Legislative Assembly

Tuesday, 29 November 1994

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

PETITION - MOBILE TELEPHONES IN MOTOR VEHICLES, PROHIBITION

MRS ROBERTS (Glendalough) [2.03 pm]: I present the following petition -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned request that the use of hand-held mobile telephones be prohibited while driving vehicles, in the interests of road safety.
>
> 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 17 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 174.]

PETITION - POLLUTION, EXHAUST GASES FROM VEHICLES AND INDUSTRY

MRS ROBERTS (Glendalough) [2.04 pm]: I present the following petition -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned request that you enact legislation stating that by the year 2000AD the amount of pollutants produced by exhaust gases from vehicles and industry in general be reduced by 50% compared with the levels currently allowed by legislation in Western Australia, in the interest of improving the environment.
>
> 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 15 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 175.]

MINISTERIAL STATEMENT - MINISTER FOR RESOURCES DEVELOPMENT

Gas Transportation Charges

MR C.J. BARNETT (Cottesloe - Minister for Resources Development) [2.07 pm]: I advise the House that the Energy Implementation Group has prepared a package of gas transportation charges which will, subject to the formal ratification and enactment of the legislation, apply for at least three years from 1 January 1995. The gas transportation charges have been developed on a basis which recognises the pipeline was constructed primarily to transport gas from Dampier to the south west of Western Australia as part of the North West Shelf gas project.

In calculating transportation charges, the south west is any point south of compressor station 9, which is located 54 km to the north of the Pinjar Turbine installation and 1 257 km from the start of the pipeline at Dampier.

Transportation charges for the south west consist of two parts which will be separately priced - a capacity reservation charge and a commodity charge.

Pipeline capacity for the south west will also be provided at three different levels of availability and reliability which are as follows -

Tranche 1 - capacity available with greater than 98 per cent probability of supply;

tranche 2 - capacity available with probability of supply between 92 and 98 per cent; and

tranche 3 - interruptible capacity.

In the case of tranches 1 and 2, gas shippers transporting gas to users in the south west will incur capacity reservation charges and commodity charges calculated for the transport of gas from Dampier, irrespective of where the gas is sourced, which is effectively a "postage stamp" transport charge. The tranche 2 capacity reservation charge will be discounted by 5 per cent to reflect the lower level of availability and reliability.

In addition to transporting gas to the south west, the Gas Corporation will also provide -

Part haul transportation to locations upstream from compressor station 9; and

back haul transportation to locations upstream from a given inlet point.

Both the capacity reservation and commodity charges for part haul transportation will be the same for back haul and front haul. These charges will take into account distance, the amount of gas and the recovery of the cost of any further capital investment necessary or additional system operating costs as a result of undertaking part hauls.

The charges to apply from 1 January 1995 are as follows -

South west - tranche 1: $1.03/gigajoule capacity reservation charge plus 0.22c/GJ commodity charge, to give an all in transport cost of $1.25/GJ.

South west - tranche 2: $0.98/GJ capacity reservation charge plus 0.22c/GJ commodity charge, to give an all in transport cost of $1.20/GJ.

Part haul: The reservation and commodity charges total 0.000891c/GJ/km. Assuming no additional capital or operational costs are incurred, the transport charge to ship gas from Dampier to Geraldton for example, a distance of approximately 1 000 km, would be 89.1c/GJ which is made up of a reservation charge of 73.4c and a commodity charge of 15.7c.

The setting of gas transport charges has been a complex matter and one that needed to recognise the existing contractual rights of both gas producers and gas customers. As such the final outcome is not perfect and will not necessarily suit the particular interests of all industry participants. These transport charges are, however, an integral part of what has been a major shift towards deregulation and competition in the gas industry - a shift that will see strong industry growth and lower prices to gas consumers.

A prime objective of the transport pricing strategy has been to ensure that the $1.1b and 1 541 km Dampier to Bunbury pipeline is used at its maximum capacity over its entire length.

MINISTERIAL STATEMENT - MINISTER FOR PRIMARY INDUSTRY

Meat Industry Restructuring; Abattoir Project, Albany-Mt Barker

MR HOUSE (Stirling - Minister for Primary Industry) [2.09 pm]: The State Government has been restructuring the Western Australian meat industry over the past 21 months. The aim has been to give farmers incentive to meet market specifications, provide greater price competition for livestock, and attract investment and development in meat processing facilities in regional areas. Concurrently, other changes have occurred in the industry: CITIC Australia purchased the Linley Valley and Katanning abattoirs; the Albany meatworks and the Robb Jetty abattoir were closed; and the Midland saleyards have been repurchased and upgraded. During this time I have been

holding discussions with the managing director of the Fletcher Group, Mr Roger Fletcher, about the establishment of a high tech greenfields export abattoir in Western Australia. These discussions culminated on Friday in Mr Fletcher deciding to proceed with building an abattoir between Albany and Mt Barker.

This abattoir is expected to be completed within two years, to cost more than $20m, and to create 400 new jobs when fully operational. The abattoir will create strong competition in the WA livestock industry, with an extra 1.5 million sheep and 70 000 cattle a year being required for processing. The abattoir will have a major spin-off to other service providers in the great southern region, such as the Albany Port Authority and any central livestock selling facility. I am pleased that this new investment comes from one of Australia's most respected and best performers in the meat processing industry. The abattoir is a significant expansion of the Fletcher Group, which presently operates an export abattoir in Dubbo, New South Wales, and facilities for associated by-products, such as sheepskin, leather and fertiliser. The group will soon complete a wool scouring and top making plant. I am particularly impressed by the relationship the Fletcher companies have developed between their producers, markets and the local community. Mr Fletcher has outstanding market development expertise, and the company exports its products to more than 75 different countries. The group is also very conscious of developing long term loyalty with clients and customers, and a cooperative interaction with the local community on such issues as transport, housing and the environment.

The company aims to take the same approach in developing this project, with an adequate lead time to ensure it is properly planned and managed. The Fletcher Group will use the most modern abattoir technology in the world, which offers large efficiency gains and overcomes the problems with smell and effluent run-off previously associated with abattoirs. The plant will be developed in accordance with an environmental impact study and the requirements of the relevant planning authorities, and those developing the plant will be environmentally conscious of its surroundings. Now that the concept has become a firm plan, wide ranging public consultation will take place. Mr Fletcher met the Albany and Plantagenet shire councils last week, and a public meeting will be held in Mt Barker this Friday to outline the project to local residents and other interested people. The decision by the Fletcher Group to proceed with this project reflects the success of the State Government in restructuring the Western Australian meat industry, attracting new regional investment and development, and providing greater competition for producers' stock.

[Questions without notice taken.]

PERSONAL EXPLANATION - MEMBER FOR MITCHELL

Hansard Proof, Alteration Allegation

MR D.L. SMITH (Mitchell) [2.45 pm] - by leave: I regret that this personal explanation will be longer than I would have liked it to be, but the issues that I want to raise are important to this Parliament, to members in this place, and to the staff. I point out at the commencement that none of what I will say should in any way be seen as a detraction from my immense admiration for all of the staff who serve us in this place, particularly the Hansard staff. Mr Speaker, yesterday an article appeared in *The West Australian* headed "Labor MP tries to change Hansard". Expressions used in that article included -

> Opposition backbencher David Smith has tried to change the parliamentary record . . .
>
> But he later tried to change the Hansard transcript - Parliament's official record . . .
>
> Chief Hansard Reporter Neil Burrell said yesterday Mr Smith was not the first MP to try to alter the official parliamentary record and would probably not be the last.

Members, I want to make it very clear that at no stage was it my intention to knowingly alter *Hansard*. The statement I made in this place about Cedar Woods is of no moment. It was a statement of my opinion. Whatever may be my opinion now, or whatever may have been my opinion in the past, would never affect my reputation or political future, or the Labor Party. For that reason, when I came to check the *Hansard* proof - not the *Hansard* record - I had no reason to seek to wrongly alter it one way or the other. The only reason I did alter it was that I genuinely thought at the time that I had said that some aspects of Cedar Woods were a mistake and not that Cedar Woods itself was a mistake. I have no reason to believe that Cedar Woods itself was a mistake. It has been a successful development and the buying public obviously regard it as being other than a mistake. However, I believe some aspects of it were mistakes which occurred mainly because I as the Minister did not listen properly to the community and to local government. My remarks were clearly made in the context of urging the present Minister for Planning to listen to community groups and to local government in regard to planning issues. I certainly never intended to say that the whole Cedar Woods development was a mistake. At the time of making the alteration to the *Hansard* proof, I genuinely thought I was correcting a minor error and that I had actually said what I believed I had said.

I have not since sought to listen to the tape to see what I in fact did say because in these matters I always accept the decision of the Chief Hansard Reporter as final and proper. However, I want to complain about some aspects of how this matter was handled by the member for Helena and Hansard. Firstly, at no stage before or after the member for Helena went to the Press about this issue did she or anyone from the Hansard staff contact me. All I know is that I made a change to the *Hansard* proof, and what I read in the media yesterday. At no stage did the Chief Hansard Reporter notify me of his concern or invite me to listen to the tape, and at no stage did the member for Helena come to see me and say that she was concerned about -

Points of Order

Mr C.J. BARNETT: All members of this House have shown courtesy in agreeing to this personal explanation, but the reason for a personal explanation is to explain matters of a personal nature. It is not an opportunity to raise matters, to debate issues, or, indeed, to attack other members of this House.

Mr RIPPER: Mr Speaker, I have been listening carefully to the member for Mitchell because I am not fully aware of these events, and it seems to me that the member is outlining the sequence of events which resulted in what he regards as an unfortunate article in *The West Australian*.

The SPEAKER: Standing Order No 117 states -

> By the indulgence of the House, a member may explain matters of a personal nature although there be no question before the House; but such matters may not be debated.

I guess the crux of it is whether the member for Mitchell is now debating it. In my opinion, it would be preferable if the member talked about the situation as it reflected directly upon him rather than about another member's actions. It would be better if we went down that path.

Personal Explanation Resumed

Mr D.L. SMITH: Speaking as a lawyer and as someone who is concerned about due process, I thought that at some stage the Hansard staff, the Chief Hansard Reporter or the member for Helena might have told me of their concerns before they changed the proof and went to the Press.

I may have or may not have been guilty. However, in the interests of those who may be similarly affected in the future, the future procedure should be that when a member makes an allegation of this kind, the Chief Hansard Reporter should notify the member affected and invite him and the complaining member to listen to the tape and then, after hearing both members, make a ruling as to whether the alteration made was allowable -

Points of Order

Mr C.J. BARNETT: I again make the same point of order. If the member for Mitchell wishes to recommend changes to the procedures of this House, there are forums and opportunities for him to do that, but not by way of a personal explanation. The member for Mitchell is going way beyond the indulgence granted to him by this House.

Mr D.L. SMITH: I am alleged by the media to be guilty of trying to alter the parliamentary record. If the Leader of the House is not prepared to allow me to provide a full and frank explanation of the circumstances and say something in my defence, and that is to be the rule under this Government and this Speakership, then I want to say quite emphatically that I do not think I have stepped outside the rules governing personal explanations. The matters that I am raising are critically important, not just to me, but to every member.

The SPEAKER: Order! I do not believe that the member's proposition that the standing orders be changed comes within the ambit of the personal explanation.

Personal Explanation Resumed

Mr D.L. SMITH: I have been deprived of the opportunity of properly defending myself in this place and I will discontinue my personal explanation.

SELECT COMMITTEE ON METROPOLITAN DEVELOPMENT AND GROUNDWATER SUPPLIES

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

> That the date for presentation of the report of the Select Committee on Metropolitan Development and Groundwater Supplies be extended to 1 December 1994.

MOTION - TIME MANAGEMENT SESSIONAL ORDER

MR C.J. BARNETT (Cottesloe - Leader of the House) [2.53 pm]: I move -

> That the following items of business be completed up to and including the stages specified at 10.30 pm on Thursday, 1 December 1994 -
>
> Criminal Law Amendment Bill - all remaining stages;
>
> Victims of Crime Bill - all remaining stages;
>
> Fines, Penalties and Infringement Notices Enforcement Bill - all remaining stages;
>
> Acts Amendment (Fines, Penalties and Infringement Notices) Bill - all remaining stages;
>
> Firearms Amendment Bill - all remaining stages;
>
> Stamp Amendment Bill (No 2) - all remaining stages; and
>
> Financial Agreement Bill - all remaining stages.

This week seven Bills are listed to be subjected to the time management sessional order. As in other weeks in which this procedure has applied, there are other Bills on which the Government wishes debate to be completed. At the request of the Opposition we will not make the Occupational Safety and Health Legislation Amendment Bill or the students' guilds Bill relating to voluntary student unionism subject to the sessional order. However, along with the Loan Bill, they are Bills that we intend to progress this week. Indeed, it is intended that debate will commence and be carried through today on the Occupational Safety and Health Legislation Amendment Bill. I hope that we can complete that Bill in an orderly manner.

One of the main issues involved in time management is the number of late night sittings. That is one test of whether time management is successful. Since time management was

introduced on a weekly basis on 20 September, this House has sat later than midnight on only three occasions. On the first occasion it sat until 12.03 am, on the second occasion until 12.24 am and on the third occasion until 12.08 am. Therefore, with rare exceptions, we have kept to reasonably early nights. That period should be compared with the period prior to 20 September when we sat beyond midnight on 11 occasions and on five occasions beyond 2.00 am. I cannot guarantee that over these last two weeks we will not have at least one or two late night sittings. In fact, I advise members that we may sit late on Thursday of this week and probably on Thursday of next week. Otherwise, I will endeavour to ensure that the House rises somewhere between 11.00 pm and midnight.

I also want to take this opportunity of referring to parliamentary questions. As of 24 November, the conclusion of last week's sittings, 2 214 questions on notice had been asked of Ministers in this House of which 1 747, or 79 per cent, had been answered. Last year I gave an undertaking that by the end of the week in which I spoke, all questions on notice would be answered before the end of the session. I made a tactical error because I received around 200 questions the following day. This time I will vary the procedure and give a similar undertaking that every endeavour will be made to answer all questions on notice which had been asked at the conclusion of last week - that is, 24 November - in the following two weeks or in writing to the person asking the question before the end of the year. That is not to say that questions submitted from now on will not be answered. However, we will draw a line and make sure that the ones asked before the end of last week will be answered.

Dr Watson: Some of them have been on notice for seven months.

Mr C.J. BARNETT: I appreciate that and I will take it upon myself to ensure that all of those questions are answered, bearing in mind that, in some cases, the information requirements are very great and in some cases, particularly in questions asked of the Minister for Police, some judicial issues arise. However, barring those difficulties, we will endeavour to make sure that all of the 2 214 questions are answered within the next two weeks.

MR RIPPER (Belmont) [2.57 pm]: The Opposition has opposed the weekly use of the guillotine on principle. That remains our position and we will oppose this motion moved by the Leader of the House and divide on it. It is ironic that, on this matter which divides the Opposition and the Government so strongly, the guillotine is not necessary this week because the Bills which the Leader of the House has made subject to this week's guillotine should pass through this House with no trouble. Therefore, that which he imposes on us against our will, against the traditions of this place and against the recommendations of the royal commission could have been achieved by negotiation. All other things being equal, the Bills the subject of the motion will pass through this House this week with no necessity for implementation of the sessional order. I said all things being equal because a number of other major Bills are not subject to the guillotine. I refer in particular to the Occupational Safety and Health Legislation Amendment Bill, the Loan Bill and the voluntary student unionism Bill because those are all major Bills on which there could be significant debate. If the Leader of the House mismanages the time, it may be possible that, despite all our expectations, the guillotine will come down.

The Opposition is not seeking to frustrate or to filibuster on the Bills the subject of the guillotine. They divide roughly into two different types. The first are the Bills relating to the criminal law. The Opposition believes that the Government's law and order policies are failing and it will have significant reservations to express when these Bills are debated.

Mr C.J. Barnett: You will have a whole day and a night to debate the Bills.

Mr RIPPER: Nevertheless, we do not want to frustrate the Government in its attempts to improve its law and order performance. Therefore, there is no need to subject these Bills to the brute weapon of the guillotine.

Of the other Bills, one is a financial Bill which will be subjected to some but not an extraordinary amount of debate, and the other relates to the implementation of an

agreement between the Commonwealth and the State Governments. We are pleased to debate a Bill which indicates some marginal willingness on behalf of the State Government to work cooperatively with the Federal Government in the interests of Western Australians rather than worry about the lunatic secessionist views espoused by the Minister for Labour Relations. Therefore, there is no reason for the Leader of the House to move the guillotine. All other things being equal, that which he seeks to achieve can be achieved by agreement. As I have said on previous occasions, this Government should be promoting other parliamentary reforms and not seeking to change Parliament in this retrograde way through the weekly imposition of the guillotine.

The Leader of the House has said that we have not had as many late night sittings; that was entirely within his power. He really is saying that although he chose to have a lot of late night sittings a while ago, he now chooses to have fewer. That is a good development, but it is not an outcome of the guillotine.

