Mr Wilson: I have different reasons.

Mr MINSON: It is entirely possible that someone with a completely different philosophical outlook may be the Minister for Health, because so many changes to ministerial appointments are made here, and that Minister may be able to very definitely guide the direction in which the IVF industry goes, without that Minister's referring to this Parliament. For that reason I believe the number of ministerial appointments to the Western Australian Reproductive Technology Council should be regulated in some way. I would like to see the

specific bodies named, rather than having simply "3 other bodies, being bodies prescribed for the purposes of this subsection as having interests relevant to this Act". I have moved that the Commissioner of Health be included because I notice that he is not necessarily represented on the council. In clause 24, on page 44 of the Bill, starting at line 2, it says -

> . . . the control and the power of disposal are deemed to vest in the Commissioner of Health who shall, subject to section 22(6) and any instructions or conditions to which effect may then be given, direct that any such egg or embryo be allowed to succumb, unless a court of competent jurisdiction otherwise requires.

If I were the Commissioner of Health and had to carry the can - in other words, if I were the place where the buck stopped - I would want to have some representation on that governing council; indeed, I would want to be on that council myself when decisions like that were being made. Therefore, I believe that we should stipulate that there be representatives from three specific bodies on the council, the first of those being the Commissioner of Health. If we deal with that amendment first, I will move for the inclusion of representatives of the other two specific bodies shortly.

Mr WILSON: I oppose this amendment because, while I take on board the need for a person like the Commissioner of Health to be involved in the process, there would be very strong potential for conflict of interest if we were to agree to this amendment, owing to the Commissioner of Health's considerable role as licensing authority and in appeals processes. The direct nomination of the Commissioner of Health is really unnecessary, as there is to be at least one council member with public health expertise, and as the executive officer will also be a member of the Health Department. In addition to that, and as outlined in clause 13(1), the Commissioner of Health can at any time require advice from the council on reproductive technology matters and be kept completely up to date on all important issues so that any directions that he or she makes to licensees are appropriate directions.

The real problem with the amendment, if it were to pass, is the potential for conflict of interest in the roles that the Commissioner of Health would be required to fulfil from time to time. I repeat that I believe the capacity for high level Health Department involvement is already there.

Mr WIESE: My thoughts on this matter are similar to those of the Minister. Can the Minister tell us the three bodies he intended to prescribe in the lines the amendment seeks to delete? I believe that is critical to the debate.

Like the Minister, I see a possibility of conflict arising because of the Commissioner of Health's role. The Minister has mentioned clause 13, which deals with the relationship between the council and the Commissioner of Health. I believe many occasions would arise where the Commissioner, in his role in relation to the whole of the Act, would be in a very direct conflict situation, or at best a very difficult situation; for instance, if he sits on the council and has to tell the council what it must do, or has to convey to the council matters that the Minister has asked him to put in hand. As well, under the powers bestowed on him by clause 13, if he believes that the council will not take prompt action, he has a role to inform the Minister of that and take instructions from the Minister which could overrule the council or cut the ground from under it. Therefore, appointing the Commissioner of Health to the council would put him in an untenable position in many cases.

Mr WILSON: In answer to the member for Wagin's question, I refer him to the second reading speech. It is difficult to be referring members to anything at this stage, because this debate has been so prolonged that we are all likely to have forgotten. We have already seen what happened last time we dealt with the Bill. However, I refer the member for Wagin to the second reading speech, wherein a commitment was made that the three groups to be prescribed in regulations as nominated bodies would represent the infertile, in vitro fertilisation practitioners, and the interests of women. Relevant organisations have not been named in the legislation because they are more ephemeral than those bodies which have been named. It is important not to name these organisations in the legislation but to make provision for them to be in regulations, to allow flexibility to define a specific nominating organisation for a particular purpose. Organisations named in legislation must be legally defined, and that is the difficulty.

The second reading speech said on page 7643 of the 1990 *Hansard* that -

> Organisations to be named in regulations will represent the infertile, practitioners in reproductive technology and the interests of women.

The organisation we have in mind to represent practitioners is the Fertility Society of Australia; to represent the infertile, the organisation which I think is currently called Concern For The Infertile Couple; and for women, the Office of Women's Interests. They would be prescribed in regulations, and of course the regulations must come before the Parliament and can be disallowed by this Chamber. I hope that is sufficient reassurance for the member for Wagin that we have specific bodies in mind to be prescribed in regulations which will need to come before this place.

Amendment put and negatived.

Mr MINSON: Is the Minister prepared to countenance the expansion of the council? As my amendment was defeated, to proceed with the other amendment would mean that the numbers on the council would have to be expanded. Clause 29 and the second reading speech refer to expertise in reproductive technology, but that is not guaranteed. It would seem that a council of this type would need to contain experts in the field and at least one representative from the industry. I am aware that the industry has expressed interest in having one person on that council of 10. That representative would not control the industry, but he or she would be able to have valuable input.

Mr WILSON: If the member refers to clause 9(2), he will see it contains a requirement that the council contain representation from someone with expertise in reproductive technology.

Mr Minson: However, the industry is not represented on the council - it should be.

Mr WILSON: I reiterate what I said to the member for Wagin and what I said in the second reading speech: The member likes to refer to this as the "industry", but I refer to it as practitioners, and they will be represented. It is likely that that representation will be a nomination from the Australian Fertility Society.

Mr MINSON: In view of the fact that it will take a fairly complicated series of new amendments to expand the council, and as, from what I can gather, the Minister will not accept such amendments, I do not intend to proceed with my further amendment on this clause.

Mr WIESE: The Deputy Leader of the Opposition raised questions about the membership of the council and about a representative from those involved in the in vitro fertilisation industry. I realise that the Minister referred to the fact that the Australian Fertility Society would provide representation to the council as a representative of the practitioners in the industry. Is this society a purely Western Australian organisation, or is it an Australia-wide body? Is this a fitting group to be the representative on the council? It seems that it needs to be someone not only from the Australian Fertility Society, but also from within the Western Australian industry. In that case, that person would reflect the views not only of the industry in general, but also the Western Australian practitioners.

Mr WILSON: The Australian Fertility Society is a national body. It has a State branch and I understand it comprises all specialist practitioners in Australia. The society is responsible for all IVF clinics throughout the country, and it is on the grounds that it is recognised and established throughout the country that the nomination will come from that body. It is an appropriate body. The society has a State branch but in view of the fact that its accrediting capacity is nationwide, we will be seeking a nomination from the society. On the grounds of commonsense, I would believe that the nomination would be a Western Australian representative for a Western Australian council. In fact, clause 8(2)(a)(ii) reads -

> Three shall be individuals selected by the Minister having regard to section 9(2);

That provision requires that the person should have expertise in reproductive technology. The Minister will require that the society nominate a panel of names for selection, and it will be within the competence of the Minister to ensure that the representative is a Western Australian and represents the practitioners and practices in Western Australia. That gives reasonable grounds to reassure members that those concerns are covered by provisions within the Bill, as illustrated by comments in the second reading speech.

Mr WIESE: When the Minister prescribes these bodies, will he prescribe the Australian Fertility Society, Western Australian branch? The person who should be in that position, and

those making the nomination, should be Western Australians. As the Minister indicated, all commonsense would suggest that the person nominated would be a Western Australian; however, if we are to prescribe the nomination to come from the Australian Fertility Society, it should also prescribe that it be the Western Australian branch. I have grave objections to a body outside Western Australia nominating a person to the council. The nomination should come from the local branch and should be a Western Australian. Could the Minister explain subclause (6) on line 20, page 20 of the Bill?

Mr WILSON: While it is my understanding that the Australian Fertility Society has a Western Australian branch that would need to be checked. I am prepared to undertake that in drawing up the regulations attention is given to prescribing that the nominees be people with experience in practice in Western Australia. The schedule outlined on page 104 of the Bill details the procedures required of the council and its committees in running their affairs.

Clause put and passed.

Clause 9: Nominations, and recommendations, for membership -

Mr MINSON: I move -

Page 21, line 11 - To delete the word "women" and insert the word "parents".

As a parent who was present at the conception and the birth of my children, I see no reason why males are precluded from occupying a position which gives representation to parents. The preoccupation of some people with the sexist nature of our society is a little out of control.