The Opposition would like more parliamentary sitting time, but we want to see that spread over more parliamentary sitting days rather than packed into extended sitting days, such as is proposed by the Leader of the House. I was pleased that the Leader of the House commented on questions on notice. I hope questions asked on 10 May, 7 June, 15 June, 16 June, and 2 and 3 August might at last be answered. Perhaps the Leader of the House can get on to the Ministers responsible for those long overdue answers and get them to provide the House with information and to accept their accountability. In particular, he might talk to the Minister for Community Development, who has distinguished himself by being responsible for six out of the 10 oldest unanswered questions on the Notice Paper. He is responsible for 60 per cent of the most disgracefully unanswered questions on the Notice Paper. The Leader of the House should have a chat to the Minister for Community Development and remind him that he is accountable to this place.

MR McGINTY (Fremantle - Leader of the Opposition) [3.01 pm]: I also oppose the guillotine motion before the House as a matter of principle. Over the past month or so we have managed to get through a good deal of business in this House in a very cooperative way. The Leader of the House has provided the Opposition with a description of the Bills that he wishes to get through during the week ahead. We have acted on all occasions consistent with our duty as an Opposition to facilitate the smooth passage of legislation through the Parliament. This week major pieces of legislation affecting a matter of grave public interest are listed in the guillotine motion. It is my strong view that the House is capable of dealing with what is described as the Government's serious crime package. The Opposition wants to raise a number of matters, but, nonetheless, we are confident that those matters can be dealt with within the Government's desired time frame by a cooperative arrangement between both sides of the House. The Notice Paper lists a total of 29 orders of the day. I presume it is the intention of the Government to deal with all 29 by the time Parliament rises in six days' time.

Mr C.J. Barnett: It is not.

Mr McGINTY: The Leader of the House is indicating that not all those Bills listed will be proceeded with. Rumours are circulating that other significant legislation will be added to the Notice Paper. In particular, amendments to the Hospitals Act to overcome employment problems in the health industry which were exposed recently in an injunction application before the Supreme Court, and the industrial relations legislation which has been improperly introduced in the upper House, may well be before us next week. Those Bills should not be occupying our attention in the next few weeks. Had the Government listened when the industrial relations legislation was being guillotined through the House this time last year, there would be no need to bring forward another industrial relations Bill to remedy the defects in that legislation.

Mr Kierath: It has nothing to do with those changes.

Mr McGINTY: The Bill deals with unfair dismissals. The Minister for Labour Relations should look at his Bill. The Minister is misleading the House again. It would not be

necessary to rush the Industrial Legislation Amendment Bill through the House in the dying days of this Parliament if the Minister for Labour Relations had listened to the advice that was given to him last year when those Bills were being guillotined through the House. The Minister for Labour Relations has again been caught out, and is now trying to bring forward legislation which will remedy the defects that the Opposition tried to point out to him last year when the guillotine was being applied. I hope the Industrial Legislation Amendment Bill does not come back before this House next week. I hope that we will have time to properly consider it in the fullness of debate in March and April next year.

Mr Kierath: The Trades and Labor Council wants it as soon as possible.

Mr McGINTY: Mr Speaker, can you control the Minister for Labour Relations? He is a madman.

The SPEAKER: Order! It is inappropriate to talk like that.

Mr McGINTY: Order of the Day No 7, which is the Voluntary Membership of Student Guilds and Associations Bill, will also require a lot of debate. It will be resisted vigorously by this side of the House. It is totally inappropriate, at a time when enrolments are already under way and students are paying their fees for next year, to introduce a Bill which will cause massive disruption of the institutions that will have this legislation imposed on them. These comments foreshadow the Opposition's cooperation in the final week of the Parliament in disposing of the vast bulk of the 29 orders of the day currently on the Notice Paper. It is unnecessary to proceed with certain things at this time, and we hope that no other major pieces of legislation will be added to the Notice Paper in its current form. We offer our cooperation in the absence of any duress from the Government in making sure that those Bills are passed.

Question put and a division taken with the following result -

---

Ayes (31)

Mr Ainsworth	Mr Johnson	Mr Shave
Mr C.J. Barnett	Mr Kierath	Mr W. Smith
Mr Blaikie	Mr Lewis	Mr Strickland
Mr Board	Mr Marshall	Mr Trenorden
Mr Bradshaw	Mr McNee	Mr Tubby
Mr Court	Mr Minson	Dr Turnbull
Mr Cowan	Mr Omodei	Mrs van de Klashorst
Mr Day	Mr Osborne	Mr Wiese
Mrs Edwardes	Mrs Parker	Mr Bloffwitch *(Teller)*
Dr Hames	Mr Pendal	
Mr House	Mr Prince	

Noes (23)

Mr M. Barnett	Mr Graham	Mrs Roberts
Mr Bridge	Mr Grill	Mr D.L. Smith
Mr Brown	Mrs Hallahan	Mr Taylor
Mr Catania	Mrs Henderson	Mr Thomas
Dr Constable	Mr Kobelke	Ms Warnock
Mr Cunningham	Mr Marlborough	Dr Watson
Dr Edwards	Mr McGinty	Mr Leahy *(Teller)*
Dr Gallop	Mr Ripper	

Question thus passed.

NORTH WEST GAS DEVELOPMENT (WOODSIDE) AGREEMENT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr C.J. Barnett (Minister for Resources Development), and read a first time.

Second Reading

MR C.J. BARNETT (Cottesloe - Minister for Resources Development) [3.13 pm]: I move -

That the Bill be now read a second time.

On 16 August this year, I signed a memorandum entitled "North West Shelf Gas Contracts Restructuring", which outlined the principles on which the disaggregation of the contracts between the State Energy Commission of Western Australia and the North West Shelf gas project joint venture participants would be based. Hereinafter, I will refer to the State Energy Commission of Western Australia as SECWA and the North West Shelf gas project joint venture participants as the JVPs.

In the memorandum, I confirmed the State Government's support for the replacement of the existing natural gas sales agreements between SECWA and the JVPs, signed in September 1980, with separate direct sales agreements by the JVPs with the proposed Electricity and Gas Corporations, and with Alcoa of Australia Limited, Hamersley Iron Pty Ltd and the companies forming the Robe River Iron Associates joint venture. I also signified the Government's intention to do all things reasonably necessary to facilitate the implementation of these new commercial arrangements by 1 January 1995.

The purpose of this Bill is to amend the North West Gas (Woodside) Agreement Act 1979, which I will refer to as the agreement Act, as a result of the proposed abolition of SECWA and the establishment of separate Gas and Electricity Corporations from the beginning of next year. The ratification of the Bill will enable the new contractual arrangements between the JVPs and the proposed Gas and Electricity Corporations to be executed and to become binding on the parties on 1 January 1995. The Bill is a major and necessary part of the overall package required for implementing the restructuring of the State's energy industry and, along with it, the disaggregation of the current SECWA contracts.

The package comprises -

the coming into effect of the disaggregation contracts;

the passing and coming into operation of the Acts to establish the Gas and Electricity Corporations, which are currently before Parliament;

the passing and coming into operation of the Acts to establish the pipeline regulations and pipeline tariff structures; and

the ratification of the variations to the Agreement Act that result from disaggregation of the SECWA contracts.

The disaggregation contracts cannot be effected until the last item above, the ratification of the variations to the agreement Act, occurs. Therefore, as 31 December is the last date for signing the disaggregation contracts, it is of immediate importance that Parliament ratify the proposed Bill in its current sitting.

Over recent months, consultation has occurred between representatives from the Department of Resources Development, SECWA, State Treasury, the Ministry of Justice and the JVPs to determine and agree the required changes to the agreement Act. From this consultation, the key changes to the agreement Act have been identified to be -

the inclusion of definitions of the first and third gas priorities for consumption of gas within the State, as well as a definition of the disaggregation contracts;

the removal of the default provision under clause 30(5), which previously allowed the State to determine the agreement Act, so far as the DOMGAS parts are concerned, if the JVPs defaulted under the gas contract;

the inclusion in clause 37(1) of a provision allowing stamp duty exemption for the contractual arrangements arising out of the disaggregation of the contracts between SECWA and the JVPs;

the inclusion in clause 42 of a provision allowing a Trade Practices Act 1974, section 51(1)(b), exemption to apply to the new marketing arrangements relating to the disaggregation of the SECWA contracts; and

to amend clause 44A, so that the agreement Act protection for the existing gas priorities and supply rights of SECWA are retained without the need to refer to the disaggregation contracts, but are now held by the State rather than SECWA.

For members' information, I would like to expand a little further on the more significant changes to the agreement Act, these being the stamp duty exemption, the removal of the default provision, the Trade Practices Act exemption and the amendment to the rights under the gas sales agreements.

Under the provisions of clause 37(f) of the current agreement Act, the stamp duty exemption expired in 1988 and any new contracts entered into from that date would have been subject to stamp duty payments. The proposal in the Bill to exempt the JVPs and their direct sales customers, both government utility and private, from any stamp duty that they might incur on the disaggregation contracts, is considered by Government to be appropriate, as the disaggregation of SECWA's contracts was a government initiative.

It is proposed that default provisions under clause 30(5) of the agreement Act be deleted. Given the corporatised nature of the Electricity and Gas Corporations as successors to SECWA, under the disaggregation contracts and the Government's deregulation of gas markets in the State, such a provision could not be sensibly retained in the agreement Act. Any dispute relating to purchases of gas from the JVPs by the proposed Gas and Electricity Corporations would be resolved in accordance with the provisions of the respective contracts. If there was to be a determination of any of the disaggregation contracts, there is question over the use of the remaining gas to be delivered under the particular contract. The parties have agreed that there should be provisions in the agreement Act such that remaining gas will not be sold, used or supplied other than for consumption in Western Australia and retain its status as first priority gas.

The Trade Practices Act, section 51(1)(b), marketing authorisation clause of the agreement Bill - clause 42 - is required to reflect the agreement between the proposed Gas and Electricity Corporations and the JVPs that the future gas and electricity utilities will not market gas to industrial customers in the Pilbara market until 30 June 2005. Furthermore, clause 42 includes authorisation for the JVPs to enter the disaggregation contracts and to sell to affiliated companies anywhere in Western Australia.

Finally, clause 44A of the current agreement Act provides for reservations of gas for SECWA under its original and amended gas purchase agreements. These agreements are being replaced by the disaggregation contracts. The proposed amended clause 44A addresses reservations of gas in terms of first priority and third priority gas for Western Australia, in light of the new disaggregation contracts. In effect, the State's existing rights to first priority and third priority gas will be protected as a result of the proposed amendment to this section. This is because the JVPs will be required to provide marketing and gas reserves information so that the State can be satisfied that sales of gas for export in volumes beyond that required for existing contracts do not affect the third priority gas reserves entitlement. The other proposed amendments to the agreement Act are more of a general nature and are related primarily to definition and minor wording changes to take account of the disaggregation of the contracts.

In conclusion, the Government believes that the proposed amendments to the North West Gas Development (Woodside) Agreement adequately reflect the new contractual provisions in the disaggregation contracts which replace the original SECWA contracts. The amendments form an important part of the overall legislation required to implement the Government's policy for restructuring the State's energy industry.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Leahy.

OCCUPATIONAL SAFETY AND HEALTH LEGISLATION AMENDMENT BILL

Second Reading

Resumed from 27 October.

MRS HENDERSON (Thornlie) [3.17 pm]: It is just over 10 years since we first introduced into this Parliament in September 1994 our occupational health and safety legislation. This landmark legislation was followed by other major amendments in 1987 and 1990. In our view it was one of the outstanding achievements of the Labor Government. The changes in awareness and in safety on the job as a result of that major piece of legislation have had enormous impacts throughout the whole community of Western Australia. At the time we introduced the first Bill in 1984, there were some 44 Acts of Parliament and 58 sets of regulations or by-laws administered by 19 departments under 13 different Ministers all regulating health and safety at work. The effect of the piecemeal division of responsibility in health and safety meant that it was no-one's particular responsibility. There is no question that in many cases it was part of the workload of a department or Minister and was not seen as being at the forefront of demanding attention by a single Minister or department. When we came to Government the inspectors responsible for going to workplaces to inspect standards of safety also had responsibility for retail trading hours and the contravention of regulations by shops staying open to trade beyond their entitled hours. The whole approach to safety at work in 1984 was a regime of coercion. Inspectors were seen as people who went into workplaces to make inspections from time to time. Safety was seen as the responsibility of the safety inspector and not as the responsibility of people at the workplace.

There is no question that the disjointed, piecemeal approach meant that this State had a major problem which did not improve over many years. It was estimated at the time the legislation came before this House that it was costing the State in the vicinity of $1b a year as a result of the level of accidents and injuries in the workplace. Reform was overdue and when the previous Labor Government introduced health and safety legislation in this Parliament, based on the Robens principle and the philosophy that emanated from his inquiry, Western Australia was the first State in Australia to introduce that new style occupational health and safety legislation. Since then, that model of legislation has been followed by almost every other State, and vast improvements have been made around the country in the awareness of occupational health and safety issues and safety on the job. When Lord Robens chaired that British parliamentary committee, I do not think he had any idea that his recommendations would have such wide ramifications around the world. Many jurisdictions have adopted legislation based on the principles he outlined. The basic principles on which the report was based were that health and safety in the workplace would not improve until all those engaged at the workplace took responsibility for safety. That means both employers and employees take responsibility for safety, have a commitment to it, and are involved in identifying the hazards that must be removed, and that positive action is taken at the individual workplace to remove that hazard. Coupled with this is the notion of a common law general duty of care, which calls on us to act in a way that does not do damage to our neighbour, and to include that in legislation so that both employers and employees are under a general duty of care to ensure that their actions do not place in jeopardy the safety of others. In this atmosphere of cooperation and mutual commitment to safety on the job, the government department becomes important as a resource, a place of expertise and advice, and as a final source of enforcement when those at the workplace fail to observe their duty of care. The role of the department in this situation is crucial for carrying out audits and checks, and making sure that those who have a responsibility for health and safety on the job are carrying out their responsibilities and exercising their duty of care.

There is no question that the fundamental system on which the success of this whole structure rests is a tripartite consultative mechanism at the workplace, in which employers, employees and their representatives are able to meet, discuss issues in relation to safety on the job and the dangers and risks involved in plant and machinery, and

resolve those issues on the job. If those matters cannot be resolved, it is important that they have access to outside resources and expertise to enable them to make the job safer.

In 1987 the previous Government followed the 1984 Act with major legislation which extended the provisions of the Act to 96 per cent of all employed people in Western Australia. The only group not covered at that stage was the mining industry. That 96 per cent of all workplaces was covered under one piece of legislation, which was a truly historic approach to health and safety compared with the disjointed system which had applied for many decades. General duty of care was extended to all those people in 96 per cent of all workplaces in Western Australia, and in that Act was described in some considerable detail the processes for the election of health and safety representatives. These representatives have particular duties to carry out at the workplace: To establish health and safety committees so that those health and safety representatives will be assisted and supported by others working in committee structures; to report back to the workplace in general; and to ensure that the suggestions and recommendations made by employees and health and safety representatives are transformed into action. The general obligation on everyone to carry out their duties in a manner that is safe and healthy, and on the employer who, ultimately, has control over the work environment, to ensure that the work is carried out in a healthy and safe manner, was the fundamental premise on which the legislation rested.

In 1990 the Act was amended, and the Government ensured for the first time that the policy decisions of the Occupational Health, Safety and Welfare Commission would extend to the mining industry. Most recently, legislation went through the Parliament to ensure that all minesites were covered by the occupational health and safety legislation. It is an irony of the legislation currently before the Parliament that the weaker standards which, unfortunately, are a feature of part of this legislation, will undermine the stronger standards introduced and welcomed by members on this side of the Parliament two or three weeks ago.

I remind members that the key objectives of the major legislation introduced by the previous Government in 1984 and 1987 were to promote and secure the health, safety and welfare of all persons at work, to protect them against hazards, to secure a safe and hygienic work environment, to reduce, eliminate and control hazards to which people are exposed and, above all, to foster cooperation and consultation to ensure participation by employees and employers alike in implementing health and safety standards on the job. Part of that cooperation is to develop health and safety policies for each workplace, and to ensure that those policies are owned by everyone at the workplace because everyone is involved in drawing them up. It is also to ensure that the level of awareness and understanding of health and safety issues is increased at the workplace, by providing training for health and safety representatives, and providing to all at the workplace information and education about issues relating to their occupation. This information and the general atmosphere of cooperation at the workplace do not reduce in any way the general duty and obligation that falls on employers to ensure that workers are not exposed to hazards, and on employees to ensure that they cooperate in providing a healthy and safe workplace. Employers also have a strong obligation to provide information and training, to consult with their employees, and to provide personal protection to employees where the hazard cannot be engineered out of existence. Employees in turn have wide ranging responsibilities, including the responsibility to obey instructions, to use protective equipment supplied, not to damage safety equipment with which they are provided, to report hazardous situations at the workplace, and to cooperate with the employer and safety committee to ensure matters relating to safety in the workplace are resolved.