Mr WILSON: I do not support this amendment. A point I have made throughout the debate and in my second reading speech is that we have been through an exhaustive, if not exhausting, process in coming to this legislation. We have had a number of expert committees and a Select Committee of this House of which two of the members taking part in this debate were members. Throughout that process there has been a fair degree of insistence on this issue. The issue of parenthood is probably more appropriately connected to the infertile couples involved with an interest in family formation, and was introduced directly by them and most others on the council, so the infertile will be represented directly in that sense. If we were to support the amendment, we would be removing what is seen as potentially vital input about specific women's issues into the council's activities, and that has been a strong theme in the recommendations we have had over a number of years. Although there is no single approach by women to the issues raised by in vitro fertilisation there is currently lively debate by women on many of these issues. We need that specific input so that the novel and thought provoking points coming out of that input are adequately covered. The impact of IVF technology is great on women in the community, whether they are participants or other women affected more indirectly by the very great changes in society brought about by changing technology. It is not that we are trying to lambast people through this legislation with some radical feminist objective; we are trying to build into membership of the council that specific viewpoint, which is a valid viewpoint in that this technology has specific implications for women in our society. That very strong aspect of the technology and the implications of the technology in its practice needs to be represented on the council.

Mr WIESE: I had intended to support the amendment, but I am also very much aware of the feeling that has been expressed in the community and by some of the groups that we have talked to in relation to this whole matter. If the Deputy Leader of the Opposition were prepared to accept a further amendment along the lines of inserting after the word "women", the word "parents", I believe the interests of parents would be adequately dealt with and represented on the council. I also accept a need which has been expressed in the community that women should be also be represented.

Mr MINSON: I find that acceptable and sensible. The ideal passage would read, "Adequate representation of the interests of women, parents, of the children born of reproductive technology and of participants in reproductive technology".

Dr WATSON: The interests of parents and of infertile people are taken into account in the structure of the council. As the Chairperson of the Select Committee that examined the issues of reproductive technology the -

Mr Wiese: We only examined recommendations.

Dr WATSON: True, but we had lot of information given to us. A large part of that information was based on a concern for women who were receiving treatment for infertility and treatment to stimulate the production of ova. Some women who have received that treatment have developed acute symptoms which required abdominal surgery to relieve. Also, some women have suffered strokes while receiving that treatment and, indeed, two Perth women have tragically died from complications resulting from the use of anaesthetic while receiving treatment.

Mr Minson: That has nothing to do with the treatment.

Dr WATSON: Yes, it does, but I support the original intention of the Bill which seeks to include women on that council. It is important that we acknowledge that we do not know the long-term consequences of Clomid and other agents used to stimulate ovulation, or egg production. I understand that a number of epidemiologists are conducting prospective studies because the hormonal agents being used could have carcinogenic effects in the long term. It is critical that women are included on the council in order to protect women's issues. By the same token I reassure the Chamber that by reading the contents of the Bill members will see that the concerns of parents and infertile people are well addressed.

Mr MINSON: Adding the word "parents" takes care of that problem. I contest what the member has said. I do not think that any mention has been made that parents would necessarily be represented in the make-up of this council. However, clause 9(b) states that the council is to be constituted of equal numbers of men and women. The addition of the word "parents" would make everybody happy.

Mr WILSON: I do not think we are making much of a point at all in seeking to amend this clause in this way. It should be assumed that most of the members of the council will be parents. The Deputy Leader of the Opposition has said that half of the members will be women, but we can assume that more than half of the members will be parents. Also, parents, albeit indirectly, will be represented by the infertile. That ensures that the interests of parents will be well represented on the council. The point that this amendment seeks to introduce - and I think the member for Wagin has accepted this - is that there are specific implications for women. Although half of the people on that council will be women it is valid that a woman whose brief deals with the special concerns of women resulting from the practice of this technology is a member on that council. I do not support the amendment.

Amendment put and negatived.

Mr WIESE: I have indicated that by inserting the word "parents" we would improve the meaning of the clause rather than inserting the word "parents,". In doing that not only do I make the point that parents need to be part of this council, but also parents who have experienced reproductive technology techniques must also be represented on the council. That would vastly improve the representation on that council. I can think of no better group of people to be represented on that council than the parents of children who were born with the assistance of reproductive technology. Such people have experienced the stresses and know about the physical and potential problems that can arise from in vitro fertilisation. They would also be the most suitable people to be discussing the motivation which drives people to undergo the process of in vitro fertilisation. This is an important amendment and will improve the representation on that council substantially. Therefore, I move -

Page 21, line 11 - To insert after "women," the word "parents".

Mr MINSON: I support the amendment. I wonder whether children born of reproductive technology need to be represented and whether it would be more appropriate to have the parents of those children represented on the council. Certainly, the children born of this technology are a fairly select group and unless someone tells them they were born of reproductive technology they will not know. Bearing in mind that the amendment does rule out any representation on the council of the children born of reproductive technology, the insertion of the word "parents" probably goes a long way to meeting the intention of my original amendment.

Whoever is selected to represent women on that council should be someone who has been involved in the in vitro fertilisation program. I say that with some feeling because I have a cousin who has undergone the IVF procedure 11 times, all without success. If someone is to represent the interests of women on that council it is important that it be someone who has

been involved in the program. The clause states that the interests of women must be represented, but the person appointed may not necessarily have been involved in the program. That is the point I was trying to make in my original amendment.

Mr WILSON: The clause states that there must be on the council someone who adequately represents the interests of women. We are not talking about "the children of"; we are talking about "the interests of the children of". The point that is being made is that we should add to that clause the interests of parents along with the other interests that are represented. I have already said that the interests of parents will be represented by the representative of the infertile and by other members of the council who will be parents, with the interests of parents at heart.

If we were to proceed with the amendment moved by the member for Wagin we would exclude from this provision the concerns about the welfare of the children born of reproductive technology. A specific concern would be those of the welfare of the donor children who have concerns about being able to trace their natural parentage.

Mr Minson: Isn't that taken care of by the Department for Community Services representation?

Mr WILSON: The reason for that representation is to ensure that the concerns about the practice of IVF technology are addressed. We should not be limiting in any way the intentions of this provision. I do not support the amendment and I foreshadow an amendment which would result in the clause reading "that the council has available to it from its own membership adequate representation of the interests of women, of parents, of the children born of reproductive technology, and of participants in reproductive technology". It would address the real concern which was not properly addressed in the original amendment proposed by the Deputy Leader of the Opposition or in this amendment moved by the member for Wagin.

Mr MINSON: I agree with the Minister's foreshadowed amendment which would bring us back to where we were previously.

Amendment put and negatived.

Mr WILSON: I move -

> Page 21, line 11 - To insert after "women," the words "of parents".

Amendment put and passed.

Mr MINSON: I move -

> Page 21, line 20 - To insert after the word "women" the following -
>
> > where possible but that the most suitable people should be the overriding consideration

When constituting councils of this type the ideal situation is to have the most suitable people, whether male or female, appointed to them. One should not be preoccupied with what sex the appointees are as long as there is reasonable representation from both.

Mr WILSON: Unfortunately, I cannot accept the amendment. I draw the attention of the Committee to the fact that clause 9(2) states in part -

> In recommending persons for membership of the Council the Minister shall endeavour to ensure that -

The clause is prescriptive only to that degree. The Minister shall only endeavour to ensure that the council is constituted of equal numbers of men and women. I think the understanding the Deputy Leader of the Opposition seeks already exists and that his amendment is unnecessary.

Mr Minson: The Minister is quite right.

Amendment put and negatived.

Mr WIESE: I take the Minister's point. I hope that what the previous amendments foreshadowed is the overriding consideration in subclause (2). However, in lines 25 to 27 paragraph (d) states -

no more than one member of the Council at any time -

(i) is a licensee; or

(ii) is a person who has a pecuniary or other beneficial interest, other than an interest of a prescribed kind, in the practice of the licensee.

What do the words "interest of a prescribed kind" mean? When we are trying to build something into a Bill to pass through this Parliament we should endeavour to spell out exactly what we are trying to achieve. I have some doubt about allowing this interest, whatever it is, and seek clarification of the word "interest" and why that has not been written into the legislation but shall be prescribed by regulation at some time in future. That seems to leave it open for a Minister who wishes to exclude a person not acceptable to him, whom he is not game to spell out in the Bill, to do so by regulation. That means that the beneficial interest of a certain person will prevent that person from being a member of the council. I do not like the potential for that to happen. Why is it included in the Bill?

Mr WILSON: In his endeavours to scrutinise the Bill to the ultimate the member has actually turned this matter right around. This measure is to include someone and not exclude them. It says that no more than one member of the council at any time can be a licensee or a person who has a pecuniary or other beneficial interest other than an interest of a prescribed kind in the practice of a licensee. It has been difficult to foresee on what basis that selection might be made; in other words, on what basis a person should be included because a number of people could be indirectly classed in that category. It is difficult at this stage to imagine who that person or persons may be. It is intended to prescribe this matter in regulations, which will have to come before the House and be subject to scrutiny and objections. The intention is to be able to permit a person to be a member despite the prohibition. That is a difficult matter to deal with in specific form. This could apply, for instance, to councillors in reproductive technology who would have a great deal to contribute to the council but could be seen to have a pecuniary interest in, perhaps, an indirect way. This is not an exclusion clause but seeks to cover a future need to create an exception.

Clause, as amended, put and passed.

Clause 10 put and passed.

Clause 11: Delegation by the Council -

Mr WIESE: Later in the Bill the Minister is given the power to instruct the council on what it shall do. Does this clause give the Minister the power to instruct a council to delegate all its powers to an individual, another public authority or a committee, or to delegate all of its powers or some of the functions vested in the council? I want to be sure the Minister will not have the power to instruct the council to delegate its powers to someone else. If the council may by resolution delegate its powers to a member, committee or the commissioner, and if the Minister has the power to instruct the council to do something, it seems to me that there is power for the Minister to instruct the council to delegate all or some of its powers to other areas. The Minister is setting up a council to oversee and control everything to do with reproductive technology so I would hate to think that on instruction from the Minister, for whatever reason, that power of delegation could be used to delegate all the council's powers to an individual member or a committee that would take over the council's role. It may be because the council is not willing to do what the Minister wants it to do.

Mr WILSON: This is an important issue. I draw the member's attention to the provisions of clause 12. Subclause (3) provides that the Minister, having regard to the objects of the Act, may do certain things; not on a whim. He may give instructions in writing to the council. Instructions may also be given to the commissioner, but that must be "having regard to the objects of this Act". What is envisaged is some dire public health emergency. For instance, it may happen that an adverse effect of the use of IVF drugs is discovered and there is an urgent need to bring that fact to the attention of other practitioners or the public. In those circumstances it is possible to treat that as a matter of great urgency with respect to public health. The member will note that at the top of page 25 there is a circumscribed power of delegation by the fact that if after consultation between the Minister and the council the instruction given is not agreed, or agreed as amended by the Minister, the council may cause a report on the disagreement to be laid before each House of Parliament. That is done without any delay; it can occur immediately. That does not have to wait for the annual report. Due regard has been given to that in the safety net provisions laid down in the Bill.

Mr WIESE: The Minister has verified the point I was trying to make. The Minister could instruct the council to delegate all its powers to an individual or to a committee. I accept the explanation of why that may occur. As I understand it, in the case of delegation by the council to any of these people detailed in paragraphs (a) to (e), that shall be done by a notice published in the *Government Gazette*. From my experience on the Delegated Legislation Committee I have grave doubts about the use of notices and instruments of this nature which are not required to be tabled in the Parliament. It would seem to me that this notice would not be subject to tabling in the Parliament; hence whatever emergency is being dealt with, it may never come before the Parliament unless there is a disagreement as provided for in the next clause and the Minister or the council actually brings the matter before the Parliament. I wonder why the Minister, in subclause (2)(b), is using a notice which is not subject to parliamentary scrutiny but rather a piece of subsidiary legislation.

Mr WILSON: I draw the member's attention to clause 12(3)(b), where there is a requirement for the delegation of powers, and it provides that the text of any such instruction shall be included in the annual report to be furnished. It still must come before the Parliament in that form and be reported in that way.

Mr Wiese: What we are talking about is clause 11(2)(b), which provides for the publication in the *Government Gazette* of a notice giving sufficient particulars to describe the function delegated.

Mr WILSON: I am not sure of the point being made by the member. Is he not satisfied? Is his point essentially that publication in the *Government Gazette* is not adequate notification?

Mr WIESE: The point is that a notice does not come before the Parliament, and the Parliament has no opportunity of reviewing what is being done by way of that notice. I wonder why we are providing for the notice rather than some other form of delegated or subsidiary legislation which requires tabling in the Parliament.

Mr WILSON: In the natural course of events I can respond only by referring the member to page 105 of the Bill, which sets out the provisions for the annual report on reproductive technology. I believe that included under the very wide ambit of those requirements, paragraph (b)(ii) contains provision for the reporting of any other matter within the responsibilities of the council or the commissioner to be included in the annual report to the Parliament. I think the net is wide enough to encompass such reporting to the Parliament of what would be quite a significant notice which had originally been published in the *Government Gazette*; therefore I feel that we have covered the sort of eventualities about which the member is concerned.

Clause put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr Wilson (Minister for Health).

BILLS (2): MESSAGES

Appropriations

Messages from the Governor received and read recommending appropriations for the purposes of the following Bills -

1. Treasurer's Advance Authorization Bill
2. Health Amendment Bill

CONSERVATION AND LAND MANAGEMENT AMENDMENT BILL

Returned

Bill returned from the Council with amendments.

SITTINGS OF THE HOUSE

Wednesday, 12 June - Thursday, 13 June

MR PEARCE (Armadale - Leader of the House) [4.23 pm]: Next week is the last

scheduled week of the autumn session of the Parliament. Normal practice has been to suspend grievances and private members' business and to move into a more comprehensive regime of sittings. The Government has not sought to do that on this occasion because we propose to allow legislation to lie over to the spring session. As members who have paid close interest to the Bill before the House a few moments ago would know, progress has not been rapid with some aspects of the Government's legislative program. Although it is not our intention to suspend private members' day, or anything like that, it is likely that members will be asked to sit on Wednesday evening next week; and on Thursday I cannot guarantee a 4.30 pm close because we must reach a fixed stage of business - including the passage of the Human Reproductive Technology Bill and the East Perth Redevelopment Bill, as well as others - before the House rises at the end of the autumn session.

Mr Blaikie: Is the Leader of the House indicating that the House might sit after tea on Thursday?

Mr PEARCE: That is a possibility, depending on the arrangements behind the Chair. We will seek to avoid that. However, members should be prepared to sit on Wednesday night next week, and they should be prepared to sit after 4.30 pm on Thursday - depending on how things work out.

Mr Blaikie: Will the Leader of the House ensure that grievances are heard?

Mr PEARCE: We do not propose to interfere with grievances or private members' day. To compensate for that, members should be prepared to sit Wednesday evening and perhaps later on Thursday next week.

Mr Blaikie: In the days of John Tonkin, progress of the House depended on the cooperation of the Government.

Mr PEARCE: In this case, it depends on the cooperation of the Opposition. The Government is quite happy to pass all of its legislation by 4.30 pm next Thursday, without sitting Wednesday night. If Opposition members wish to cooperate with that program, there will be no problems.

Mr Blaikie interjected.

Mr PEARCE: I understand what the Opposition Whip is saying, but as on many previous occasions I am turning this back on him.

House adjourned at 4.26 pm

QUESTIONS ON NOTICE

CONSERVATION AND LAND MANAGEMENT DEPARTMENT - KARRI FOREST
Logging Figures 1989 - Publishing Date

488. Mr HOUSE to the Minister for the Environment:

When did the Department of Conservation and Land Management publish the 1989 figures for karri forest logging?

Mr PEARCE replied:

The 1989 figures for karri forest logging were published in the 1989-90 annual report of the Department of Conservation and Land Management. The document was tabled in the Legislative Assembly on 27 November 1990.

TERTIARY INSTITUTIONS - CLEVER COUNTRY RESEARCH FUNDS
Western Australian Applications Failure

693. Mr COURT to the Minister for State Development:

(1) Why did not Western Australia receive any first round allocations awarded to tertiary institutions across Australia as a part of the Federal Government's clever country funds for research purposes?

(2) Were Western Australian applications not strong enough?

(3) Has Professor Ralph Slayter, the Prime Minister's adviser on these matters, visited Perth to explain the failure of the Western Australian applications?

(4) If yes, what action has he suggested to ensure that we get our fair share of research funding?

Mr TAYLOR replied:

(1)-(2)

It is understood the Cooperative Research Centre committee perceived Western Australia's proposals to have shortfalls in terms of the quality and number of researchers and research infrastructure in Western Australia. Western Australia had three proposals in the final 32 for selection. These proposals were considered to be of high standard. The State Government had pledged support worth up to $5 million to those projects which were successful from WA; that is far more than any other State pledged. The Federal Government has stated that the support offered to the projects was generous and would play a major part in securing at least one CRC.