The previous Government's legislation provided a broad framework for an effective approach to health and safety on the job. There is no question that the radical approach of that new broad framework has worked in two key ways. The level of awareness of health and safety in general at the workplace has increased dramatically. No comparison can be made between the awareness of individual workers and employers about health and safety today and that which applied 10 years ago. The level of awareness has

increased dramatically as a direct result of the legislative package introduced by the previous Government. A dramatic improvement has occurred in the level of safety on the job, the number of injuries and the impact of diseases. The previous Labor Government had a target of reducing the number of accidents and amount of lost time by 10 per cent over a three year period; a figure of 14 per cent was achieved. It has always been the view of the Labor Party that one can produce many graphs and figures about lost time, injuries, accidents at work and so on but, at the end of the day, the most important point is the commitment by everyone to a reduction overall in the level of injuries and disease at the workplace. There is no doubt that has occurred over the past 10 years.

I refer to some of the comments made by Commissioner Laing, who conducted a major review of the occupational health and safety legislation as is required by the Act. One of the matters he considered in his review was the role of unions and the part they played in occupational health and safety. He makes the following comments -

> Few would attempt to argue that the unions in this State have not contributed significantly to the health and safety of many in the workforce. The unions have been the conscience and often the force that has led the drive to improved safety and health in many industries and enterprises and their contribution should not be ignored.

He goes on to say -

> The unions have a legitimate and proper role in occupational health, safety and welfare. It is part of their role to protect their members and they are able to provide advice, expertise and, where necessary, resources. Some unions, over the years, have exercised their industrial power to achieve significant health and safety improvements for the employees they represent. Some industries where the unions have been active are among those which have shown greatest improvement in terms of time lost through injury or ill health.

Those are strong words by Commissioner Laing. They are a practical recognition that unions have long been concerned about the safety of their members. Those who bear the greatest risks in the work force are obviously those who have the greatest concern about levels of safety on the job. Commissioner Laing was strong in his comments that unions have made a major contribution to improving levels of safety at work, and continue to do so. I note his comments that unions have a legitimate and proper role in occupational health, safety and welfare, because unfortunately that is something this legislation seeks to undermine. It is a sad fact of life that the Minister apparently finds himself unable to look objectively at how the Act has operated over the past 10 years; to look at the figures, the outcomes, and the results of legislation, and to make his decisions based on that, rather than return to his ideological obsession with seeking to reduce the influence of unions. It is a sad day for Western Australia because the dramatic improvements which have occurred in safety at work will go backwards as a result of the legislation before this House today. The Minister has a personal obsession with reducing the role of unions in all areas in which they operate, including health and safety on the job.

Commissioner Laing spoke at some length about the role of elected health and safety representatives, who enjoy the confidence of their workmates and whose task it is to take responsibility for providing information to their colleagues and ensuring to the best of their endeavour that the job is as safe as it can possibly be. Commissioner Laing reports that between September 1988, when the Act was proclaimed, and October 1990, over 4 000 health and safety representatives were elected or appointed, and that during that time 3 500 participated in a one week training course. That level of training and election is extremely pleasing. That occurred over a period of just two years. During the period since Commissioner Laing made those comments the election and training of health and safety representatives has continued at those levels. That indicates the extent to which such representatives were necessary in the workplace and the extent to which they enjoy the confidence of their workmates. He comments that by December 1991, 5 617 health and safety representatives had participated in training and were actively involved on the job. That is a direct result of the legislation which the Opposition when in government

put in place, and of the commitment of those individuals who put themselves forward for election, taking on the very onerous task of monitoring health and safety in their workplace, acting on behalf of their workmates, and raising issues relating to safety and seeking to resolve them.

About the same time as Commissioner Laing made those comments, a survey was conducted by the Western Australian Chamber of Commerce and Industry. It found that only 14 per cent of small businesses had health and safety representatives and committees, compared with 90 per cent of large businesses. The chamber defines large businesses as those employing in excess of 500 employees, which we would call very large businesses. The survey shows clearly that in those enterprises where trade unions were active, health and safety committees were more likely to operate and function, and health and safety representatives were more likely to be elected and carrying out their duties. That is the very issue to which Commissioner Laing points in his comments; that is, the awareness of health and safety issues, the election of representatives, and the functioning of an active health and safety committee were more likely to be in place in a workplace where there was strong union involvement than in one where there was little involvement.

Commissioner Laing shows a clear relationship between the involvement of unions and the establishment of such health and safety committees and the election of representatives. He goes on to talk about the Trades and Labor Council, as a voting member of the Occupational Health, Safety and Welfare Commission, having a voice in determining policies and decisions relating to health and safety on the job. The council has obligations to carry out on behalf of its members in that forum. It has carried those out with great diligence, as have the other members of the commission. There is no question that the commission has operated in the way in which the legislation anticipated it would. It has spent many hundreds of hours deliberating over issues relating to health and safety. It has brought forward hundreds of recommendations to successive Ministers. All of those factors have impacted on the levels of health and safety in Western Australian workplaces.

Having discussed a little of the background to the legislation and the enormous change it represented, I turn now to the Bill before the House. The Opposition endorses some elements of the Bill. Most of those were included directly as a result of recommendations by Commissioner Laing in his comprehensive report on the operation of the Act. The first of those is that the general coverage of the Act has been extended to include apprentices and trainees, and the coverage of self-employed people has been extended also. The Opposition commends that extension and is pleased it will be implemented in this Bill. The duty of care that is imposed has been extended to include those who design and construct buildings, whether they are temporary or permanent structures. The Opposition welcomes that move because the provisions of the Act for duty of care are not sufficiently broad to cover architects and builders. I note also that the provision for the reporting of diseases compared with the reporting of accidents will be implemented through the Bill, and the Opposition supports that. It is necessary that should be included in the data collected by the Department of Occupational Health, Safety and Welfare. However, problems will arise in that the onset of a disease is often a far less well defined event compared with an accident or incident at work. Some ambiguity will arise about which employer reports the disease, at which point in the development of the disease it is reported, and the implication of non-reporting for an employer who may or may not have been aware that the disease had commenced to affect the employee. There are implications, too, for the future employment of individuals, particularly those who have access to information about such diseases and their onset. Those matters will be discussed in greater detail in Committee.

A clause of the Bill deals with the prevention of discrimination against a health and safety representative on the job. The current Act sets out an extremely stringent test. Although it is outlawed that anyone should discriminate against a health and safety representative, the test under the Act is to show that the discrimination was purely and only as a result of that person's position as a health and safety representative. That is an

extremely difficult thing for anyone to prove. The test in this legislation will be that the health and safety representatives must show that the dominant reason for discrimination is that they occupy the position of health and safety representatives. That is still a very difficult test to meet and one of which people will find difficult to show evidence. We welcome the change, but it does not go far enough. Nonetheless, it is an improvement on the provisions in the current Act.

Penalties are to be increased, as was suggested by Commissioner Laing. We welcome those greatly increased penalties where a death results from a breach of duty of care in the workplace. We have concerns about general penalties; that is, a penalty most frequently applied to an employer where there has been a breach. That general penalty has been reduced from $50 000 to $25 000. The Minister's second reading speech did not explain why, although most penalties are to be increased dramatically, the penalty most frequently imposed upon employers is to be halved.

The legislation contains some improvement in the recognition of codes of practice, which we will support. The current legislation does not afford codes of practice any status as evidence, where there is an allegation of contravention of the Act. Under this Bill, codes of practice will be admissible as evidence where an allegation is made of a contravention. We believe that is a very positive thing. However, we are concerned at the provision that if people can demonstrate that they have complied with the Act or regulations, that is a satisfactory defence, irrespective of whether they have complied with the code of practice. The fact that the code of practice will be admissible in evidence when a contravention has occurred will not be particularly helpful so long as a defence is available to them to say that they have complied with the Act or regulations. The clause does not go as far as it should have.

Under the Victorian legislation, where it is alleged that a person contravened or did not comply with the Act or regulation, a code of practice is admissible and the court is required to take the matter as proved. If a code of practice is introduced into the evidence and the code of practice has been contravened, that is taken to be proved unless it can be shown that compliance with the Act or regulations was achieved in some way other than by complying with the code of practice. That is a difficult test for someone to meet. In the Victorian legislation, codes of practice have very real meaning in being admitted in evidence. In proceedings in Victoria an inspector can cite an approved code of practice together with the relevant section of the Act or regulation when issuing a notice or a prohibition notice. All of these things together create much greater standing for codes of practice.

In this Chamber on a number of occasions the Minister has acknowledged that codes of practice are a more flexible way of going and can be most useful. However, this Bill is a very weak and faltering step along that road, compared with what is in place in Victoria, the effect of which we can see in operation. All people to whom I have spoken say that the system in Victoria works well. Codes of practice now have increased standing as providing practical guidance. They should be followed unless there is another solution that achieves the same result. They can be used to support prosecutions and other allegations of contravention of the Act. We urge the Minister to toughen up the section on codes of practice. That is the first step along the path, which is welcome and which we support; but we do not believe it goes far enough.

Another clause of the Bill imposes prohibitions on the handling, use and storage of certain hazardous substances in prescribed places. We welcome that. We understand from the second reading speech that this is designed to tackle the asbestos problems at Wittenoom, and we will support that. I hope that those provisions are not limited to the handling of asbestos at Wittenoom and that it is appropriate to use such a provision for the handling of prescribed hazardous substances in other places. We support another clause which relates to the offence of persons who remove improvement notices. Those notices must remain where they have been displayed until they have been complied with. We agree with that.

I have referred to 10 or so different clauses in the Bill in which I have outlined areas and

amendments which we support. In some areas there is scope for them to be improved further. In many cases they have picked up the recommendations of the Laing report. I now refer to clauses in the Bill with which we are not happy, and which will not improve safety on the job. The first thing that is very evident from the Bill is the intention to extend the control of the employer over health and safety issues on the job. That undermines the basic philosophy that I talked about at the beginning of my speech. That is, the whole legislation is based on a foundation of everyone having responsibility for health and safety on the job; everyone being involved; there being representative democratic structures and committees; and information, consultation and discussion occurring. In that kind of climate more will be achieved for health and safety than in any other. Unfortunately the Minister does not seem to be able to separate his ideological problems with some of the structures of the workplace and look at those apart from the success that has been achieved under the current Act.

In this legislation we see an attempt in several different clauses to increase the level of employer control over health and safety issues, to exclude the role of unions, and to limit the ambit of health and safety issues; for example, a most obvious feature is the deletion of the word "welfare" from the title. Many of us will remember the extensive debate that went on about this matter in 1987 over the use of the word "welfare". Some people on the other side of the House had an ideological problem with the use of that word. However, I hoped that between seven and 10 years down the track, those people would have dispassionately and objectively looked at the outcome to see whether all of those dire expectations that were raised in the debate about the term "welfare" had eventuated. Any reasonable person would say they have not. Nevertheless, this ideological objection to the use of that word in the legislation has come to the fore and the word is to be taken out of the title of the Bill.

It will exclude some positive features of the current legislation and some aspects of the current regulations that govern the provision of facilities and amenities in the workplace, including first aid treatment rooms, and staffing levels to overcome stress. All the issues which currently fall within the meaning of "welfare" will be challenged if that word is removed from the legislation because they will no longer fall within the provisions of the Act. It is a backward step. I challenge the Minister, in his response, to give one example of where having the word "welfare" in the title of this Act over the past seven years has created problems in the workplace. The effect of removing that word and throwing into doubt the regulations that draw their head of power from its use is of far greater consequence than any other ideological concern of the use of that word as it relates to work.

This Bill seeks to reverse the words "health and safety" throughout the Act to "safety and health". I am sure most members will agree that more substantive issues than this should occupy the time of the Parliament. One might say the Minister wants to create something that is a little different so he can leave his mark on the legislation; therefore, it does not matter. In normal circumstances one might say that is correct, but we are talking about public money that will be required to change the stationery, brochures, the hundreds of thousands of publications and other things because of these words being reversed. It will create confusion because everyone talks about health and safety representatives and health and safety committees and now everyone will have to reverse it to safety and health. For what purpose and what will it achieve?

The Minister signalled that he wants to change the name of the Department of Occupational Health, Safety and Welfare to WorkSafe Western Australia. It is quite extraordinary for a Minister who has, more than any other member opposite, trumpeted the rights of Western Australia and has consistently opposed everything the Federal Government has done in industrial relations matters. For him to seek to plagiarise the title of the federal body, Worksafe Australia, and attach it to a Western Australian department, is a transparent move to try to take the goodwill that attaches to the national department. Under normal circumstances I might have had no objection to that, but this Minister has sought to isolate Western Australia from national standards and regulations set by Worksafe Australia. For him to use its good name for a Western Australian

department is a travesty. He should not seek to undermine the work that has been done nationally to create national standards. Western Australia is the only State that does not adhere to the national standard on noise in the workplace because this Minister reversed the previous Government's decision. The explanation he gave is that he would not be bound by the national standards or be supplicant to these national bodies. I suggest he is trying to use its good title for the very reason that it has such a high level of credibility not only in Australia but overseas. This Minister is seeking to take some of the credibility of Worksafe Australia. I understand that Worksafe Australia strongly objects to the Minister's proposal and it may take legal action to stop him from doing it. I wish it good luck in its action because this Minister does not have any right to seek to ride on the coat-tails of Worksafe Australia, following the good research and work it has done on safety, when he refused to be part of those national standards.

Another major exercise which is evident is that this Bill not only makes those superficial changes to the title, but also will result in an increase in formality and legalism. Obviously, this Bill is designed to make the structures more difficult for people to comply with and to take away the good work that has been done in establishing informal structures and committees which are working and are cooperative. It is unfortunate the Minister has adopted this legalistic position of creating a role for magistrates by moving everything across into the mainstream court system which, undoubtedly, will increase costs and make procedures more formal than they are now.

I mentioned previously that some clauses of this Bill which the Opposition supports are the recommendations of Commissioner Laing. The Minister's ideological position does not allow him to take up all of Commissioner Laing's recommendations. For example, Commissioner Laing made it clear that the Industrial Relations Commission was the appropriate body to resolve disputes relating to occupational health and safety issues. The commission has exercised that jurisdiction and role over the past 10 years. I have not heard any criticism of its exercise of that role, but the Minister has an ideological obsession about the commission and has sought in several pieces of legislation to reduce the commission's role and to make the avenues more formal and legalistic in the general court system. In this Bill he seeks to introduce an occupational health and safety magistrate.

Magistrates are accustomed to dealing with people charged with offences on a one to one basis. They are not accustomed to dealing with 30 or 40 people from a workplace who have a concern about a safety issue on the job which has caused them to stop work, or an allegation relating to safety. The Industrial Relations Commission is accustomed to dealing with those issues by arbitrating, conciliating and bringing the parties together to reach a conclusion with which they can both live. To go to a magistrate means that the situation will become extremely adversarial, formal and legal. It will raise the costs and people will adopt very rigid positions. They will be locked into a situation where they will have to obtain the services of a lawyer. At the end of the day there will not be the capacity to resolve issues amicably in conferences where people can discuss the issue and reach a conclusion after some give and take. Those kinds of outcomes will be gone under this system because the magistrates will be able to deal only in the way they always have done; that is, on a one to one basis with each person being represented by a lawyer. Legal proceedings will be dragged out and will be expensive and they will not benefit anyone. Disputes which currently can be quickly resolved in the Industrial Relations Commission will be carried over into a legal situation. They will be subjected to a queue and will be dealt with individually and the outcomes will not be as they are now.

I said earlier that Commissioner Laing was very strong in his recognition of the role that unions have played in health and safety issues. Members will recollect that I said he believed unions had a proper and legitimate role and their history in this area has been quite outstanding. One of the key features of this legislation is to reduce the role and significance of unions in the workplace. I know the Minister has long had an ideological problem with unions; I do not think there would be one person in Western Australia who does not know that. However, an issue such as health and safety concerns people who

may be injured or killed on the job. One would think that for an issue that impacts on families, the Minister would have put aside his ideological position and looked at the facts and figures and determined for himself that the system was working and people were able to use the help, advice and expertise of the unions to assist them in their duties as health and safety representatives and as members of health and safety committees. The unions have been actively involved in health and safety committees; in fact, the Act provides for their involvement in the election of health and safety representatives. I cited figures that showed that in those industries where unions were actively involved, health and safety committees and health and safety representatives were more likely to be active and doing their job. This Bill seeks to take out of the workplace any role for unions in assisting the election of health and safety representatives. Employers will have a stronger role in establishing occupational health and safety committees and in initiating the election or appointment of health and safety representatives. Health and safety representatives established by this Bill will be more isolated than those operating under the current Act who are assisted and advised by committees comprising employees other than health and safety representatives. That results in an active committee which is able to provide feedback of important information to the health and safety representatives to help them do their job. Unfortunately, this Bill proposes that no-one but the health and safety representatives in the workplace and the employer can sit on those committees. We will end up with very small committees comprising possibly two or three health and safety representatives and the employer. The Bill also proposes multiple health and safety committees at an enterprise. By fragmenting committees and reducing the numbers on a committee to three or four people, the effectiveness of the committee will be reduced.