(3)-(4)

In an immediate response to the announcement that WA had not received a CRC, I made a request to the Federal Government that those concerned in the selection process should come to WA and explain why our proposals were not acceptable. Although Professor Ralph Slayter, the Chief Scientist, was overseas during the past month, the secretary to the CRC committee, Dr Dubs, visited Perth for detailed briefings for three days, 8 to 10 May inclusive. Furthermore, members of the CRC panel have visited specific project teams over recent times.

Areas of emphasis in the second round CRC proposal will include -

Stronger CSIRO linkage
Industry associated support
Simple but workable management structure.

JUVENILE REMAND CENTRE - MURDOCH PROPOSAL
Construction Commencement Date

701. Mr LEWIS to the Minister for Community Services:

(1) What is the expected date that any works will commence on the construction of the juvenile remand centre at Murdoch?

(2) Can the Minister confirm that the site set aside for the remand centre as referred is zoned appropriately in the metropolitan region scheme for the intended land use?

Mr RIPPER replied:

(1) If there are no unanticipated delays, forward earth works in particular, relocating a high pressure gas main will proceed in July 1991.

(2) The Minister for Planning has advised that the land set aside for the remand centre is shown on the metropolitan region scheme map as being within a reservation for public purposes; a classification appropriate to land required for Government buildings and facilities.

TOTALISATOR AGENCY BOARD - STAFF RETIREMENT FUND
New Members Closure Directive

749. Mr TRENORDEN to the Premier:

(1) Which former Premier directed that the Totalisator Agency Board staff retirement fund be closed to new members?

(2) Why was the directive issued and why was it issued by the Premier rather than the Minister for Racing and Gaming?

(3) How long prior to the directive did the Government know of the manner in which the fund was being operated?

(4) (a) Was the TAB paying money into the fund at the time that the directive was issued;

(b) if so, was any directive issued that this practice cease?

(5) Will the Premier table the former Premier's directive that the fund be closed to new members and any other directive made in relation to the fund?

(6) (a) Was any action taken by the former Premier other than issuing the directive that the fund be closed to new members;

(b) if not, why not?

Dr LAWRENCE replied:

(1) The directive was issued on 1 December 1987 by the then Minister for Labour, Productivity and Employment.

(2)-(3)

The directive was issued to advise that Government had taken the decision to expand coverage of the Government employees superannuation fund to all public sector employees. As stated in the directive there were two reasons; firstly, the Government was concerned about the divergence of superannuation benefits within the public sector; and, secondly, there was a need to resolve the outstanding three per cent productivity award.

(4) (a) Yes.
(b) No.

(5) The directive is tabled.

[See paper No 346.]

(6) (a) No other action was taken by the then Minister for Labour, Productivity and Employment.

(b) The directive was explicit and related to specific superannuation matters.

RAILWAYS - WOODCHIP TRAINS
Lambert-Bunbury Timetable Changes

808. Mr OMODEI to the Minister for Transport:

(1) Will the Minister advise whether the State Government intends to change the timetables for chipwood trains between Bunbury and the Lambert chipwood terminal?

(2) (a) If yes, will the Minister give reasons for this change of practice;

(b) if not, why not?

(3) Does the State Government intend to change -

(a) the size of chipwood trains, ie, number of wagons;

(b) the number of locomotives hauling these chiptrains;

(c) if yes, will the Minister give reasons for these changes;

(d) if not, why not?

(4) If the State Government does carry out the aforementioned changes, will the Minister advise the socioeconomic impact of these changes to -

(a) Westrail staff;

(b) the south west of Western Australia;

(5) (a) Will the Minister advise of any potential changes to Westrail's Manjimup depot as a result of these decisions;

(b) if not, why not?

Mrs BEGGS replied:

(1)-(5)

Westrail's freight train operations are arranged to best meet the requirements of its freight customers and all major bulk hauls are constantly being examined with a view to improving train reliability and performance. The woodchips traffic from Lambert to Bunbury Harbour is one of the major bulk hauls currently under review.

I understand Westrail is currently negotiating with its customer in regard to the woodchips transportation task between Lambert and Bunbury and the examination will be completed towards the end of this year. It is too early to predict the outcome of the negotiations.

LAND ADMINISTRATION DEPARTMENT - MIDLAND RELOCATION

Office Space

819. Mr LEWIS to the Minister for Lands:

(1) Is the building to be constructed at Midland into which it is proposed to move the Department of Land Administration designed and to be purpose built for DOLA?

(2) How many square metres of lettable area are to be leased by DOLA or Government?

(3) What are the total period of lease or commitment by Government to rent the premises inclusive of lessee or lessor options.

(4) What is the dollar rate per square metre as averaged over the whole lease agreement in the initial lease period?

(5) What is the date of the first and subsequent rent reviews/variations throughout the entire lease commitment?

(6) Are the rent reviews structured to a CPI or percentage increase and, if so, what are the scheduled or structured increases over the lease period?

Mr D.L. SMITH replied:

(1) Yes.

(2) The area of the building is yet to be finalised but the lettable area will be approximately 20 000 square metres.

(3) 20 years.

(4) The financial arrangements are not yet finalised but the rent will be less than $250 per square metre, including fit-out and relocation costs, in the initial

lease period commencing late 1993/early 1994. Fit-out and relocation costs are estimated to be approximately $60 per square metre per annum, with net rent of less than $200 per square metre per annum.

(5) Beginning one year after the commencement of the rental period, rent reviews will occur annually.

(6) (a) CPI.

(b) An annual rate of CPI increase of six per cent has been assumed for the purposes of financial analysis.

PERTH MINT - SUPERANNUATION PAYMENTS

823. Mr COURT to the Minister for State Development:

Does the Perth Mint pay its superannuation payments to former employees from a fund or from its current operating capital?

Mr TAYLOR replied:

The only superannuation payments made by Gold Corporation and its subsidiaries are pensions paid to those former employees of the Perth Mint and its predecessor, the Perth branch of the Royal Mint, who opted in 1970 to remain under Imperial conditions of employment following acquisition of the mint by the Western Australian Government. There are currently nine pensioners and the monthly cost is $6 396, of which $5 690 is recovered from State Treasury. The net cost is met from operating revenue. The last employee in this category retired in 1985.

Superannuation payments to other Western Australian Mint former employees are the responsibility of the Government Employees Superannuation Board. Gold Corporation employees are entitled to membership of the GC Superannuation Fund and payments are made from that fund.

GOVERNMENT DEPARTMENTS AND AGENCIES - CLOTHING
Local Manufacturers' Supply

834. Mr COURT to the Minister for State Development:

(1) Is Western Australian industry capable of supplying clothing for Government departments that meet the competitive requirements related to -

(a) price;

(b) delivery times;

(c) quality?

(2) If yes, what encouragement is being given to the local manufacturers to fulfil the Government's clothing requirements?

Mr TAYLOR replied:

(1) In the large majority of cases Western Australian companies have been competitive on price, delivery time and quality in supplying clothing to Government departments.

(2) Since 1986 the State Government has been carrying out a series of reforms of public sector purchasing policies and procedures with the aim of increasing local industry involvement in Government contracts. Besides the 10 per cent price preference, initiatives include supply of forward purchasing plans and introduction of a quality policy. Further, the new Supply Commission legislation will improve tender assessment procedures by including an increased emphasis on local content. The clothing industry will continue to benefit from these innovations.

A further means of encouragement given to local manufacturers has been through the textile, clothing and footwear NIES program which provides a comprehensive range of services to assist them to improve their competitiveness. Field officers from the Department of State Development

have ongoing contact with local TCF companies to encourage and assist them to access these services. One highly relevant service for the TCF industry is the provision of an expert engineering consultant to assist companies to improve their manufacturing techniques.

AGRICULTURE PROTECTION BOARD - CHEMISTRY INDUSTRY FUNCTIONS
Officer Attendance Sponsorship

844. Dr ALEXANDER to the Minister for Agriculture:

(1) Has the chemical industry or members of the chemical industry paid Agricultural Protection Board officers to attend -

(a) conferences;

(b) meetings;

(c) study tours;

(d) other excursions;

including -

(i) travel costs and or;

(ii) accommodation and/or;

(iii) meals?

(2) If yes, how can the Agricultural Protection Board remain independent of chemical industry influence?

Mr BRIDGE replied:

(1) There has been no sponsorship by chemical companies for Agriculture Protection Board officers to attend conferences, meetings, study tours or other excursions. APB officers do attend seminars, conferences and meetings where meals may be provided by chemical companies.

(2) Support for such functions is a regular practice in the chemical industry and in no way affects the professional integrity of officers of the APB.

STATE DEVELOPMENT DEPARTMENT - *PROSPECT* MARCH-MAY 1991
"Caustic Soda the Missing Link" Article

851. Mrs EDWARDES to the Minister for State Development:

Referring to the March-May 1991 edition of *Prospect* issued by the WA Department of State Development; and in particular to the article at page 19 headed "caustic soda: the missing link", does the Minister support the statements made in that article?

Mr TAYLOR replied:

It is not clear which statements in the article the member refers to. If she wishes to ascertain my support for the fundamental proposition in the article that a very significant import replacement and value added processing opportunity exists via the caustic soda demand of our mining industry, the answer is yes.

AGRICULTURE PROTECTION BOARD - CHEMISTRY INDUSTRY FUNCTIONS
Officer Attendance Sponsorship

854. Dr ALEXANDER to the Minister for Agriculture:

(1) Further to question 563 of 1991, what were, between 1 January 1988 and 1 May 1991, the -

(a) conferences;

(b) meetings;

(c) study tours;

(d) other excursions;

which Western Australian Department of Agriculture officers attended sponsored by chemical companies (please specify name, purpose, place, duration of each conference/meeting/tour or excursion)?

(2) What was the direct value of each sponsorship listed in response to (1)?

(3) (a) Was there indirect financial support from the chemical industry for any of the sponsored officers;

(b) if yes, please specify?

(4) Which were the chemical companies which sponsored the officers?

(5) What are the names of the officers sponsored?

Mr BRIDGE replied:

(1)-(4)

The international and interstate conferences/seminars/meetings attended by officers of the Department of Agriculture with costs contributed by chemical companies are as follows -

	TOPIC	VENUE	COMPANY	COSTS
1	Control of Haemonchosis in Sheep	Series of Farmer meetings in SA	Smith/Kline Beecham	(1) Economy air fare + 5 days accomm
2	Caseous Lymphadenitis	International Conf. in Copenhagen	C/wealth Serum Labs	(1) Economy air fare + 6 days accomm
3	Caseous Lymphadenitis	Seminars in Melbourne and Launceston	C/wealth	(1) Economy air fare + 2 days accomm
4	Control of Haemonchosis in sheep	Series of farmer meetings in NSW	Smith/Kline Beecham	(1) Economy air fare + 4 days accomm
5	Anthelmintic combination	Seminar in Melbourne	Hoechst	(2) Economy air fares + 2 days accomm
6	Anthelmintic resistance	Seminar in Sydney	Syntex	(1) Economy air fare + 1 day accomm
7	External parasites of sheep	Seminar in Melbourne	Hoechst	(6) Economy air fares + 2 days accomm
8	Independent Agric Marketing Aust meeting of Agronomists	Seminar in Melbourne	SBS (Rural)	(1) Economy air fare + 2 days accomm

Numerous intrastate conferences/seminars/meetings have been organised by the department, chemical companies and other organisations, at which meals and stationery may be provided by the companies.

(5) I will provide the member with a list of the officers involved in international and interstate travel.

COMMERCIAL TENANCY LEGISLATION - REVIEW
Amendments Inclusion

863. Mr MacKINNON to the Minister for Consumer Affairs:

Does the Government's recently announced review of commercial tenancy legislation take into account the most recent amendments to that legislation?

Mrs HENDERSON replied:

Yes. It was decided that the review process should proceed with due recognition and consideration of the amendments. Consultation with industry has taken place progressively over the last six months; that is, since the amendments.

SCHOOLS - PINJARRA SENIOR HIGH SCHOOL
Tennis Courts Construction

864. Mr MacKINNON to the Minister representing the Minister for Education:

(1) When were the tennis courts at the Pinjarra High School constructed?

(2) What was the cost of that construction?

(3) Are the courts currently in use?

(4) If not, when does the Government plan to make these courts useable?

(5) If not, why not?

Dr GALLOP replied:

(1) Work commenced in May 1985 and was completed in November 1985.

(2) $83 000.

(3) No.

(4)-(5) The work is listed for attention and will be fully considered as part of the 1991-92 works program.

WATER AUTHORITY OF WESTERN AUSTRALIA - SEWERAGE, GERALDTON
Reticulated Sewers - Backlog Sewerage Program

872. Mr LEWIS to the Minister for Water Resources:

(1) How many properties in the designated metropolitan area of Geraldton as referred in the Water Authority of Western Australia's 1990 annual report do not have access to reticulated sewers?

(2) Referring to (1) what is the per centum figure of unsewered properties to total properties?

(3) How many properties have been serviced by reticulated sewers by the WAWA backlog sewerage program in the following financial years -

(a) 1986-87;

(b) 1987-88;

(c) 1988-89;

(d) 1989-90;

(e) 1990 to 31 May 1991?

(4) Referring to (3) what was the actual expenditure on the backlog sewer program in the years referred?

Mr BRIDGE replied:

(1) 10 161 - as at 3 May 1991.

(2) 84.7 per centum.

(3) It is not possible to identify properties serviced by the backlog program without a manual search of individual subdivisional files. Therefore the details presented below represent the total number of additional properties serviced by the backlog program, mains extension and subdivisional development -

(a)	86-87	84	properties
(b)	87-88	79	properties
(c)	88-89	167	properties

(d) 89-90 392 properties
(e) 90-91 398 properties - as at 3 May

(4) Expenditure on the backlog component - excluding subdivisions - is -

(a) 86-87 Not readily available
(b) 87-88 $306 000
(c) 88-89 $267 000
(d) 89-90 $1 195 000
(e) 90-91 $1 811 000 - to May 1991

ALEXANDER REPORT - ABORIGINES, REMOTE AREAS
Safety in Emergency Situations Recommendations

879. Mrs BUCHANAN to the Minister for Aboriginal Affairs:

(1) Is work continuing on implementation of the recommendations of the Alexander report on safety in emergency situations for Aboriginal people located in remote areas of Western Australia?

(2) If so, is it the intention of the Government to implement all the recommendations of the report?

(3) If not, which ones will be implemented?

(4) Have any of the report recommendations already been implemented?

(5) If so, which ones are they?

Dr WATSON replied:

(1) Yes.

(2)-(3)

An implementation strategy in response to the recommendations contained in the report was prepared by the Aboriginal Affairs Planning Authority in January 1991. The strategy has been distributed widely for input from a range of Government agencies and I propose to submit a final strategy to Cabinet based on the responses which are received. I am confident that the implementation strategy will appropriately respond to all of the recommendations made by Mr Alexander.

(4) Yes.

(5) Roads, communications and housing received considerable attention in the report and the Aboriginal Affairs Planning Authority has been working closely with staff in these departments to lay the groundwork for action. I have asked the AAPA to forward a copy of its implementation strategy for the member's information.

MEMBERS OF PARLIAMENT - FORMER MEMBERS
Legal Representation, Accommodation, Travel Expenses

881. Mr BRADSHAW to the Premier:

(1) Do former Premiers, former Ministers and former members of Parliament have their expenses such as legal representation, accommodation and travel paid?

(2) If so, on what basis?

Dr LAWRENCE replied:

(1)-(2)

It is assumed that the member is asking this question with respect to the Royal Commission. Accordingly, I refer the member to answers to Legislative Assembly questions without notice 418 on 8 May 1991, 174 on 30 May 1991 and Legislative Council question without notice 295 on 8 May 1991.

DROUGHT - TRANSPORT CONCESSIONS
Drought Stricken Stockholders

883. Mr HOUSE to the Minister for Agriculture:

(1) Given that transport concessions have been excluded from the Federal Government's drought relief policy, will the State Government consider implementing this kind of assistance to drought-stricken stock-holders?

(2) If not, why not?

Mr BRIDGE replied:

(1) The issue of State drought relief policy will be considered following the meeting of rural adjustment scheme Ministers in July.

(2) Not applicable.

COCKCHAFERS BEETLE - WHEAT
Harvey-Tincurrin Area

884. Mr HOUSE to the Minister for Agriculture:

(1) How serious is the recent discovery of the beetle cockchafers in the Harvey-Tincurrin area to the wheat crops?