It is unfortunate the Minister did not take the time to meet people in the workplace who sit on those committees and see the work they do and how their committees operate. It is not an easy task to be a health and safety representative at a workplace, and those people need the support, encouragement and feedback that they get from those committees. By reducing the role of the committees, restricting their size and isolating the representatives, the capacity for health and safety representatives to carry out their tasks will be undermined.

A very strange amendment is proposed to allow disgruntled individuals to lay complaints about the manner in which the health and safety representative is performing his or her duties. It ignores the fact that the health and safety representatives are elected, so they must enjoy the confidence of their workmates or they would not occupy the position. Should they not perform their duties adequately, their workmates can vote them out of office. They do not have a ticket to hold that position for any extended period. The notion of specifically providing in the Bill for an individual who feels disgruntled to complain that the health and safety representative is not doing his job will undermine the role of those representatives and will probably discourage people from taking on that onerous task. I am concerned that there seems to be enthusiasm in this legislation for providing assistance to those who might seek to undermine the role of the health and safety representative, rather than seeking to expand, encourage and offer support in every possible way to those people who are prepared to take on the tasks of a workplace health and safety representative.

Employers have an increased role in setting up health and safety committees. Indeed, the health and safety representatives do not even have to be advised that a committee will be established. The option of multiple committees in workplaces gives employers much greater control over the manner in which those committees are established. Under the current legislation, great emphasis is placed on the process of consultation. Consultation occurs at every step - in establishing the committee, deciding the number of people on the committee, and the process of election. This Bill seeks to give employers a much greater role in unilaterally deciding those matters. That will undermine the very basis of the legislation: Health and safety thrives in an atmosphere of cooperation with all the parties involved.

By removing the role of unions in the workplace the Minister will find, probably to his

chagrin when this legislation is in place, that it also removes an important source of information and advice to help health and safety representatives in their daily tasks. Unions have the capacity to seek information. They have libraries which contain data and advice on hazardous substances. Health and safety representatives can obtain all those things quickly from their unions. By seeking to separate health and safety representatives from unions that information will be lost, and health and safety representatives will be isolated in carrying out their tasks. In my view, that is what the Minister wants to see. I hope that is not his aim, because that will result in lower standards of safety in the workplace. A sad way of finding out if that will be the outcome of the legislation will be to look at the figures in two or three years' time to see whether the improvements we have seen over the past seven or eight years have started to decline and go backwards.

The enforcement clauses of the Bill increase penalties, and the Opposition supports some of the higher levels of penalty in line with the recommendations of Commissioner Laing. However, we are concerned about some of the penalties being imposed on employees, which are out of proportion to their ability to influence the control of work systems. Where they do not have control over the workplace, the notion that they should be penalised for failing to remove the hazard or change the work process is erroneous. The Minister should look at those clauses where he is seeking to shift the burden onto individuals rather than its staying with the manager. An employee working alone or with one or two others and nominally in control of the workplace because no-one else is present may not have the control to be able to implement change that affects the plant, machinery and structures. However, this legislation provides that that individual can be fined heavily if the structures, plant or whatever are found to breach the requirements of the Bill.

The enforcement of breaches and the imposition of penalties is placed in the hands of an industrial occupational health and safety magistrate. That is a backward step and we ask the Minister to reread the relevant clauses of the Laing report, and to leave these matters in the hands of the Industrial Relations Commission where they have been dealt with properly. If the Minister believes they have not been dealt with properly, the onus is on him to bring forward evidence of where that has occurred.

The Opposition will deal with many issues at length in Committee, so I will restrict my comments to some of the key remaining issues. As I said earlier, the Occupational Health, Safety and Welfare Commission is a policy making body with a tripartite structure which has worked extremely effectively. The Minister seeks to change the composition of that commission by introducing a politically appointed chairperson. That chairperson will have a casting vote under the provisions of this Bill. The introduction of a new chairperson with a casting vote, appointed by the Minister, has been opposed by all the tripartite parties - employers, unions and independent experts - who say that it flies in the face of the tripartite structure on which the commission is based. They believe it undermines the role of the commission by changing the balance. It is a crude attempt by the Minister to change the balance to give himself more control over the commission. He makes this attempt not only by the political appointment of a chairperson, but also by seeking for himself the power to direct the commission. At the moment, the commission is seen as an independent body. It deliberates on matters relating to health and safety - very important matters - and proposed changes to regulations, and makes recommendations to the Minister who can accept or reject those recommendations. Under the new Bill before us today, the Minister seeks the power to directly control the commission and to direct its activities. He also gives himself access to all the information held by the commission. He can demand any information held by the commission. We have seen the actions of this Minister previously, and the way in which he demanded confidential address lists from the building and construction industry long service leave board. The board refused that request when the Minister first made it. He then issued a directive that the board should give him the names and addresses of every worker registered in the construction industry under the board's records. To each person he sent political propaganda through the mail. He was roundly condemned by everyone -

employers and employees alike. We do not trust this Minister and we are particularly concerned about that part of the Bill which gives him the right to demand from the commission any information he chooses. It does not say how he shall use that information about individuals who have been injured or have developed diseases at work. That sort of information is highly confidential and private to those persons, and we do not believe the Minister should have the power to demand that kind of information.

In relation to improvement and prohibition notices, we are concerned about provisions in the Bill which require an inspector to give reasonable grounds for forming the opinion on which an improvement or prohibition notice is issued. At the moment the inspector gives a reason for issuing a notice. It is not specified that it must be given on reasonable grounds, which suggests an objective, independent test of the reasons. The inspectors form that opinion at the time they view the workplace, where they may see a process which is unsafe or machinery operating which they believe is dangerous. They write their opinion on the notice at the time. They are not asked to give grounds that would be considered by someone else later to be reasonable, because that implies an independent, objective test of their opinion. There can be only one reason for introducing such a provision; that is, to intimidate inspectors and to stop them from writing as many notices as they currently do. This shows quite clearly that the Bill before the House today, unlike the three or four previous Bills amending this legislation, is designed not to improve health and safety on the job, but to take up some of the ideological obsession of the Minister about the role of unions and the Industrial Relations Commission, and to intimidate inspectors performing their duties. I challenge the Minister to bring forward evidence to this Chamber of notices written by inspectors, where the inspectors do not hold the opinions they placed on those notices as the reasons for issuing them.

It is now 10 years since the legislation was first introduced. Dramatic improvements have occurred in health and safety over that time, we believe as a direct result of the legislation and increased activity in the workplace of health and safety representatives and committees. The position in workplaces in Western Australia today is very different from that which applied 10 years ago, with regard to the amount of activity in the election of and performance by health and safety representatives in the workplace, liaising, consulting, negotiating and providing information to their colleagues. This has had a dramatic effect on not only safety, but also productivity. Those results are clearly evident in the figures available. Some employers, as well as many unions, are most unhappy with the legislation before the House today. A prime example of that concern is a letter from the Chamber of Commerce and Industry of Western Australia dated 14 November in relation to the North West Shelf development project -

> We write on behalf of contractors engaged on the above Project to respond to concerns raised by you at a recent Industrial Relations Co-ordination Meeting.
>
> We advise that contractors will not deal with safety issues on the project in any manner other than that currently in place, should the above legislation be varied as is currently proposed.
>
> The project has established procedures, including those within the site agreements which prescribe mechanisms for resolving issues of a safety nature.
>
> The commitment of the parties determines the degree to which procedures are complied with, however the history of the project in this area would indicate a high level of commitment and compliance.
>
> Implicit in the 'Project Safety Grievance Procedure' is a process by which employees, without exposing themselves to unnecessary hazards, may continue to be paid in the event that a serious hazard is encountered on the site.
>
> We reiterate that we do not believe that the proposed changes to the legislation will result in varied procedures, policies or lesser standards being applied by contractors.

In other words, they will not change their procedures, even if this legislation is passed.

[The member's time expired.]

MR BROWN (Morley) [4.18 pm]: Before dealing with the substance of the Bill, it is pertinent to note that just six weeks ago in this Chamber we discussed the matters of occupational health and safety. On that occasion we discussed at length the Mines Safety and Inspection Bill introduced by the Leader of the House, representing the Minister for Mines. We debated over some days the various provisions of the Bill and their appropriateness for the mining industry. We are now debating this Bill which seeks to make 25 changes to the Mines Safety and Inspection Bill we debated six weeks ago. It should be remembered that the Bill we debated some weeks ago was not an opposition Bill, but was a government Bill. Either dramatic changes have been made to the Bill in the government ranks over the past four or five weeks, some policy changes were made ahead of this, or Bills were introduced in this place for the purpose of wasting time.

I do not know which of those it is; it is not my job to know, but it begs the question as to the orderly way in which this House should deal with occupational health and safety matters. It is not unusual for Bills to go through this House and then, after wiser counsel has prevailed and further reflection taken place, for minor amendments to be brought forward. Perhaps the parliamentary draftsman has not got the words as precisely correct as he wants. From time to time Governments of all political persuasions bring small amending Bills to this House to correct words which at the time were genuinely believed to reflect the policy and intent of the Government but which on later reflection are seen not to do so. However, it is unusual to see a Bill introduced which seeks not to make minor corrections but to change dramatically a Bill which was debated four or five weeks ago. Given that that is the case, I hope the guillotine will not apply to this Bill. Those who seek to limit debate on this Bill after we have spent a significant amount of time debating the first Bill would need to have strong justification indeed for applying the guillotine.

Mr C.J. Barnett: It does not apply this week but we expect to finish the Bill next week.

Mr BROWN: It will depend on what time allocation is made available next week. I raise that point because it is worth raising.

Mr C.J. Barnett: I concede that this is a controversial Bill, but don't you think it is reasonable that the issue can be canvassed in an afternoon and a night?

Mr BROWN: A number of second reading speeches are to be made, and then many of the provisions will be examined. I am pleased the Leader of the House has talked about the time that is necessary, because I want to tell the House about the development of the Occupational Health, Safety and Welfare Act in 1984 and 1987. The Leader of the House may have some knowledge of this as he wore another hat at that time.

Prior to the introduction of the Bill in 1984 - it was simply a framework Bill; it did not have any teeth, but set up a commission to work on the substance of the legislation - approximately 12 months of detailed negotiations took place between the peak employer and union groups in this State and the Government. As a result, the Bill which came before this House and was adopted in 1984 was a piece of framework legislation. It was not an Act with any teeth, but rather one which said, "Here we will establish an occupational health and safety commission which will work in conjunction with the parties to seek to implement a regime of occupational health and safety in this State." The matter did not then go on the back burner. Indeed, intense discussions took place between the parties for the remainder of 1984, and in 1985 and 1986, save for the election period. Finally, in 1987, after three years, a further Bill was introduced which provided the substance of the Act. That is a not insubstantial period. Why was such an exhaustive negotiation period necessary? Obviously, fears were held by employers and employer groups and by employees and unions about the provisions of the Bill. It was extremely difficult to reach common ground on the appropriate provisions. Nevertheless, it was decided that for the Bill to have its best chance the provisions must be implemented with the goodwill and commitment of all parties, and it was important therefore to go through that long, detailed and exhaustive negotiation process. By the time the Bill was finally brought to this place in 1987 and adopted, it carried with it an enormous amount of goodwill on the part of employers and employer organisations, the trade union movement, employees and their representatives.

That Bill when introduced had been substantially agreed between the parties, and sitting behind the Bill was this reservoir of commitment by all parties which said, "We want to make occupational health and safety a key issue in Western Australia. We want a situation where workers, employers, unions and Government can work together to try to minimise workplace disease and accidents, and overcome the dreadful suffering and cost being incurred."

That was then. With the introduction of this Bill we see a throwing away of all the work that was done at that time. What was done in 1984 and 1987? The Bill then introduced, and the Act as it now stands, implement, as the member for Thornlie said, the Robens principles. They are that occupational health and safety should be designed around a broad duty of care on the part of the employer to provide a safe and healthy working environment. The Robens principles envisage a hierarchy of control; they do not leave it to the employer or employee to set standards, but recommend a hierarchy of controls to ensure a safe environment. Those controls are provided, firstly, by way of legislation; secondly, by delegated legislation through regulations so that important matters can be regulated; and, thirdly, by introducing standards such as those relating to noise, radiation exposure, and so on. The next step in the hierarchy is codes of practice which deal with the method of working safely and safe work procedures and, finally, guidance notes.

It was decided that that process should be used because the changing nature of industry and the workplace meant that simply bringing down regulations governing an industry would not work. Why did they not work? It was because it took so long to set in place prescribed regulations for a specific industry. Secondly, Governments of all political persuasions were extremely slow in changing those regulations to reflect changes in the industry. Thirdly, the regulations in many instances required enforcement by people outside the workplace. The philosophy of Lord Robens and his committee was that if they were to be successful in minimising occupational accidents, injury and disease, the emphasis must be on the workplace. People at the workplace had to be encouraged to strive constantly to improve the level of safety and health. It can be done only if that is a clear target of both parties. That is as true today as it was when the Robens committee made that finding. In fact, it is more accurate today than ever before. The workplace and work organisation today is rapidly changing. Occupational injuries and diseases that we did not experience 10 or 15 years ago have become known in the workplace. Although many innovative ways of working have been developed, not all those methods of working are safe. Many new chemicals have been introduced into industry which, although producing desired outcomes, require safe handling. If ever there was a time when we needed to constantly focus on improving occupational health and safety at the workplace level, it is now.

How then do we ensure continuation of that focus on the constant improvement and minimisation of occupational accidents and injury? A number of processes are necessary: Firstly, Lord Robens' committee recognised that active involvement of employees and their unions was essential. In other words, the highest standards of occupational health and safety will not be achieved anywhere unless employees and their organisations are involved in discussions. When I say it will not occur, I mean it will not occur in every workplace. Some employers have a proud record of ensuring their workplaces are safe and their systems are not injurious to health. However, in other situations, employees constantly need to monitor the impact on safety and health of the work they perform and to scrutinise the materials with which they work. Those employees, through their representatives, must constantly raise with their employer the necessity for safe systems at work. Only by consultative mechanisms can we hope to achieve a work environment that provides high levels of protection for working people. All that means continuous improvement which, of course, is contrary to the old model which simply put in place regulations which were in place for many years. The new model is constant improvement which means that employees and occupational health and safety representatives must have access to information and the right to be able to argue and debate with their employer the validity of any information provided. They must be able to raise matters in impartial forums when they believe standards applied by the employer are not adequate.

What does this Bill do and how does it seek to cut across that general thrust? As the member for Thornlie has pointed out, the Bill creates a new position; that is, the safety and health magistrate whose role will be to determine matters over which there is disagreement over notices and other issues. His role will be to exercise discretion having regard, if the magistrate so wants, to a so-called independent expert. However, no provision exists under this Bill as applies under the current arrangement where employees, unions and occupational health and safety representatives have the opportunity of bringing forward information which may be of a different nature from that held by the employer. As anyone with experience in occupational health and safety knows, there are many experts who genuinely believe their view is correct. However, there are those experts whom one might describe as conservative, and those who constantly seek answers to questions of a health or injury nature on new procedures which must be put in place to ensure a safe working environment.

This Bill seeks to limit the debate. It seeks to stop what I consider to be the genuine efforts of health and safety representatives and of the unions in seeking to push for the imposition of higher health and safety standards. The Bill seeks simply to provide for established health and safety standards in the workplace which are to be used as a benchmark, rather than to constantly improve on that benchmark in the workplace. If that is the intent - that is the way I read the Minister's Bill - this takes us back to before 1984, to a system that is anathema to the principles determined by Robens.

Rather than referring to some of the matters covered by the member for Thornlie, I will discuss the implications of this Bill, about which there has been some discussion in the general Press. *The West Australian* of 18 November contained an article which referred to the prospect of the Trades and Labor Council's seeking to protect workers by getting agreements on occupational health and safety registered in the Federal Industrial Relations Commission. Interestingly, the Minister responded to that by saying that the State would fight that move all the way and that it would not permit a situation where occupational health and safety agreements were registered in the Federal Industrial Relations Commission. What a great advance for occupational health and safety in this State, when we are now fighting about which jurisdiction should control this important subject!

Mr Bloffwitch: I know which one you would like to see in control.

Mr BROWN: We would like it controlled in the State as long as it is under decent legislation. As the member for Geraldton may or may not know, in the past in this State during various periods, the legislation has been deficient. Indeed, it is the responsibility of trade unions and their members to ensure that, where legislation is deficient, they seek to provide the best protection possible. If that means opting for that better protection from somewhere else, that is their responsibility and the expectation of members. The member for Thornlie referred to correspondence from the Western Australian Chamber of Commerce and Industry which was referred to again in *The West Australian* of 17 November. A spokesperson commented on behalf of the chamber that, irrespective of the provisions of this Bill, agreements in place will continue to remain in place so that this Bill will not have any effect.

It is interesting that this Bill seeks to shift the balance away from unions and workers to employers. That shift will not affect those industries or employers who adopt a progressive attitude to occupational health and safety, but it will impact on those workers whose employers do not. If occupational health and safety is to work under this Bill, workers must be fully informed and be given the opportunity to participate properly in the processes through real consultation, not phoney consultation where the employer says that their views have been taken into consideration, which are good, and then nothing is done. They must have access to real consultation and that is provided for under the existing legislation; it is not provided for under this Bill.