(2) What steps is the Department of Agriculture taking to deal with this pest?

Mr BRIDGE replied:

(1) A small number of farms in the Tincurrin area have been seriously affected, with some entire plantings destroyed. The pest species is native to Western Australia and hence no research data are available from elsewhere. Damage in the Narrogin Shire in 1989 was estimated at $500 000, with wheat, lupin, barley and oats all affected. Adult beetles have been found between Geraldton and Esperance so there is the potential for damage over a wider area.

(2) A research team has been assigned to this problem using funds provided by the Wheat Industry Research Committee. Trials were carried out against the larvae in 1990 and are being continued this year to try and establish control methods for this insect. Light trapping of adult beetles has been carried out using 20 light traps distributed between Geraldton and Esperance since December 1989. Studies into the biology and habits of all stages of the insect's life cycle are continuing.

ABORIGINAL HOMES DEVELOPMENT ASSOCIATION INC - GOVERNMENT SUPPORT

887. Mr MacKINNON to the Minister for Aboriginal Affairs:

(1) What support has the Government given in the last two financial years to the Aboriginal Homes Development Association Inc?

(2) What was the purpose of the support?

(3) Has the Government received any submissions from the Development Association?

(4) If so, what was the nature of those submissions?

(5) What has been the Government's response to those submissions?

Dr WATSON replied:

(1) $614 640.

(2) Seed funding for the two year 'set up' activities associated with Aboriginal home building initiatives targeted to employ approximately 200 Aboriginal people.

(3) Yes.

(4) (a) The initial submission for funding to assist the establishment of the Aboriginal Homes Development Association.

(b) A submission seeking short term bridging finance to fund the manufacture of emergency accommodation for Kurdish refugees and UN requirements in Kuwait.

(5) (a) Approved.
(b) Not funded.

ROTHWELLS LTD - GOVERNMENT RESCUE
Labor Party Funds Deposit

901. Mr COURT to the Premier:

Did the Labor Party or any of the Leader's accounts associated with the Premier have funds deposited with Rothwells when the Government participated in the rescue of this organisation in 1987?

Dr LAWRENCE replied:

These questions do not come within my portfolio responsibilities. See Standing Order 106. However, if the member wishes to amend the Government's Electoral Amendment (Political Finances) Bill to provide that political parties should reveal where funds are deposited, the Government will give consideration to the matter. The member's desire for disclosure in relation to these matters stands in contrast to his leader's written commitments to potential Liberal Party donors that their donations would not be disclosed.

ROYAL COMMISSION INTO COMMERCIAL ACTIVITIES OF GOVERNMENT AND OTHER MATTERS - EMPLOYEE STATISTICS

905. Mrs BUCHANAN to the Premier:

(1) How many persons are employed as part of the Royal Commission into Commercial Activities of Government and Other Matters?

(2) Would the Premier table a list of the officers concerned?

Dr LAWRENCE replied:

(1) Including the commissioners and the counsel assisting a total of 106 people are employed by the commission.

(2) The commission has advised that having regard to the nature of the Royal Commission and for security reasons it is not considered appropriate to table a list as requested.

ROYAL COMMISSION INTO COMMERCIAL ACTIVITIES OF GOVERNMENT AND OTHER MATTERS - LABOR PARTY DONATIONS
Premier's Awareness

911. Mr MacKINNON to the Premier:

(1) Was the Premier aware, either directly or indirectly, of all or any or some of the details of the donations to the Labor Party and/or to Hon. Brian Burke, as revealed in the recent evidence given to the Royal Commission into Commercial Activities of Government and Other Matters?

(2) If so, how did the Premier become aware of that information; for example, was the Premier informed at a Cabinet meeting or elsewhere?

Dr LAWRENCE replied:

Please see reply to question 728.

QUESTIONS WITHOUT NOTICE

STATE GOVERNMENT INSURANCE COMMISSION - TURNBULL AND PARTNERS
Government Payment

212. Mr MacKINNON to the Minister for Microeconomic Reform:

When will the Government supply to this Parliament details of the

consultant's fees paid by the State Government Insurance Commission and the State Government Insurance Office to the Whitlam Turnbull Investment Bank - now called Turnbull and Partners - for the years 1987 to 1991 inclusive?

Dr GALLOP replied:

When the Leader of the Opposition has asked questions on this matter, he has addressed them to me as Minister for Microeconomic Reform; however, I answer the question in my capacity as Minister assisting the Treasurer.

In reply to the question, the Government will do that very thing when it does that very thing. As the Treasurer indicated last night, the Government has received advice to the effect that it would not be desirable to reveal such information for reasons relating to the fact that all sorts of consultants are taken on board by those agencies of Government that work in the marketplace. As the Treasurer said, the Government is going back to the SGIC and asking about that matter and, when I receive that advice, I will consider it further.

Several members interjected.

The SPEAKER: Order! If members want question time to continue for a further 27 minutes, they have the ability to achieve that but it is totally in their hands. If they demonstrate that they do not want question time to continue, I shall be happy to proceed to other business of the House.

UNEMPLOYMENT - STATISTICS
Significance

213. Dr EDWARDS to the Treasurer:

I understand that the monthly labour market statistics were released today. Will the Treasurer please tell the House what they indicated?

Dr LAWRENCE replied:

It is important when the news is good to inform the House of that because we have all been deeply concerned about the question of unemployment and the apparently continuing growth in unemployment. While I would not want anyone to regard the figures released today as a signal of rapid and immediate change, they do give cause for hope. There has been a significant improvement in the labour market Australia-wide, particularly in Western Australia.

Mr Kierath: Are you claiming credit for that?

Dr LAWRENCE: Did I say that?

Mr Pearce: If you will not give the Treasurer credit for the improvement this month, do not blame her for last month's figures. Be consistent about it.

Dr LAWRENCE: Politicians on both sides of the House need to be realistic about the forces that operate on the economy, and, as Treasurer, I am certainly not about to say that the improvement in employment figures in this State is solely the result of the activities of the Western Australian Government. I am not stupid, although the member for Riverton may wish to suggest that I am.

Mr Court interjected.

Dr LAWRENCE: That is probably a reflection on the member and not on me. The good news is that Western Australia recorded the highest number of new jobs created compared with other States. That is why I feel optimistic, and I have been saying that in various sectors of the community. We cannot overstate what is happening, but the Western Australian economy is fundamentally sound, investment is going on, and entrepreneurs are clearly involved in wealth and job creation at the moment. A total of 8 000 new jobs were created in May, following the creation of 6 400 new jobs in April. The significance of that is that the April figure represents 60 per cent of the total,

and the May figure accounts for 8 000 of the 13 000 total number of jobs. The only other place where that number of new jobs were created in that way was in New South Wales. Therefore, this fact is of special significance to the long term employment trend series, which is, as I said, heading in the right direction.

On the other side of the ledger, although there has been growth in employment, there has also been a reduction in unemployment, and in Western Australia that number dropped by some 9 700 during May; our unemployment rate is now at 10 per cent. None of us takes any pleasure in that figure - it is still far too high - but it is moving in the right direction. The new jobs which have become available during May are mainly in the mining, finance and manufacturing sectors.

Along with that list, there is also reason for some mild, if muted, optimism. There have been increases of over 10 per cent in motor vehicle registrations, retail sales and housing approvals, and Western Australia's inflation rate is the lowest in the country at 3.9 per cent for the March quarter. That will have a significant impact on business confidence, and that should start to flow through into the labour market toward the end of the year. In addition, the ANZ job vacancy series data shows a rise of 12.2 per cent in advertised job vacancies in May, following a rise of 9.2 per cent in April. As members can see, there is a trend toward improvement in all these indices.

Just as a footnote, I am pleased that there has been a decline in youth unemployment, along with a decline in the total unemployment figures, from 27 per cent to 25 per cent from April to May. We now have the second lowest youth unemployment rate of all the States, and it is significantly lower than the national average. Again, the figure is far too high, but it is important that we recognise, and communicate to the community, that all is not doom and gloom. Some signs of recovery are evident and, particularly in unemployment where people suffer desperately when they lose their jobs, there is some light at the end of the tunnel.