Under this Bill employers can set up health and safety committees and the people who act on behalf of the employer can seek to disqualify the health and safety representatives. One can imagine when that provision will be used. As soon as a health and safety

representative starts taking a progressive line which the employer does not like, the stooge of the employer will get up and move that the occupational health and safety representative be moved on or dismissed. This Bill deliberately undermines the negotiation process and it makes the whole system a charade. It appears to have been done for nothing more than an ideological view because there is no strong reason for this change.

It was interesting to read that the Minister said in the newspaper on 8 October that the Government was removing the election process from the unions because they had abused their right to be a part of that process. It is also interesting that he did not mention that in his second reading speech. I cannot find any evidence in his second reading speech and I have not read anything in the Press about unions abusing the election process. Unions will be removed from the process of conducting elections for health and safety representatives, of whom there are thousands, not just one or two. Where is the evidence of abuse by the unions and what is the reason for the change? The Minister is not a shrinking violet when it comes to making ministerial statements in this place - he tends to make one every day!

Mr Thomas: He is paying a lot of attention at the moment.

Mr BROWN: I must say he is in an interesting state and it is unfortunate that we cannot make it permanent.

The Opposition does not have one shred of evidence of unions abusing the election process. The removal of the unions from this process is simply based on an ideological bent of this Government as opposed to seeking to improve occupational health and safety in this State. If that is the case, the removal from this legislation of a safeguard as important as this without justification is a condemnation of this Government.

I was interested to read some of the ministerial statements made about inspections and the number of inspectors on worksites because it is the hallmark of determining whether the Government is genuinely concerned or whether it mouths concern. I took the opportunity to put questions on notice to determine the number of inspectors engaged by the Government at December 1992 and currently. One does not need to be a genius to know that the number of inspectors has decreased. It is indicative of the way this Government operates; that is, it has removed forms of external control or proper inspection by simply reducing the number of inspectors.

I notice that the Bill proposes to change the name of the Department of Occupational Health, Safety and Welfare to WorkSafe Western Australia. The Opposition is not sure of the reason for the change other than that it will create the impression in unsuspecting minds closer to the next election that it was this Government which introduced this concept in Western Australia and that prior to 1994 such a concept did not exist. It appears the Government is changing the name of all government institutions to reflect an imagery that somehow these organisations did not previously exist and they have been created in the interests of the public of Western Australia. If that is the reason for changing the name of this department and various other departments, it may work, but I advise those people who are directly involved in this strategy that it will not wash with the Western Australian public. In the same way, this Bill will not wash with the public of Western Australia.

MR THOMAS (Cockburn) [4.48 pm]: I draw the attention of members to proposed section 74A which makes it an offence to pay employees who leave the workplace because they believe that remaining there would involve the risk of injury or harm to their or other employees' health. This Bill takes away the right of a worker to be paid under those circumstances. It actually makes it an offence for the employer to pay an employee who leaves the workplace for that reason and for the employee to receive payment, and the various penalties are prescribed. It is a draconian provision because not only can employees not be paid in those circumstances, but also it will be a criminal offence for an employer to make such a payment or for an employee to receive it. It is a matter which is inappropriate for legislation like this and it concerns me.

In his second reading speech on 27 October 1994, the Minister said -

> The Government has retained the statutory right for an individual to cease work where there is an immediate and serious threat to his/her safety and health. However, the Act will be amended to outlaw "strike pay" on safety and health matters.

That is unjust and inappropriate. However, it is exactly what one expects from this Minister because he has a habit of taking away workers' rights by legislation. That has occurred on a number of occasions over the past two years. Perhaps the most blatant example of it was the industrial relations legislation which took away from workers their right not to be discriminated against in their employment because they were entitled to the benefit of an award. That fundamental right which had been enshrined in industrial legislation for decades was taken away by an amendment which was circulated in this House, not on the Notice Paper, but effectively on the back of a bus ticket. The legislation was guillotined through the Parliament with all members on the other side, and probably the Minister also, not being aware of what they were doing; that is, removing the common law obligation of an employee to not work under circumstances that are dangerous to his health or the health of others, and to be paid under certain circumstances.

The Minister's second reading speech said that the Government "has retained the statutory right for an individual to cease work where there is an immediate threat to his/her safety and health." That was a gratuitous statement: The Government has retained the right for workers not to work in circumstances that are dangerous! One hopes so. In fact, there was no need for the Statute to make that provision because common law provides that an employee has a statutory obligation not to work in a place which is dangerous or in a manner which is dangerous. As well as the State industrial legislation which set up tribunals and which created rights and obligations, the common law of employment, more commonly known as the common law of master and servant, also puts an obligation on an employer to provide a safe workplace and an obligation on the employee, the servant as he is called in the old terms of common law, to work in a safe manner and, if a worker fulfils his part of the contract and is prepared to work in good faith but the workplace is not safe, he is entitled to be paid because it is not his fault the workplace is not safe. That seems to me to be an eminently sensible provision. If the workers choose not to work for some other reason, perhaps because they want to go to the pub or to the football, they should not be paid. However, when they choose not to work because of safety problems, they should be paid. That provision is bizarre and unjust.

I will demonstrate why it is unjust with a tangible example of a payment being ordered to be paid by a court and which should have been paid. I will demonstrate also the relevance of these principles of common law. A lot of people might say, "Ho hum! What is the purpose of common law relating to masters and servants? It is ancient history and not relevant to modern working conditions." There is an element of truth in that in that most aspects of employment these days are covered by statutory provisions of one form or another, whether or not they are in legislation, awards or other instruments and the principles of common law are of only marginal relevance to conditions of employment. However, on occasions they are important.

The Minister's second reading speech cited the building industry as a place at which this legislation was directed. Prior to entering this Parliament, I was a union official in the building industry for a number of years. I experienced a number of disputes which revolved around safety issues. I draw the Minister's attention to one of those.

Mr Shave: Did you use those dispute procedures to get wage rises?

Mr THOMAS: No, I did not. They were used by the workers and I was their agent to protect their working conditions. I want to tell the Minister and the House a story about the Worsley Alumina Refinery building site, which was probably one of the most awful building sites on which to work in this State. It was certainly one of the worst that I have experienced. The construction was on clay soil and occurred at a time of the year when

there was a lot of rain. It was a hideous and most unpleasant place to work. For that reason, the arbitration commission awarded quite generous site allowances to the workers to compensate them for the unpleasant conditions. Building places are not normally pleasant places on which to work. However, this was one of the worst that I have ever seen, particularly in the early stages when the concrete footings were being poured. It was also a huge site. Construction work was being carried out on a dozen separate sites for various elements of the Worsley Alumina Refinery. There were many employees, contractors and movements of vehicles. Situations arose from time to time which were not safe and employees sought to protect themselves by removing themselves from those areas. At one stage, the employees on that site employed under the metal trades awards obtained the services of Senior Commissioner Don Cort of the state Industrial Relations Commission who inspected the site and provided a four or five page report with recommendations on how the site should be cleaned up, because it was a badly managed and dangerous site. An incident occurred at Easter in 1982. As well as the Easter break, no work was done on the following Tuesday because it was a rostered day off. Therefore, no work was done on the site for five days. It was a very wet Easter; it rained for most of the five days and the site was a real mud patch when work resumed on the Wednesday. One of the workers was working in an excavation laying reinforced steel, as I recall, in preparation for the pouring of concrete for the base of a tank. When vehicle movements commenced after five days, there was an earth slide and that worker was killed - he was impaled on a reinforcing rod. It was a most unpleasant death under hideous circumstances. The work force at that point decided the site was unsafe. The report prepared by Senior Commissioner Don Cort had only partly been acted upon and the workers decided not to remain there until the site was cleaned up. They claimed the right to be paid under those circumstances and they had every right to make that claim. Some events had occurred prior to the accident which caused the unfortunate death of that 22 year old man and they were to do with safety. A meeting was held between some union officials and the management, Raymond Engineers, who were the main contractors for the site, to discuss the matters raised by Senior Commissioner Don Cort.

Senior Commissioner Cort was acting in a private capacity. He did not have safety jurisdiction, but he was an industrial commissioner and came from the confederation. He had been in the building industry for many years and was universally respected by employees and employers. It was accepted that the management had been dragging its feet in implementing the recommendations of tidying up the site, restricting the movement of vehicles and so on. A meeting occurred on the very job where this employee was killed a week or so later. One of the officials of the union I was representing, Mr Binstead, attended the meeting together with shop stewards to discuss safety procedures on the site. He made some contemporaneous notes and, as a consequence of their being contemporaneous, was allowed to produce them later in the Industrial Relations Commission. At the beginning of the meeting management said, "What are you doing here? Why don't you ... off." Those words are in the commonwealth arbitration report. That was the reaction of the management to Mr Binstead, who was there to negotiate the question of safety. His credentials to represent the employees' interests were challenged by the employer. One of the representations he made was that the angle at which this excavation was trimmed should be decreased so there would be less likelihood of a slide. That recommendation was not accepted by the employer because he did not think that Mr Binstead was genuinely interested in representing the workers' safety. The employer believed he was using that for industrial purposes. Indeed, a little later on in the meeting the same gentleman said to Mr Binstead, "You are only a shit stirrer. We look after the safety of the workers better than you do."

Mr Shave: That was the attitude I was alluding to earlier.

Mr THOMAS: I am glad the member for Melville made that point. That is precisely the attitude represented by the member for Melville and the Minister for Labour Relations in this House that the employing classes generally have a more genuine interest in the safety and welfare of employees.

Mr Shave: Don't you think we care about employees?

Mr THOMAS: The member is disputing the effectiveness of the union officials' desire to protect the safety and welfare of employees.

Mr Shave: Some radical union officials are.

Mr THOMAS: It would be difficult to be any more radical than Mr Binstead in those circumstances or a more intractable employer than Hornibrook was on that site. The proof of the pudding is in the eating: A worker is dead. He would have been alive today if Mr Binstead had not been told to clear off by the employer and that he had the true interests of the safety of his workers at heart. Mr Binstead wanted to make recommendations about the angle of trims being cut on the tank base, and the employer wanted to argue about his credentials of being genuinely interested in the safety of the workers. A 22 year old man was impaled on a piece of reinforcing rod - an awful death. The site was a mess with rubbish all over the place and it was dangerous. The workers decided, "Okay, we are off." They withdrew from the site and said they would not go back until it was cleaned up.

The workers took their claim to the Commonwealth Conciliation and Arbitration Commission to be paid for the three or four days it took to clean up the site. They argued before the Commonwealth Conciliation and Arbitration Commission constituted by Commissioner Merriman that they had the right to be paid. One had the right under common law to be paid for absenting oneself from a workplace because it was dangerous and one was there in good faith, ready and willing to work. They had returned to work after a very long weekend at Easter, having had Tuesday off as well, and within an hour or so one of them had been killed. I can think of no more justifiable case for workers being paid in those circumstances. It is not that they are automatically paid because they have invoked safety. They have the right to go to tribunal and argue their case, and if they establish their claim, to have it awarded. Commissioner Merriman said they should be paid. The employers appealed on jurisdictional, technical grounds and Commissioner Merriman's decision was overturned. It was not on the merits of the argument. This Bill takes that away. It is not a frequently invoked right but it goes back a long way to medieval times and the law of master and servant, in medieval jargon. One of the aspects of master and servant law is that one is able to be paid if one presents oneself for work in good faith, ready, willing and able to work, and is not able to do so through the fault of the employer. One of the employer's obligations under a contract of employment is to provide a safe workplace. If it is not, the employee should be paid. That seems to be an elementary piece of justice. The arrangement of employment is a contract between master and servant, to use the traditional legal jargon. That contract is to be varied by Statute, but that should be done only after a good deal of thought about it and on very good grounds. I can see no grounds for taking that away. Justice would say that if a person presents himself for work in good faith and is prepared to work, and the employer has not fulfilled his contractual obligation to provide a safe workplace, the employee should be able to claim payment for that time, as he is now under common law. Additionally, not only will this proposed Statute say that that should not be allowed, but also it will impose a criminal penalty to make it illegal. The horrible, true story that I told earlier of the death of the young man at Collie makes one ask whether the Minister thinks it is fair and reasonable that people should be paid in those circumstances.

Mr Kierath interjected.

Mr THOMAS: The Minister does not want to answer, but at last he is awake. It is fair and reasonable that people should be paid in those circumstances. The Government is saying that not only will they not be paid but also a criminal penalty will apply if they do not comply. That absurd provision must be rejected.

MS WARNOCK (Perth) [5.09 pm]: I support my colleague, the member for Cockburn. Workers in this State firmly believe that the Minister's new occupational health and safety laws should be opposed because they reduce the ability of workers to protect themselves against unsafe working practices. To make that point, they demonstrated loudly in front of Parliament House a couple of weeks ago. On the advice of the Trades

and Labor Council the workers also are considering striking occupational health agreements at the workplace and having them ratified by the federal Industrial Relations Commission. Why are they concerned enough to take those steps? We already have heard evidence from my colleagues, the members for Thornlie and Cockburn, and other speakers.

I want to address two major reasons briefly. Other members will cover other aspects of the Bill. First, I draw attention to the unions' role which will be reduced in the allocation of workplace health and safety roles. Second, the work of the Industrial Relations Commission in the occupational health area will go to magistrates. Why would the Minister want to do that? One can conclude only that it is because of the Minister's fanatical dislike of unions. There appears to be nothing logical about his actions. Most people realise that unions have a vital role to play to get employers to make improvements to workplace safety. The Minister has made it clear that he opposes unions going to the federal arena, and that he is determined to fight such action. One can imagine only that it must be some sort of prejudice that drives the Minister along that course. There is no reason to change the legislation in this way to exclude unions from the process. It is clear that unions have very serious concerns about the health and safety of their fellow workers. That is the reason that unions exist; it is their main function. It is the reason they oppose the Minister's proposed changes and they want the existing occupational health procedures to be maintained. The Opposition agrees.

Why would the Minister seek to make these changes? Who can tell what goes on in his mind? We see no justification for this move. Even the employers are not entirely happy with the Bill. The employers have asked the Minister to make some changes. They do not support the change in name from the Department of Occupational Health, Safety and Welfare to Worksafe Australia. Generally, the change is not supported. It is likely to lead to confusion with the federal body, Worksafe Australia. I understand that organisation is considering legal action to protect its right to that name.

It is obvious from the comments by the member for Cockburn that the workplace can be a dangerous place. Anyone who has worked in a factory, shearing shed, building site or chemical laboratory would know this to be the case. Last month, an employee in a chemical laboratory died an agonising death after experiencing a mere splash of lethal acid on his leg. I read some accounts of the workplace accident. I understand that a permit from the Health Department is necessary when employees use the acid, and that a neutralising agent must be kept on the worksite. Obviously that is a dangerous circumstance in which to work, and any reduction in measures to make the workplace safer - which will be the result of the Minister's legislation - seems to be a very dangerous idea. According to union statistics, 182 deaths have occurred on the job over the past seven years. No worker should be prepared to cop the proposed changes to the Bill which the Minister seems determined to introduce. It is the responsibility of the employer in all workplaces to ensure that work is carried out in a way that workers are not exposed to unnecessary risks at work.

Everyone should support the retention of the current occupational health, safety and welfare legislation, or some provisions of it. It should not be weakened or diminished in any way. The Opposition believes that the Minister's new legislation will do that. Unions fear that this legislation will break down consultation between employers and employees at the workplace. It may lead to unions undertaking criminal prosecutions against negligent employers - something they have avoided because the present legislation, in many ways, has not made that necessary. The unions believe that the workers' compensation legislative changes already made by the Minister have already begun to diminish the work of the Department of Occupational Health, Safety and Welfare in Western Australia. The Minister's new laws will unbalance the system which deals with health and safety in the workplace in favour of the employers, and make it harder for workers to protect themselves from workplace injury.

There is no support for magistrates dealing with day-to-day safety matters in the workplace. They are industrial matters, and they need to be dealt with in the industrial arena by someone familiar with the field and the internal culture of industrial relations.

Why should it be a magistrate instead of the Industrial Relations Commission? The Bill and its changes quite simply put all power in the hands of employers; it takes control from the representatives of those who need our support and protection. If the Government is not prepared to change or modify the legislation, and if safety standards drop, the Commonwealth Government might be asked to intervene. External affairs powers can be applied under International Labour Organisation convention 155 which was designed to protect workers' rights in the area of work safety. The Trades and Labor Council assistant secretary, Tony Cooke, has described the Minister's new laws as mean-minded, devious and deliberately divisive. I see no reason to disagree. The Minister has not properly consulted with the relevant parties in this matter. That is simply another example of the cavalier attitude of the Minister to this portfolio.

It is obvious that this new legislation will create industrial unrest. It has already, because we witnessed a demonstration outside this place a short time ago. Other unionists have said that plans to penalise workers who walk off the job over safety issues go against basic workers' rights. That was the point made by the member for Cockburn today. If the Minister tells workers that they will not be paid if they stop work for safety reasons, surely he is asking for trouble. This is a basic crunch issue for people concerned about workers' rights in this State or Australia-wide. Workers should not be discouraged from taking action if they consider it is necessary. One need look only at the cases arising from the Wittenoom situation to understand how important is occupational health, safety and welfare legislation. If only different action had been taken at that time, the whole tragic story of Wittenoom might have been entirely different.

We cannot allow safety standards in the workplace to fall in this State. It would be a disgrace if that happened. This issue is too important to allow legislative changes to turn back the clock. We must not let safety standards drop. Strong concern exists among people who represent workers that this is exactly what will happen if the Minister's legislation progresses in its current form.

Visitors and Guests - Chatterjee, Somnath; Member of Federal Parliament, India

The ACTING SPEAKER (Mr Johnson): On behalf of members, I welcome to our Chamber a federal member of India's Parliament, Mr Somnath Chatterjee.

[Applause.]

Debate Resumed

MR KOBELKE (Nollamara) [5.19 pm]: It is clear by now that we on this side oppose the Occupational Safety and Health Legislation Amendment Bill because its major thrust is to reduce the safety of workers in Western Australia. It is doublespeak at least for the Minister for Labour Relations in his second reading speech to say, "The Government has chosen a safety first approach in revamping this legislation." Anyone who takes the time to read the legislation and the second reading speech will see that is clearly not true. We are used to this Minister making false statements. The Minister has an agenda which has nothing to do with the health and safety of workers in this State; it has to do with his ideological view about removing unions and their power to protect ordinary workers. That is clearly what this Minister is about. His statement in the second reading speech, although it may not be seen at face value for what it is, is similar to his statement some months back about how he would be happy to execute innocent people. That clearly reflects his lack of care and concern for the ordinary citizens of this State. On that occasion he said he would be happy to pull the lever to execute someone, and then went on to say that if an innocent person were executed by that means, it would perhaps be for his or her better good. That is what we have in this legislation: The Minister from his jaded ideological position dictating what is good for the workers of this State, when anyone with any sense knows that the Bill will be very much to their detriment. That is why the Opposition opposes this legislation.

In the time available to me I will point out a few of the areas in which the Minister is attacking the health and safety procedures in this State. One provision of the legislation is to remove the jurisdiction of the Industrial Relations Commission to deal with disputes

arising out of the legislation. Disputes will go to magistrates; however, magistrates have no experience in this area, whereas commissioners have an understanding of workplace dynamics and the culture of the workplace. That background is important in making decisions, not only because a background is required of the industry and the way that industry functions, but also because one must understand the dynamics between employers and employees in safety issues. That process is different from what occurs in a normal civil court. Magistrates are not traditionally involved in that sort of dispute resolution. They make their findings on facts of law. The procedures under which they operate are far more formal and less suited to group actions.

Mr Prince: Are you not aware of how the small claims system works?

Mr KOBELKE: We are not dealing with that here. That is a red herring. The Minister for Labour Relations in this legislation is trying to shift the focus of the conduct of health and safety. That will be to the detriment of ordinary workers.

The procedures in the Magistrate's Court will be more formal. There will not be such a direct feedback into the workplace to enable improvement to systems which would improve safety; rather, the courts will just give a finding on the evidence of one or more cases. The Laing report states that there was general consensus that the Industrial Relations Commission was the most appropriate body to deal with such matters. The Minister is moving to get the matters into the courts so that workers are likely to appear as individuals rather than as a collective body. I understand that a collective approach may be taken through the court; however, difficulties are associated with that. The current system makes it that much easier for a group of workers to be represented and a range of health and safety issues to be dealt with.

The Minister is clearly about removing that primary role of unions in the health and safety of workers of Western Australia. I am not saying that mistakes have not been made in the past; that there are not good grounds in certain instances for trying to improve the system. There certainly are; we can always do it better. However, that is not what the Minister is about with this legislation. He is trying to create a sea change in the way health and safety is dealt with so that ordinary workers will have less representation and the system will take less account of the real health and safety issues. If we wish to develop a culture of safety, the workers must be involved in the development of that culture. Major employers in this State understand the dynamics that are involved in creating a culture of safety in the workplace. They know that it cannot just be dictated to workers; that workers must be involved in the decision making; and that workers through a properly constituted forum can put forward their points of view and influence the way in which health and safety is put in place and, through that, ensure that the system works. However, this Minister is not about encouraging workers' involvement. Regardless of which language he might use, the impact of this legislation will be to put workers in a position of less power so that at the end of the day they will be dictated to rather than play a part in improving the safety regulations and the practice of health and safety in their workplace.

The union structure already exists to provide that involvement. Union members have confidence that their unions can represent their interests and that the unions can take up their needs when it comes to health and safety. It is certainly important that workers appreciate the need to have a safe work environment. It is their lives and health which are on the line. Therefore, they want people on whom they can rely and in whom they can trust. In most cases, if not all, that would be the union representatives. The Minister is trying to open up the system to allow workers to go to a range of people in these situations and, therefore, not know that the structure in their workplace gives them the guarantee that exists through the current union system.

The Minister is moving to take unions out of the health and safety process. By degrees he hopes that he can remove their power to assist and look after workers. Unions will be taken out of consultation over representation issues in the workplace. This will mean greater power to employers to determine the definition of the workplace, and the number of representatives required, the location of those representatives, and the training required

for representatives beyond the introductory training. The unions will be taken out of the process of election of health and safety representatives. The direction of this Bill is to impose secret ballots, which is unrealistic for many Western Australian workplaces given their size and structure. The unions have played an important role in determining the most appropriate form of election for workplace concerns. The changes contained in this Bill will increase the prospect of interunion disputes over representation of certain workplaces due to the creation of a vacuum. The unions will be taken out of the processes associated with the disqualification of health and safety representatives. The effect of this Bill will be to undermine those representatives; to give greater power to employers to manipulate the process; and to undermine a positive and coordinated approach to health and safety in the workplace.

Unions will be taken out of involvement in the resolution of issues associated with health in the workplace. This will leave a vacuum, as I have indicated, in dispute resolution mechanisms and will increase the prospect of health and safety issues becoming industrial disputes in order for them to be properly addressed. If these provisions are implemented, workers will become more isolated. That isolation will undermine the health and safety which exists in many workplaces, because when workers are part of the collective power of a union they can stand up for those rights; they are more likely to be in touch with the technical details of what is good and bad work practice through their union. In all cases they cannot rely on the employer to be a good employer and to ensure the health and safety of all its workers.

Through the industrial relations changes made by this Minister we have already seen that he is keen for workers to be divided so that alone they are less able to exercise their rights; so that they are more likely to be powerless and more likely to be the victims. This Minister, as I indicated with his statement on hanging people, is very much about masters and victims. That is the way this Minister thinks. If he can make the workers of this State the victims, he thinks he will have the upper hand. This is what is at the centre of what this legislation is about. It will take workers from a position where they can look after themselves - where they know what their rights are and they can stand up for them - and put them in a situation where they will be the victims of the system.

I will provide an example where we already have problems of this nature which, I suggest, under this legislation will be extended further through the Western Australian work force. I refer to the residential building industry in which there is a dominance of subcontractors. Under this legislation, those subcontractors will be faced with a growing health and safety problem in this State. Workers in the residential building industry have very little choice about whom they work with. Some are lucky and may have a longstanding arrangement with a builder; but most must work for the major building companies in Western Australia. Those major building companies work in collusion: They set common standards; the pay levels are almost identical; and the subcontractors accept the contract or they do not work - there is no choice. It might be this Minister's choice or he might have accepted this choice; but these people must take the contract of employment that is offered to them, irrespective of whether they are brickies or carpenters. They either work under those conditions or they do not work at all. There is a monopoly in the home building industry in this State.

There is a very good side to our home building industry. We have very cheap housing of a good standard; but we need to look at who is paying the cost so that we can enjoy such houses at such a low price. One group paying a very high price is the subcontractors. They have little choice; they must fit in with the requirements of a contract or they do not work. In the past few years those subcontractors have been forced into the situation where they have their own company or are in partnership. In doing so, more liability is passed on to the ordinary worker. That lets the building companies out of a whole range of obligations that they might otherwise have. That is what currently exists in our residential building industry. Subcontractors, whether they are brickies or carpenters or people who clean out the houses when they are finished, must carry their own insurance; must take their own risks; and must bear the liability if something goes wrong.

In that situation it is difficult to establish standards of health and safety. Individual

workers do not necessarily have the knowledge base with respect to the section of the industry they are in or the new products that might come on the market. Although they might read the caution on the product, they are not part of a larger unit which ensures that they are up to date with the latest requirements for health and safety. The responsibilities have been shifted to the individual worker. That worker may not be in the best position to understand the importance of health and safety in regard to the product or the way in which that product is used. The risks are being pushed out, away from the major building companies which understand the industry and which are in a position to know what would be good health and safety requirements. That responsibility has been passed down in a way that often is not clear. Later I will give an example to show how it can be very unclear.

New building products are being used. In one instance where a roof was being constructed using pine timber someone fell and became a paraplegic. The key issue in that case was whether that person had been instructed about whether he could place the total weight of his body on a pine joist. That is a matter of contention in that case. Who was responsible for ensuring that those workers knew that the pine timber would not carry that worker's weight? Was it defective timber? We do not know. Who will ensure that those instructions are passed on and that those work practices are observed? The worker has no say in whether pine timber is used. The subcontractor has everything dictated by the building companies, in fine detail. The subcontractors must do the job as specified.

Another example relates to the new lightweight building blocks being used. If used according to the correct specifications, they are an excellent material. However, quite often people working with those blocks, who are not conversant with the details of the specifications, may be required to put their weight on a wall of those blocks at a certain height, not knowing that the wall could give way, and that the person could be injured. There is a requirement for workers to be instructed in the use of new products. When workers are isolated as subcontractors on a building site, the problems of ensuring that they understand the requirements of health and safety are compounded. That is what will happen under this new legislation. The responsibility will be moved towards individuals, rather than workers having a union represent them. The workers, who are subcontractors, in the home building industry have no union to help them on these health and safety issues. Where unsafe practices have developed they may go undetected for some time.

The subcontractors are very much under the hammer to get the work done in a minimum of time. If they can get the work finished a little earlier by cutting corners and they are the only people on the site, there is a great temptation to do so. If that is compounded with a possible lack of knowledge about the safety requirements, it is a recipe for disaster - and unfortunately too many disasters occur within the home building industry. In addition, when a dispute arises the large building company can use lawyers to ensure its rights are upheld; but where are the subcontractors when it comes to such a dispute? Such people do not have the financial backing to employ a Queen's Counsel to take on a large building company. The force of money, rather than the health and safety of a worker, will dictate the outcome of the law.

The Bill increases penalties which are very appropriate to the matter I am discussing. In his second reading speech the Minister said -

> . . . offences under the Bill for breach of other duty provisions will be subject to a maximum penalty of $100 000 for an employer and $10 000 for an employee.

In the subcontract building industry, who is the employer? When a subcontractor comes on site with an assistant, is the subcontractor to be taken as the employer? I think we will find that the building companies will argue for that. Does it make sense? Is it justice to call that subcontractor the employer, someone who has had the price of his work dictated to him, who must use all of the materials provided by the building companies, who must meet the stipulated design and quality of work, and who is paid directly by the builder? The builder pays both the subcontractor and his assistant as though they were employees on wages, but the building company will argue in court that the subcontractor is the

employer. Therefore, under this legislation the subcontractor would be liable for a $100 000 fine if found to have transgressed the health and safety duties. An added penalty will be placed on subcontractors by this legislation.

I will give some rough details of a case known to me. These people have proceedings under way, so I will not name them or give any fine detail. Even the little I say about these people will give an indication of the difficulties which more and more workers will likely be caught up if this legislation proceeds. This example involves a carpenter who came to see me. He left school at about 15 years of age and after getting into one trade, moved into working as a roof carpenter. He works in partnership with his wife who helps him out with the books, and even sometimes on site. They have three children and their own home, with a substantial mortgage. They are trying to look after their children and build a life for their family. They have the added burden that one of their children has some handicaps and is likely to need a kidney transplant in the near future. They regard that child, who obviously is very dear to them, as living on borrowed time. Therefore, in addition to providing for the normal needs of their family, they would like to be able to save a bit of money so that when the time comes for that child to have the necessary surgery and perhaps a kidney transplant, they will have the financial resources to look after that child and their other children. They are a typical battling family, trying to make ends meet and to enjoy their family life. However, they have been caught up in a situation where the husband, who is a subcontractor, has been deemed liable for the injuries suffered by one of his assistants in an accident. The husband cannot afford to pay for a lawyer to represent his interests in court, yet the building company may be represented by a Queen's Counsel. Even if he and his wife were granted legal aid, they would have to meet certain costs. Their only asset is their interest in their home, which they are in danger of losing. They are in a difficult position.

The changes proposed in this legislation will place ordinary families under enormous pressure. How can this man cope with a situation where his family is likely to lose the roof over its head as a result of legal action which has arisen from a health and safety matter for which, as far as I can see, he is not liable? It may be that the person who was injured did not understand the safety practices. It may be that there was a defect in the piece of timber which was used, which snapped. Unfortunately, the critical piece of evidence, the broken timber, disappeared and was not available for testing, so we will never know whether there was a defect in the timber which would remove liability from the injured worker and the subcontractor.

This is an example of what can happen to ordinary workers when we try to make them responsible for their health and safety. If a subcontractor is given total access to and control of a site, does that mean that subcontractor is the employer? If the matter went to court, the court might determine that the subcontractor was responsible because it does not know how the industry works, but anyone who knows how the building industry works would realise that such a subcontractor is clearly not in control of the site because the building company dictates to that subcontractor what should be done. That extends to the point where some of the clauses of the contract allow the company to move to have a trades assistant dismissed even though it might be argued in court that that person is an employee of the subcontractor.

Large builders dominate the home building industry and control every aspect of the work of subcontractors. They dictate the type of timber that will be used, they order it, they deliver it, and the builder and the subcontractor use it. They dictate the design, the construction specifications, and the remuneration which the subcontractor will receive for doing the job. It is not a situation where the subcontractor is contracting for the work in the normal sense of the word. The subcontractor is an employee.

Over the past few years, we have seen a move to put onto people who are clearly workers who are paid for their labour the responsibility for a range of health and safety matters, and we now have a legal device whereby subcontractors must accept the responsibility for workers' compensation and health and safety. However, the home building market is dominated by major players who dictate the terms under which subcontractors work. That creates a problem in the home building industry because those large builders do not

listen to reason. They build according to set designs which are not varied. Subcontractors who work for smaller builders are obviously in a different situation. If they see a health and safety problem arise because of particular design specifications or materials, they can often discuss that with that builder and find a solution. However, I can assure members that is not normally the case in the residential building industry because the major building companies dictate how the work will be done and the subcontractors simply fall into line. Legally, however, subcontractors may be regarded as being not workers but people who must accept responsibility for their own health and safety.

That is a clear example of the direction in which this legislation is moving. Sites which were previously covered by a union and where a large number of workers could address jointly health and safety issues are likely to find that they have been separated out and that there is a policy of divide and rule by this Minister and by some employers so that they will not have the power to enforce the necessary health and safety regulations. In the absence of those practices at particular work sites, we will see a deterioration in health and safety standards in this State. The Minister is moving to ensure that other industries are similarly broken up so that the role of unions in representing the interests of workers is diluted. That is not the way to tackle health and safety issues in Western Australia. If the Minister considers there are problems with unions in respect of health and safety and if he really wants to address them, he should talk to the unions and work through a restructuring which involves them, rather than dictate to them that they will be forced to downgrade their role in looking after the workers of this State.

Clause 13 of the Bill will insert into the Act a new section 17A which will give the Minister access to information. It is evident from the wording of that clause that the Minister wishes to take power to himself because he will be able to dictate to the commission that it provide information to him. The Minister does not need to give a reason why that information should be provided; he will have carte blanche to require the commission to provide it to him. As we have seen in the past, this Minister cannot be trusted to obey his own Statutes and to do the proper and decent thing. This Minister is simply making a grab for power. The Minister is all about making victims out of workers and he wishes to have power over the information which may be in the possession of the commission, without having to give a reason for requiring that information. Any Minister who was interested in looking after the workings of the commission would find that there were occasions when information should be provided to him, but those occasions would be laid out in the legislation. The Minister always has the ability to request the commission for a report about some area of concern, and that report could provide the details in regard to a range of issues, but that is not what we find here. The Minister in this clause is simply giving himself the power to dictate to the commission what information it will provide to him. Given the track record of this Minister, that could mean asking for information which the Minister has no right to receive.

DR WATSON (Kenwick) [5.50 pm]: I will augment some of the comments made by my colleagues; in particular, I will draw the attention of the House to the outline of the history of consultation that was provided by the members for Thornlie and Morley in the development of legislation, first in 1984, and then again in 1987. Those processes made us confident in government that we were speaking for the voices of trade unions and their membership, of employer groups and their membership, and of the experts in the field. We were confident that the kind of legislation that was being introduced had the broad support of the community. As my colleague the member for Thornlie said, in the past decade a tremendous change has occurred in workplaces in Western Australia. That is to the credit of those people who wanted to see changes in industry, whether they were trade unions, employers or the experts about whom we have spoken very little today. This legislation, as I understand, has proceeded with very little consultation, and the intention is to take us back beyond 1984, to those days when employers had control, when profit was measured as a more important outcome than safety. This legislation will increase employer control; it will limit the scope of health and safety issues, the capacity of health

and safety representatives and the scope of trade unions in participating in developing health and safety policies at workplaces, and in providing advice to the Minister through the commission. Most of all, it will deter workplaces from adopting a positive approach to occupational health and safety.