MT LESUEUR NATIONAL PARK PROPOSAL - COCKLESHELL GULLY ROAD
Dandaragan Shire Council's Gravel Needs Meeting

214. Mr COWAN to the Minister for the Environment:

With regard to the Government's proposal to declare the Mt Lesueur area a national park, has the Minister met with the Shire of Dandaragan to try to resolve the impasse relating to the accessibility of gravel for the shire, or to come to some alternative arrangement with the shire to undertake maintenance, either by the Main Roads Department or by the Department of Conservation and Land Management, of the Cockleshell Gully Road?

Mr PEARCE replied:

I had a meeting this morning in Parliament House with officers from my respective departments and with my ministerial officers with regard to this matter, and out of that meeting a package of proposals concerning the Dandaragan Shire Council's gravel needs is being put together. I have asked my officers to arrange a meeting in Parliament House next Tuesday with representatives of the Shire of Dandaragan in order to try to finalise this matter.

POLITICIANS - TRUTH COMMITMENT
Democratic Principle

215. Mr MINSON to the Premier:

(1) Does the Premier agree with me that a commitment to truth by leaders in politics is an important democratic principle?

(2) If so, will the Premier join with me in condemning Prime Minister Hawke for his admission that he deliberately misled the Australian people prior to the last election?

Dr LAWRENCE replied:

(1)-(2)

I will be prepared to do that when I can extract a guarantee from members opposite that they will always tell the truth, the whole truth and nothing but the truth.

ABORIGINES - COUNCIL FOR ABORIGINAL RECONCILIATION

216. Mr CATANIA to the Minister for Aboriginal Affairs:

Is the Minister aware of a Council for Aboriginal Reconciliation which was agreed to in Federal Parliament yesterday?

Dr WATSON replied:

Yesterday evening, quite a historic occasion was celebrated in the House of Representatives when, after the passage of this legislation through that House, members of the Opposition shook hands with members of the Government to mark the beginning of the "Decade of Reconciliation" between Aboriginal and non-Aboriginal Australians. I look forward to the same kind of cooperation here, and next Wednesday I shall be meeting with the newly constituted State Advisory Council on Aboriginal Affairs, which will address the ways in which Western Australians can contribute to that process of reconciliation in our State.

The Federal council will have 25 members, and its main purpose will be to transform the relationship between Aboriginal and non-Aboriginal Australians. Beginning with this legislation will be a whole decade of reform and social justice for Aboriginal people. It is very important to emphasise that this process is not designed to engender guilt about the past but to create an understanding of the important contribution that Aborigines and Torres Strait Islander people make to us all in Australia. We have a number of significant changes to implement in the recommendations in the report of the Royal Commission into Aboriginal Deaths in Custody. The representations go to the heart of reconciliation. I congratulate my Federal colleagues, the Prime Minister, and particularly Robert Tichner, for the diligence with which they have worked towards getting Opposition support and the support of a range of national bodies. I congratulate them also for their diligence and vision, and I look forward to working with my colleagues on the other side of this House in this very important task ahead of us.

UNDERWATER WORLD SENTOSA, SINGAPORE - OPENING
Minister for State Development's Attendance

217. Mr COURT to the Minister for State Development:

(1) When the Minister attended the opening of Sentosa Underwater World in Singapore recently, was he in Singapore on business related to his portfolio of State development?

(2) If yes, what was his business?

Mr TAYLOR replied:

(1)-(2)

I did not actually attend the opening of Underwater World, but I was in Singapore as a guest of the International Institute of Gas Technology. I attended a gas conference related to South East Asia which was sponsored by Tokyo Gas and Osaka Gas, two major users of our North West Shelf gas, and I presented one of the main papers there, which was related to gas developments in Western Australia. I took the opportunity to visit our tourism people up there, and people associated with other aspects of Western Australian business. Before I caught the plane back that night I found time to go to Underwater World, and it happened to be the day Underwater World opened. I was very pleased to see that it was a very good development, and the Minister has indicated how successful it has been to date.

LAW AND ORDER - CRIME CONTROL
Opposition's Attitude

218. Mr GRAHAM to the Premier:

Can the Premier comment on recent Opposition claims that crime in Western Australia is running out of control, particularly the member for Geraldton's assertion that law and order in this State is a joke?

Dr LAWRENCE replied:

When I first came into this Parliament in 1986 I was dismayed at the Opposition's attitude to the question of law and order and crime control. It has always been politically exploitative and based on cheap point scoring. The Opposition has made an art form of sensationalising law and order issues, either in particular campaigns or in general. I am pleased that today we have the opportunity for the first time in a comprehensive way to bring some balance to the debate in the public arena, if not in the Parliament.

I refer to the release today of a landmark report from the crime research centre at the University of Western Australia. That report brings together for the first time uniformly collated statistics from our police, courts, and prison system to provide a cohesive and comprehensive picture of crime and justice in this State. I recommend that if members opposite are to talk about these matters - and they are important to the community and they need to be the subject of constant scrutiny - they use this sort of data as the basis for discussion.

I understand that in releasing that document, the first of what will be an ongoing series, Professor Harding has put the crime problem in proper perspective. No member of this House wants to see crime run out of control and justice not being done, so it is illuminating to see what this eminent criminologist has said about this first set of statistics. Professor Harding said serious crime -

> . . . in this State is running at levels which are at, or about, the Australian average, and which are still reasonably low by international standards; that the police are still clearing up serious crime at rates which are well up to national and international standards; and that the courts are treating serious crime seriously in the sense that they are sentencing those offenders to imprisonment more often than any other group of offenders . . .

So, far from law and order being a joke, as the member for Geraldton has suggested both in this House and elsewhere, at least one independent observer suggests that, while all of us would want to do better, it is not fair to describe the situation as being out of control. I think members opposite should start to treat this issue seriously instead of as a political football.

Government members: Hear, hear!

LOCAL GOVERNMENT - BOUNDARIES
Changes - Country Shire Councils Association, Great Eastern Ward

219. Mr HOUSE to the Minister for Local Government:

(1) Did the Minister give an assurance to the great eastern ward of the Country Shire Councils Association on 24 April that he would not interfere in the distribution of local authority ward boundaries?

(2) If yes, why has the Minister written to a number of local authorities instructing them to alter their ward boundaries by 1 November?

Mr D.L. SMITH replied:

(1)-(2)

No, I did not give any such assurance.

Mr Cowan: You did so!

Mr D.L. SMITH: The Leader of the National Party was not there.

Mr Cowan: But a number of other people were.

Mr Pearce: One of the people there was the Minister, and he knows.

Mr D.L. SMITH: What I did say was that I would not be draconian in my approach to ward boundaries. There is a marked difference between not being draconian and accepting some of the boundaries that are apparent in country areas, where in some cases 70 per cent of the councillors represent less than 30 per cent of the electors.

DEFENCE - WESTERN AUSTRALIAN WORK

220. Mr MARLBOROUGH to the Minister for State Development:

Could the Minister inform the House on the level of defence related work which is being done by Western Australian companies?

Mr TAYLOR replied:

Yes, I am very pleased to inform the House about this issue and I am well aware of the member for Peel's particular interest in these matters, given the amount of defence industry work undertaken in his electorate. In Western Australia today, millions of dollars worth of defence related work employing hundreds of Western Australians is taking place. We know that because I recently requested that the Department of State Development conduct a survey of companies to determine what level of success they have had in securing defence related work in this State. That survey shows quite a number of coups for Western Australian companies in this area, and those results are most encouraging.

I will give the House an idea of some of the projects being undertaken in Western Australia in this area. For example, we are building 236 Cleveland Mark 2 light assault craft; we are undertaking the prototype development and follow on building program for four landing craft/vehicle personnel for the Navy, worth $2.2 million; and we have contracts connected with the Collins Class submarine project, including the supply of special valves, parts of the periscope, and the torpedo launching system. A good deal of work is being done in relation to resource and communication systems for the Army, and construction works worth approximately $12 million are under way at Garden Island, as you would be aware, Mr Speaker. As well, a four month, $3 million refit of HMAS *Moresby* is being undertaken, as is $2.4 million worth of work on HMAS *Swan*, a $1 million refit on HMAS *Geraldton*, and the HMAS *Westralia* maintenance and enhancement program. A land/submersible PC 1804 to operate on the deck of HMS *Protection* in a submarine rescue role is being constructed in this State; we are undertaking the production of nine propellers, worth $60 000 each, for the frigates being built in the Eastern States, and we have a maintenance contract on the RAAF's Pilatus PC 9 training aircraft. All in all, those few examples of the sorts of defence related work being undertaken in Western Australia indicate that Western Australia is very well prepared to carry on this kind of work. The Federal Minister for Defence, Senator Robert Ray, said last week that the two ocean defence policy is well and truly on track, and Western Australia will get a very good share of that sort of defence work. I am pleased with the result and we will continue to work hard to see that we can go even further.