The Minister has been deliberate in the steps he has taken to isolate workers and trade unions. He brought in a package of legislation last year that dealt with so-called labour reforms, but which were reforms for the worse. Then there were amendments to the workers' compensation legislation, and now amendments to the occupational health and safety legislation. We have a kind of incremental creep, taking us back before 1984, because another package of legislation was introduced into the other place to amend industrial relations legislation yet again. This is exactly what happened in the United States and the United Kingdom. Both Ronald Reagan and Margaret Thatcher were determined to use their legislative authority, their numbers, to reduce health and safety in workplaces. We have seen enormous undercutting of statutory standards and of a commitment by employers through the weakening of trade unions, and an inability of trade unions to be able to participate in the way that they should be able to in setting those standards in assessing risk and in workers being able to go to work in the morning and being certain that they can come home in the afternoon. We have heard the maxim time and time again in this place about legislation, "If it ain't broke, don't fix it." The Labor Government was able to set a target for the reduction of work related injuries of 10 per cent over three years. We achieved a reduction of 14 per cent. In fact, in the past four years there has been a reduction of 20 per cent across all sectors except the farming sector. Everybody must be commended for that effort.

The Minister has signalled what he calls a fresh and unencumbered approach to occupational health and safety legislation. The essence of occupational health and safety legislation is that it is participative, and tripartite. I want to draw the attention of the House to the most recent history of this kind of law. I refer to a reference book published by Professor Creighton about the legislation in Victoria. He outlines the approach taken in the United Kingdom which was essentially factories legislation to protect workers during the early phases of the industrial revolution. Each of the Australian colonies adopted and adapted that legislation. Gradually, and during the 1960s, it was recognised that this kind of legislation was not about prevention, that it was based on a number of assumptions made about factories inspections, assumptions that factories inspectors would have access to workplaces, that they would be able to do their work in an objective way, that trade unionists would not be involved and that the employer prerogative for profit would be protected. The British Government commissioned Lord Robens to examine health and safety provisions in the United Kingdom. He reported in 1972, and the legislation was brought down in 1974 under a conservative Government. I emphasise that it was a conservative Government, because Lord Robens emphasised the importance of tripartism, of the collective participation of workers through their unions, of employers and managers, and of experts. The Robens committee said that the primary responsibility for doing something about the present levels of occupational accidents and diseases lay with those who created the risks and those who worked with them. That report has been very influential. It has been so influential that the International Labour Organisation based its convention that has been adopted by all sensible Governments throughout the world on the principles of tripartism and participation.

I also briefly refer the House to seven principles that have been enunciated in a South Australian Government report in 1984. These principles are just as relevant now; they are timeless. The first principle is that the present toll of injury and disease is too high, and it recommends appropriate preventive measures. This Bill will not do anything to address prevention. It will address only employer control, because of the way that the Minister for Labour Relations has attenuated one arm of that participation process. The second principle is that a preventive strategy needs to focus on underlying work systems and not just on making workers or employers aware. The third principle is that unsafe systems of work are encouraged by economic forces. I cannot emphasise that enough. If one gives some employers an inch they will take a mile. The fourth principle is that risk

assessment is a social process. The fifth principle is that although the provision of a safe and healthy workplace is a management responsibility, it is not a management prerogative and workers must be collectively involved. The sixth principle is that the basic conflicts of interest that may exist between employers and workers must be recognised and a suitable forum provided for their resolution. That is through the health and safety committees. The seventh principle is that preventive measures need to be complemented by provisions for the care of victims of occupational injuries and disease. They are timeless principles that were enunciated in 1984.

Sitting suspended from 6.00 to 7.30 pm

Dr WATSON: I reiterate that in the United Kingdom and America, where national legislation was amended by conservative Governments, minority groups, women, low paid and low status workers bore the brunt of those adverse changes. An active and involved work force is the best safeguard against any kind of occupational toll of injury and disease. The concept of workers' participation in their own protection is critical. I emphasised the three rights of workers: The right to know, the right to participate and the right to refuse work. In this part of my speech I draw the attention of the House to the fastest growing category of workers' compensation claims; that is, occupational stress related diseases. I cannot find information on this in the latest annual report of the Workers' Compensation and Rehabilitation Commission. However, between 1988 and 1991 in Western Australia work related stress accounted for a much higher proportion of lost time diseases for women, at 19 per cent, than it did for men, at 6.5 per cent.

The latest edition of "Worksafe News" which arrived on my desk today states that this issue is a matter of growing concern, not only for those people who fall victim to stomach ulcers, high blood pressure, psychological illnesses and unexplained illnesses that have a direct causal relationship with work, but also for the National Occupational Health and Safety Commission. In the latest edition of "Worksafe News" Dr Toohey states that stress at work has recently been recognised as a factor in the management of human resource losses associated with absenteeism, illness and workers' compensation. There has been some kind of commonsense knowledge that people in managerial positions are prone to suffer most from work related cardiovascular illnesses, such as heart attacks, high blood pressure and strokes. When the data is broken down, it becomes clear that those people in so-called blue collar occupations are much more vulnerable to those stress related illnesses. There are a number of reasons for that, which I will go into after speaking about the notion of occupational welfare.

Occupational welfare is the focus of amendment in this legislation, and a huge amount of time was devoted to this subject when the Act was debated in 1987. During the second reading debate in 1987 the then members for Cottesloe and Mt Lawley, Mr Hassell and Mr Cash, firstly described the legislation as a massive conspiracy by a left wing Government to give trade unions power. When it all boiled down, those members were concerned about four issues, even though the confederation had only one matter of concern. Their first concern was an extraordinary preoccupation with the issue of welfare. Even though there had been a longstanding commitment in the Factories and Shops Act and in the Construction Safety Act to regulating for conditions relating to provision of lunch rooms, cloakrooms, lavatories, air, light and space under section 48, it was absolutely trivialised in debate. I am very pleased that at the time the National Party, which was not in coalition, challenged some of the Liberal opposition about the nature of its complaint and asked it to propose appropriate amendments, which would have included its definition of welfare, for debate. Welfare has always been legislated for and regulated.

The second concern at the time was that it was a conspiracy to bring industrial relations into safety matters. That is, again, the focus of the Minister's concern. At that time it was clear that the Liberal Party wanted occupational health and safety issues to be relegated to a jurisdiction other than the Industrial Relations Commission. It thought that clause 25 of that 1987 Bill would be abused in practice, and that people would use this statutory right to stop work, despite evidence from many other countries to the contrary. Such evidence was available from Victoria, in which a conservative Government had

introduced occupational health, safety and welfare legislation in 1981 giving individuals the right to stop unsafe work. At that time the member for Cottesloe was most concerned about extending the opportunities for trade union abuse of power, as he saw and defined it. All these concerns have been used as the basis of amendments in this Bill. No matter how it was debated and what explanation was given, the then member for Cottesloe - who is the ideological twin of the member for Riverton - could not be persuaded that this legislation was based on principles used worldwide, to which employers, as well as trade unions and health and safety experts, adhered. I am pleased that at the time the National Party distanced itself from the Liberal Party. I wonder whether it will give some consideration to doing so again when we debate the issue of welfare in Committee.

If members want examples of welfare and how it pertains to a work force, they probably need look no further than Parliament House, to the space, air flow, lighting and temperature. There is a capacity to regulate for all those criteria. They should also look at the kind of control and autonomy people have about their work. Parliament House workers have very little autonomy to control their working hours. It depends on a whole range of factors, not least being when we decide to sit or when the Leaders of each House decide to keep us sitting. Mr Speaker, I am glad you have provided me with the answers to a couple of questions on notice that I asked about heat in Parliament House and about this being an appropriate working environment. I have always emphasised that I am not concerned so much for members of Parliament who come in here on 60 days of the year; I am very concerned for those people whose working and earning lives are spent here, in Hansard, not only as reporters but those people working on the keyboards. The people who work in the corridor opposite my office on the ground floor, where yet another construction has been built, must work in a total floor space of 38 square metres for four people and their equipment. It is nowhere near meeting any standard. There are no windows in that construction. You, Mr Speaker, will acknowledge there is room for improvement in air circulation. The temperature range is variable; I understand it has been 48C on hot summer days. You say, and you said in the Estimates Committee hearing last year, that much of the working environment in Parliament House is not an appropriate one. It is the sort of environment, however, that can induce work related stress. Such environments act in themselves as a stressor. That is compounded by the kinds of relationships that people have at work when there is little control or autonomy; where there are authoritarian systems of management; and where people work shifts and there is a physiological response to the tiredness that is induced by working perhaps 15 hours a day.

As I said earlier, lost time illnesses from work related stress in Western Australia are three times higher for women than for men. Of the total lost time illness in 1990-91, 27 per cent of women workers claimed compensation for illness. Stress claimed one in five of those. It is a huge issue of the 1990s. It is not a medical issue, but a management issue. It is the kind of issue that should be able to be brought to a health and safety committee. We will raise issues relevant to the operation of health and safety committees in the Committee stage of this Bill.

There are a number of hazards, for instance psychosocial hazards, related to working in hospitals. Hospitals provide a good example of the way in which workers' welfare can be undermined through shift work and work organisation, the sort of emotional content of their work and physical security. The adverse physiological effects of fatigue cannot be discounted in shift work. It also increases the likelihood of accidents and, last but not least, it is very disruptive to family and social life. Occupational stressors can either burn people out or rust them out. The onus is always put on the individual to cope with the stress. It provides employers with a way of avoiding their obligations to structure the workplace appropriately.

I want to touch briefly on a much more traditional issue of occupational health and safety; that is, in the timber industry. In the Western Australian "Safetyline" newsletter of May 1994 reference is made to concern of the Department of Occupational Health, Safety and Welfare about safety in the logging industry. Whereas lost time injuries had plummeted in mill work, injuries in logging work had increased. This newsletter

contains a report of steps taken by the department to work with the timber union, CALM and the private millers to improve health and safety, particularly safety, in the timber industry. About two people are killed doing forest work each year.

I want to refer briefly to the work done by May Holman, the first Labor woman elected to this House, on timber industry safety in 1926. Her Timber Industry Regulation Act would have been a credit to any member bringing it in now, with all the access we have to information through faxes, computer bulletins and modern means of telecommunication. May worked assiduously for about a year to introduce a Bill which took about two-and-a-half hours to read into the record. We were the last State to regulate the timber industry, but we were the biggest Australian producer and exporter. She constructed the legislation after having reviewed practice and law in eight other States or countries. She brought to the attention of the House that she was concerned not just about issues of safety, but about the conditions under which the men worked. She held up a bottle of water in the House and said, "This is what people have to drink at these landings." She was concerned that the first aid box was always held at the mill and yet the men were working 25 miles away. People died in the time it took to get to them. There was no rapid transport or telephone or first aid box for those loggers in 1926. There were no lavatories and there was no routine reporting of accidents. It was a clear indication of profit coming first for employers. She called for bipartisan support for her Bill. I wish we could give bipartisan support to this Bill tonight. We will not be able to do so. The spirit of the last Bills introduced into this place under the Labor Government was such that they had wide community support and the Opposition was confident about them. With the exception of the four areas to which I drew the attention of the House before the dinner suspension, there was general support. All the Government is doing in this Bill is repeating the woes Mr Hassell and Mr Cash brought into this place in 1987. It is based on pure ideology. It is wrong not to do anything to improve occupational health and safety.

Debate adjourned until a later stage of the sitting, on motion by Mr Cowan (Deputy Premier).

[Continued on next page.]

PLANNING LEGISLATION AMENDMENT BILL (No 2)

Message - Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

Speaker's Ruling

THE SPEAKER (Mr Clarko): I advise members that although the original Planning Legislation Amendment Bill 1994 received a Governor's message recommending that appropriations be made for the purposes of the Bill, the No 2 Bill did not receive a similar message. The Clerks discovered this after the House last rose and before the Bill was delivered by Assembly message to the Legislative Council. As the Assembly message had not been delivered to the Legislative Council, I directed that the Planning Legislation Amendment Bill (No 2) not be forwarded to the Legislative Council until a recommending message had been received from His Excellency the Governor. As that message has now been received, the Bill should be endorsed accordingly and forwarded to the Legislative Council.

EVERETT, AMELIA - DEATH AT PRINCESS MARGARET HOSPITAL

Parliamentary Question 639 - Tabling of Paper

MR MINSON (Greenough - Minister for the Environment) [7.52 pm]: I seek leave to table an answer to a question asked earlier today.

Leave granted. [See paper No 580.]

OCCUPATIONAL SAFETY AND HEALTH LEGISLATION AMENDMENT BILL

Second Reading

Resumed from an earlier stage of the sitting.

MR GRAHAM (Pilbara) [7.53 pm]: This legislation is not all bad.

Several members interjected.

Mr GRAHAM: I will restrict my comments this evening to one of the parts of this legislation that is good. I refer particularly to that part under proposed sections 23A and 23B, which additions to the Act arise from the Select Committee on Wittenoom. They seek to provide for regulations to prescribe areas and activities within those areas and to apply fines of $100 000 for a person who contravenes the proposed sections or $200 000 if a contravention of the proposed sections causes death or serious harm to someone.

After all that is known about asbestos and the hazards from exposure to it, in Wittenoom in particular, and after the thousands of photographs that have been published in newspapers, magazines and on television of the tailings dumps and the minesites adjacent to the town of Wittenoom, it came as a great shock to members of the select committee who visited Wittenoom to find that people were still working in those "abandoned" sites in 1994. They were working in circumstances that in the 1960s had been considered unreasonable. Courts have determined punitive damages as a result of people working in those conditions and people have died as a result of working in those conditions. Nonetheless, a mining company, one of the Hancock group of companies, still employs people on that site. It was of interest to me to visit that site and see the iron ore samples from the Hope Downs iron ore deposits being worked. It raised some interesting problems. I must admit that I have had previous involvement, simply as the local member, as a result of complaints in my electorate about people working in and around Wittenoom.

The problem effectively boils down to a demarcation dispute between two government departments about who had authority to order work to cease. As with most Wittenoom-related matters, there was no goodwill. An argument about who has jurisdiction, in this case between the Department of Occupational Health, Safety and Welfare and the Mines Department, can usually be resolved between the parties and usually the companies involved will abide by it if the consequences of that not happening are deemed to be serious, despite the fact that it may involve a grey area where rules and regulations are concerned. However, in this case I am told the companies concerned made it quite clear that the Department of Occupational Health, Safety and Welfare and, equally, the Mines Department had no role.

That same company had those workers sign statutory declarations compelling them to take no action against the company in the event they contracted an asbestos related disease. It was clearly a circumstance that could not be allowed to continue, particularly in light of the views expressed by the select committee about asbestos generally and Wittenoom in particular. The recommendation of the select committee was that the Government take whatever action, including specific legislative action, required to stop people from working in the area containing the tailings contamination. The Government has taken that on board and supported it and I thank the Government for that. It has also written into the legislation all that is required for that matter to be dealt with. It will deal with it and there is no excuse in the 1990s for someone to be in a workplace containing the amount of contamination that exists in those mine sites in Wittenoom.

Mr Kierath: We agree with you.

Mr GRAHAM: The Minister should not wind me up; I am being nice tonight.

I will go one step further: The response from the Government to the select committee on Wittenoom has been more than satisfactory. I am exceedingly happy with the Government's responses and the actions the Minister has taken. The Government deserves some congratulation for taking on board this serious issue and acting upon it.

The Minister for Commerce and Trade was given control over this issue and he has handled it in an extraordinarily fair, but firm manner. Although I am of a different political persuasion from him, his actions allow me to support, with some legitimacy, the actions the Government has taken in my electorate.

My involvement with the Select Committee on Wittenoom and my previous industrial experience as both a rank and file member and a full time union official with obvious interests in occupational health and safety have given me a wider interest than in the town of Wittenoom. I have taken a particular interest in asbestos and since the Select Committee on Wittenoom reported I have taken an interest in a number of the events associated with asbestos. It is an extraordinarily dangerous substance. If it killed on initial contact, it would be immediately banned. Unfortunately, it does not. Asbestos takes 20 to 30 years to work itself into one's system to cause one of a number of diseases. It is interesting to note that the opponents of the occupational health and safety legislation have validity in their argument that another circumstance like Wittenoom could not be stopped under this legislation. In the 1950s and 1960s the legislation did not provide for the mine at Wittenoom to be closed on safety grounds. It is extremely important to note that the mining operation at Wittenoom was stopped on economic grounds. The parent company could not get a subsidy from the Federal Government and it no longer received assistance from the State Government and for that reason it ceased operations at Wittenoom. It did not cease its operations because the health and safety laws in this State addressed themselves to a problem or because workers had some ability to take up their case and fight it. Government correspondence to which I was privy as chairman of the select committee clearly shows that the mining company exerted a huge amount of influence in Western Australia, including over the mines inspectors who travelled into the town under assumed names. As soon as an inspector booked onto the airline, it advised the mines manager that an inspector was on his way and the offending area would be cleaned up. The health and safety laws did not close the Wittenoom mine and this legislation will not prevent a similar circumstance to that which prevailed at Wittenoom.