Mr Court: But that is still not our fair share, is it?

Mr TAYLOR: No, it is not.

ROYAL COMMISSION INTO COMMERCIAL ACTIVITIES OF GOVERNMENT AND OTHER MATTERS - EMPLOYEE STATISTICS

221. Mr THOMPSON to the Premier:

Yesterday I forwarded details of my proposed question to the Premier. I am aware that yesterday in the Legislative Council a substantial part of the question I now pose to her was answered. I seek additional information regarding the costs associated with the running of the Royal Commission.

(1) How many people are employed by the Royal Commission?

(2) Is an increase expected in the number of people employed?

(3) If so, what will be the increase in that number, and for what duration?

(4) Is there any limit on the amount that may be expended on this inquiry?

Dr LAWRENCE replied:

(1)-(4)

To answer the last question first, the limit is really set by Parliament. We have had to anticipate this year's result and we made a notional allocation of $5 million. That has been exceeded already - and will be available by the end of the financial year. We will be deliberating the specific additions in the Budget. We are the ones who set the limit. At the moment, I am trying to ensure that the commission has the resources it reasonably needs to conduct inquiries - I think there is some risk of their falling over themselves at the moment - and I do not say that lightly. If we added to the commission's resources, its task would be made harder, not easier. I have asked that question of the commission a number of times.

Mr MacKinnon: Why do you say that?

Dr LAWRENCE: I have asked a number of times whether the commission would prefer additional resources. The commissioners have indicated they do not - for the precise reason that it may prove difficult to coordinate and organise such a large team. The commission employs 106 people at the moment, including the commissioners and the counsel assisting. No request has been made to increase that number.

Mr MacKinnon: Does that include the police officers assigned to the commission?

Dr LAWRENCE: This is the advice received from the commission. I presume that is so; however, I am happy to check that to determine whether those officers are in addition to that number. My advice is that the commission employs 106 people, including the commissioners and the counsel assisting. I have received no request for increases beyond that. At the moment the commission's budget is being assessed in the same way as are budgets for other departments. In these difficult economic times we are not about to spend more money than is absolutely necessary. As indicated in the past - and I hope members realise that I am not getting cold feet - it is important that the commission be resourced, that justice is done regarding legal fees and representation, and that the commission conduct its hearings as efficiently and effectively as possible. That has been the case to date. We will look at any reasonable request from the commission, both as a Government and as a Parliament.

TOTALISATOR AGENCY BOARD - JARMAN AND CARPENTER
Public Service Commission Report Tabling

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

(1) Is it correct that over one month ago, on 1 May 1991, the Minister advised, in answer to my question about a Public Service Commission inquiry set up in July 1990 into the employment and management practices of the Totalisator Agency Board, concerning in particular the actions of Messrs Jarman and Carpenter, that she had recently received the review and was examining it?

(2) If yes, when will she belatedly release the report and her recommendations that flow from this inquiry?

Mrs BEGGS replied:

(1)-(2)

A couple of assumptions are made in that question. I advised the member at the time I received the report from the Auditor General -

Mr Clarko: You told me on 1 May that you already had it.

Mrs BEGGS: I told the member at the time the Auditor General's report was released that some things in the Public Service Commission inquiry related directly to the Auditor General's report. I was awaiting Crown Law advice on the Auditor General's report before I would put a position for the Government on what further action needed to be taken. The Auditor General's report made it perfectly clear some legislative changes may need to be made to the Totalisator Agency Board Act. I am anxious to receive advice from the Crown Law Department to see what the department's view is. If legislative change is necessary I will bring that to the House.

Mr Clarko: What about the Public Service Commission report?

Mrs BEGGS: I have no difficulty with tabling that report. However, I will table that in conjunction with the action I will take.

Mr MacKinnon: When will that be?

Mrs BEGGS: If the Leader of the Opposition is worried about whether he can debate this issue -

Mr MacKinnon: I just want to know when.

Mrs BEGGS: This is the WIRE issue all over again.

Mr Clarko: Will it be at 4.00 pm on a Thursday?

Mrs BEGGS: I do not have the advice from the Crown Law Department on the Auditor General's report.

Mr Clarko: You have had the report for over a month.

Mrs BEGGS: The two reports will be dealt with in conjunction with each other. The Auditor General's report has been tabled in the House. The Public Service Commission report contains information about management practices and other matters at the TAB. I need to take specific action on these matters. However, I have made the report available to the TAB, and I am awaiting advice. I have provided the report on a confidential basis because these are the directors who are responsible for implementing the recommendations of the Public Service Commission report. When I have all the information, I will ensure that members opposite receive a copy.

FREMANTLE PORT AUTHORITY - EMPLOYEES HOLIDAY TRUST ACCOUNT

Funds Borrowing

223. Mr LEWIS to the Minister for Consumer Affairs:

(1) In carrying out her ministerial duties, has the Minister investigated reports that the Fremantle Port Authority, to alleviate its cash flow problems, has been borrowing from its employees' holiday trust account?

(2) If not, why not, and does she intend to do so?

(3) Does the Minister endorse the practice of employers borrowing from their employees' funds?

Mrs HENDERSON replied:

(1)-(3)

Several weeks ago I raised in this House a scandalous example of an employer who had borrowed funds from his employees' superannuation fund. I condemned not only that example, but I also presented examples of advertisements of a local accounting firm inviting companies with cash flow problems to take money out of employees' superannuation funds. I condemned the advertisement and any company which used that means of gaining cash to resolve cash flow problems. The member for Applecross has asked whether the Fremantle Port Authority has been involved in the same kind of practice. The member would be aware that the precise question was put to the responsible Minister, who responded in the weekend Press and indicated categorically that the FPA had not borrowed money from its employees' superannuation fund.

Mr Lewis: Holiday fund!

The SPEAKER: Order! It is highly improper to interject, and very rude.

Mrs HENDERSON: If the member believes that the responsible Minister did not sufficiently elucidate the situation, he should ask a question of the Minister.

QUARANTINE CHECKPOINTS - NORSEMAN
Vehicle Bypass - Eucla Relocation

224. Mr AINSWORTH to the Minister for Agriculture:

(1) Is the Minister aware of vehicles bypassing the Norseman agricultural checkpoint by using either the Balladonia-Esperance Road or roads north from the Eyre Highway, and connecting with the Trans Australia rail line at Kalgoorlie?

(2) What priority does the Minister place on relocating the checkpoint to Eucla?

(3) When will this move take place?

Mr BRIDGE replied:

(1)-(3)

I have not set up camp at the location, which would be necessary to keep that sort of surveillance on the movement of vehicles.

Mr Cowan: You could instruct somebody to obtain the detail.

Mr BRIDGE: The Leader of the National Party should not get upset.

Mr Cowan: I am not upset; I am correcting you.

Mr BRIDGE: The member may be happy when he hears what I have to say. The beginning of my answer was a logical response because the only way I could be truthful in answering that question would be to have necessary knowledge.

Mr McNee: It is a clever dick answer.

Mr BRIDGE: It is not a clever answer; it is factual answer. As a result of the point I have just highlighted, I am not aware of the situation to which the member refers. Concerning the other issue, I have not thought about any relocation at this point. However, if the situation is consistent with what the member has said to me, I will consider the matter very seriously.

Mr Kierath: You will set up a committee.

Mr BRIDGE: When I was a young boy and looking after a bunch of nanny goats my father said to me -

Mr Blaikie: He should be Leader of the House.

Mr BRIDGE: - "Son, I saw you hit that white billy goat you tried to put in the yard a little while ago and I feel very badly about that."

Mr MacKinnon: This is a brilliant answer. I have never heard you answer a question in the House yet.

The SPEAKER: Order! The Leader of the Opposition must understand that the Minister for Agriculture is referring his answer to me and I happen to want to listen. I do not want to listen to anyone else's interjections while I am hearing it; it is, I suspect, an extraordinarily sage piece of advice.

Mr BRIDGE: It sure is! I am glad, Mr Speaker, that you are taking an interest in it. My father went on to say, "Because you struck that billy goat on the side, there will come a day in your life when that white billy goat comes back to haunt you." It seems, Mr Speaker, that that day is today.