The dangers of asbestos are now well known and there can be no excuse in the 1990s for any worker to work with the substance or any employer, be that government or private enterprise, to require an employee to work with the substance. It is not as though Western Australia is on its own or that it is a backwater where very little is known about asbestos and its effects. Ironically, one of the reasons that Western Australia will find itself in difficulties with regard to its future legal liability is that as a consequence of Wittenoom it is considered throughout the world to have a store of knowledge on matters asbestos, both medical and industrial. The report of the Select Committee on Wittenoom said that in summary it was notable that world authorities were unanimous in their view on the relationship between asbestos and cancer. It said there should be no unnecessary exposure to any known cancer causing substance, and that included asbestos. Those risks are not new. It has often been said across this Chamber that people did not know the danger of asbestos at the time. That is a falsehood because people did know. The CSR knew, the State Government knew, the Department of Minerals and Energy knew and the Commonwealth Government knew of the dangers and had known for the best part of a century. In 1898 the first authoritative reports came out in the United Kingdom about the risks associated with exposure to asbestos. Organisations like the James Hardie group of companies were aware of the situation. A serious government report was brought down in 1935 which condemned the working conditions of Hardies as unacceptable and unsafe to workers. Those conditions prevailed until the 1960s and 1970s.

People who worked on the wharfs suffered from asbestos-related diseases as a consequence of the Governments of this State - it matters not whether they were Liberal or Labor - allowing workers to work in conditions which they had known for 100 years were unsafe. In the past 20 years people in Western Australia have been working in government workshops with blue asbestos in the process of servicing brake pads, dynamic brake grids and lagging on the locomotives. Despite 100 years of knowledge Western Australian Governments were still requiring people to work in unsafe conditions.

This leads me to those people who were made to work in workshops, on the waterfront, in industry generally and in Wittenoom with a substance that their employers and the authorities of the day knew was unsafe. Should those people have some ability to claim against their employer, the insurance company or the Government? Of course they should if they have contracted a disease as a consequence of their employment. The question is, to whom do they claim and how do they make their claim? It saddens me to say that it is a somewhat confusing picture in Western Australia. Changes were made to the processes in 1985, 1986, 1987 and 1989 and are being made now to make it easier for people to make claims in relation to asbestos-related diseases. The consequence of those changes and the system which operates in Western Australia, despite all the good wishes and goodwill - there is some of that on both sides of politics - could best be described as ad hoc. The funds which are available to be distributed are managed by the insurance company. One only has to think about who has the biggest interest in ensuring that there is no payout. It is the people who administer the funds. The second group which has an interest in ensuring there is no rapid settlement of claims is the employers. In this case, I do not discriminate between private employers and public employers - the State and Federal Governments and the mining and manufacturing houses that used asbestos. The compensation system for people with asbestos related diseases is biased extremely heavily in this State towards the employers and the insurance companies.

I put a series of questions on notice about the state of claims in Western Australia. It is interesting to note that since 1988, the State Government Insurance Commission, the insurer, has spent in the vicinity of $9m defending claims. These people against whom the SGIC is spending $9m defending itself are not mega-dollar corporations; they are the so-called little people in Western Australia. They are the people who were put into work conditions that their employer and the authorities knew were unsafe and who have now contracted diseases. Asbestosis and lung cancer are not necessarily terminal, but they can be. However, mesothelioma is terminal and it is a terrible disease. I encourage members of this House to go to the Asbestos Diseases Society and ask to get in touch with people who have mesothelioma. It was best described to me by someone with the disease as having a football bladder put into his lungs, its being pumped up over eight to nine months and being strangled to death over that time - I emphasise "to death" because that is the consequence of the disease. Those people are not in a position when they have that disease and when their families find out that they have that disease to embark on a prolonged legal argument and debate. They have at best one year, but more likely eight or nine months, to live from the time they are diagnosed. Therefore, the system can and should work to allow those people easy access to compensation and to their rights. I ask members to keep at the back of their minds that in the time the SGIC has been handling these matters, it has spent $9m on legal costs, not on compensation.

Once people are diagnosed with having the disease, they must go to a special panel of three doctors who make a determination pursuant to the Act. They certify that the person has an asbestos related disease and that a degree of disability is allocated to the disease. Doctors work through their employment record with them to further establish the link between their employment and the disease. If that is agreed and it is agreed all the way along, payment is okayed. The payment is usually the maximum amount of dollars allowed under the Act with some discounts for various things. I have no argument with that. However, talking to participants in the industry, I found that only 30 per cent of the cases that go through that process are agreed. The rest go either through the workers' compensation processes or ultimately through the court processes. I am told that these processes are vigorously defended and frustrated by the authorities and employers. That should not be so. The system must be taken out of the hands of the SGIC. There is, in my view, a significant demonstrated need for an independent panel or tribunal to be appointed to deal with asbestos related claims.

I will give the House an example of how an employer, in this case CSR Limited, can frustrate the system. The case is currently under appeal. Therefore, although the case is not before a court in this State, I have to be careful to some degree although it is still allowed under standing orders. A chap by the name of Robert Culkin has lung cancer.

He also has an asbestos related disease. The process in other places in Australia is quite simple: A percentage of injury or illness from cigarette smoking is apportioned. Mr Culkin smoked. Cigarettes are a carcinogen. A percentage is then allocated to asbestos because asbestos is a carcinogen. The two are welded together and an amount is arrived at that is settled fairly quickly. It is public knowledge that that case is being appealed by CSR. Everybody has that right and I do not advocate removing the right of people to appeal to the Supreme Court and, ultimately, the High Court. However, in the period that that case has been going, 20 people have died of similar diseases with the cost savings to CSR in general damages being $2.5m. Therefore, on its balance sheet, CSR has saved $2.5m by appealing against Mr Culkin's case.

However, let us not look only at Western Australia; let us look at what happens in other States. The report of the Workers' Compensation (Dust Diseases) Board of New South Wales is an indication of what I have been saying; that is, that Western Australia's system is extraordinarily ad hoc and unsophisticated, which should not be the case given our knowledge and experience. Cases like Mr Culkin's where blame is apportioned to cigarette smoking and asbestos are not new. The dust diseases board of New South Wales paid out $632 000 to people in that position in 1988-89. In 1989-90 it paid out $940 000; in 1990-91, $794 000; in 1991-92, $1.1m; and in 1992-93, $1.3m. Roughly, that totals $3.5m which was paid out to people with diseases similar to that suffered by Mr Culkin and in circumstances similar to those experienced by him. That amount is one-third of the amount of money that the SGIC paid in defending cases against people like Mr Culkin. I can go on extensively with some other horrific cases that have been before the courts and which have been wilfully and deliberately frustrated, I suggest, so that people die before they get any entitlement from the courts. It is unacceptable because we should put to one side the moral issues involved about whether we should or should not compensate people and all of the rhetoric in modern public life about workers' compensation and who is to blame, and look at it from these people's point of view. They were exposed to a hazardous substance not of their own volition but by their employers who, together with the authorities in this State, knew that the substance to which they were being exposed was dangerous and life threatening but chose to do little or nothing about it.

I will have more things to say in the not too distant future. I call on the Government through this Minister to address the question of the establishment of an independent board to deal with asbestos and mining dust related claims so that the insurer is not the person making the decisions on claims for compensation for life threatening diseases.

DR GALLOP (Victoria Park - Deputy Leader of the Opposition) [8.21 pm]: I begin my comments by making a couple of observations on economic policy and relating them to the thrust of this legislation. When commentators try to classify different approaches to economic policy, one way is to look at economic policies that focus on equality on one side and economic policies that focus on efficiency on the other side. One can determine whether different political parties are on the left or right according to the emphasis they place on equality or efficiency. Political parties that focus on equality seek to bring about the equal distribution of opportunities and outcomes of the economic process. Political parties that focus on efficiency tend to place emphasis on the achievement of productivity improvements and competitiveness with the avoidance of concern for equality. It is interesting that when one looks at the history of economics the evidence indicates two things about the pursuit of equality and efficiency: Firstly, countries that have pursued the objective of either equality or efficiency to the exclusion of the others do not achieve the maximum economic performance; in other words, the evidence indicates countries do not achieve their maximum potential with a Government of the extreme left that pursues equality without concern for efficiency or a Government of the extreme right that pursues efficiency without concern for equality. One can give all sorts of practical reasons as to why that is the case, but if one seeks moderation and tries to balance objectives, human life indicates one will do better as a person, and economic experience indicates that a country can do better as well. All the great philosophical sages have preached moderation, because those who seek moderation always achieve the best outcomes.

That leads me to the second conclusion from economic history: Countries that try to achieve equality and efficiency at the same time always achieve the best economic results; in other words, to bring about a balance between equality and efficiency is the means by which one achieves the best economic performance. In recent times some very interesting textbooks in American universities indicate that proposition very clearly. Some of the writers of that literature currently are providing the intellectual basis for the Clinton Administration in the United States. If one wants higher productivity and more sustained competitiveness one must have a social consensus. If one has a clear social consensus, it is quite remarkable what changes can be brought about. If one has a social consensus people will feel comfortable with change and it may be sustainable. It is no good bringing about change if it is not sustainable. In the last decade in Australia we have been able to achieve a significant amount of economic change because of consensus.

How does this link in to occupational safety and health, or, as we prefer to call it, occupational health, safety and welfare? It links in because currently a very important agenda in Australian politics at federal and state levels exists and has been described as microeconomic reform. Following on from the first proposition I put forward on economics and the relationship between equality and efficiency, in the pursuit of a microeconomic reform one can successfully try to do two things: Firstly, one can see microeconomic reform as a means to an end and not an end in itself. That might sound very general, but one can put it into very specific terms. If a Government thinks that microeconomic reform is simply an end that it pursues and not a means to another end, such as a higher standard of living for the majority of the population, it soon finds itself in trouble. For microeconomic reform to work, it needs to be a means to an end and not an end in itself. Secondly, microeconomic reform works if it is pursued through consultation with people at the sharp end of the economy; in other words, the people who work for a living directly in industry, albeit in service, manufacturing or agricultural industry, directly delivering the products and the goods in the service industry or producing the products in the manufacturing and agricultural industries. It is very important they be fully consulted by those who employ them if there is to be effective microeconomic reform. Effective microeconomic reform might be coupled with an approach to occupational health, safety and welfare. One of the key items on the agenda of politics in the 1980s, at both state and federal level, was to incorporate occupational health and safety into the very processes of work. That was part of the social cement that allowed us to achieve a significant amount of economic progress; in other words, the occupational health and safety agenda of the 1980s was a precondition that allowed management and government in this country to effect significant microeconomic reforms, because the work force was involved in the process by which it looked after its own welfare, health and safety at work. They felt more comfortable with the processes that were going on around them which meant significant change to the way they conducted their work - and that also meant significant redundancies and retraining of individual workers. Without the social cement of the occupational health, safety and welfare legislation, many of the reforms that have meant improvements in competitiveness in the Australian economy would not have been achievable. So, we are not dealing only with occupational health, safety and welfare. We are dealing with an issue which is central to economic policy. I link that with the general proposition I made about linking equality and efficiency rather than choosing one objective at the expense of the other. I link it with the comment that microeconomic reform works only if we have the social cement via integration of the work force in the process. The Governments that brought about occupational health, safety and welfare in the 1980s played a significant role in making it possible for employers to achieve microeconomic reform and for Governments to achieve the same thing.

I turn now to the health industry, to comment on occupational health, safety and welfare, to indicate the situation that existed before the legislation of 1984, and to look at some of the progress made in the intervening period and at the threat that this legislation poses to occupational health and safety in the health industry. It is very important to remember that before the Occupational Health, Safety and Welfare Act 1984 the health industry in

Western Australia did not have legislation or regulation based to enforce high standards in that industry. Before that time, we were simply relying on the goodwill of employers to achieve the results to which we aspire in this industry. Therefore, we were talking about 63 per cent of the work force of Western Australia not being covered by occupational health and safety legislation and regulation. One of those industries was the health industry. The degree to which the health industry had built into its processes the culture of occupational health, safety and welfare was highly questionable. As a result, the number of injuries that occurred in the health industry were very significant. I regret to say that that unacceptable level of injury still exists in Western Australia. Between 1984 and 1994 we have set up a process within the health industry that enables us to begin to tackle the problems that exist.

Recently I spoke to representatives of the Australian Nursing Federation and the Miscellaneous Workers Union, both of which have a significant role to play in our health industry. They said that they had experienced a decade of improvement in the workplace with the involvement of their members in occupational health and safety matters. They said they had started a process of building a culture in the health industry that could mean better outcomes, and that they feared the whole culture would be taken back to 1984, and they would have to start again. They give a very simple example in that all the training systems that have been set up, all the education about the way in which the Occupational Health, Safety and Welfare Act works, in an industry where there are many low paid and non-English speaking people, will have to start again. They will have to go through that process again because if we are to bring about change it will take 20 years to change the culture of the health industry and to improve the standards of occupational health and safety. We have had some degree of change. It is starting to have some impact but it will not have a long term impact unless the legislation can continue to work by involving the work force and the trade union movement in occupational health and safety issues.

The legislation is only the first part of the process by which one brings about change. The Opposition considers that this legislation contains progressive elements which improve the situation in the workplace, but those elements are overwhelmingly swamped by the negative elements. When we couple the negative elements in the legislation with what is happening in the workplace today, it does not augur well for occupational health and safety because resources are being cut in a way that is making it more difficult for staff to carry out their functions in order to protect their interests as human beings and as workers in the occupational health, safety and welfare arena. To give an example put to me by representatives from the Australian Nursing Federation, it was accepted practice in the nursing industry that two nurses should be involved in the lifting of patients. Manual handling injuries in the health industry make up the large bulk of injuries.

I will come to the figures in a moment. Of course, technological developments in recent years have provided equipment to help in the lifting of patients. In some nursing homes, particularly in state government nursing homes such as Mt Henry and Sunset, hoists are available to lift some of the elderly people, and to take some of the pressure from the physiques of the nurses who engage in that lifting. We encourage the spread of that equipment through the health industry but recently, with the cutback in resources, nurses are increasingly finding that the staffing levels available cannot provide two nurses to lift patients. As a result, back injuries have created a problem in the health industry.

I am simply making the point that it is all very well to have the legislation but that is only one factor that will guarantee occupational health and safety. We need to ensure that adequate human and physical resources are available so that the workers in the industry can look after occupational health safety. Unfortunately, in recent years the cutbacks have made that difficult. I come to the central point that Governments cut back resources available to the health industry, particularly hospitals. Those institutions are bearing the brunt of the cutbacks that the Minister for Health believes can be achieved. Couple that with this legislation, and rather than progress occupational health and safety, we will turn the clock back a decade and the already high level of injury will increase.

Mr Kierath: No, it won't.

Dr GALLOP: Is the Minister aware of the level of injury that exists in the health industry? Perhaps I will inform him by referring to the figures from a recent report by the federal body Worksafe Australia entitled "Occupational Health and Safety Performance Overviews, Selected Industries" on the hospital and nursing homes industry. It makes very interesting reading. It indicates that rather than a Government resting on its laurels and trying to turn the clock back in occupational health and safety, it should be strengthening regulations in this industry. But no, the Government is turning back the clock. Let us look at what the figures indicate; they are of concern.

If we consider the incidence rate of injuries - that is, the number of injuries for each 1 000 persons employed - from the evidence for 1991-92 for hospitals, psychiatric hospitals and nursing homes, which are very large employers in the Australian economy, what conclusion is reached? The report states that the occupational health and safety performance of the hospitals and nursing homes industry group is significantly below that of Australian industry standards in general. As a whole, it experiences 25 per cent more injuries for each thousand employed than the incidence rate for Australian industries overall. The report further states that nursing homes experience one and a half times the all industry rate. In other words, in the health industry there is already a very high incidence of occupational injury. The all Australian injury incidence rate is 23.68 per 1 000 persons employed, and in the health industry it is 29.94 per 1 00 persons. They are 1991-92 figures. They are indicative of the problems that exist in the health industry.

I assure the Minister that in the consultations I have conducted on this legislation with those who know about that industry - that is, the nurses, the orderlies and the administrators in the health system - I am told that this legislation will not progress matters; it will put matters back over a decade. As a result of that, when coupled with the cutbacks that occurred in the Health budget, we will not see any improvement in those statistics. The cutbacks in the health industry impact on the most important resource available in health - people. When we are ill and need attention, it is people who can provide that attention better than anyone else. When people in the health industry are not available in adequate numbers to provide that care, not only do they endanger themselves, but also adequate levels of care cannot be provided to those who become ill and require hospitalisation or some form of health care.

The second problem that occurs as a result of many cutbacks is that the up-to-date equipment that could be introduced into the health industry to ensure health workers have the best equipment available in their jobs will not be available. The third is that the level of training and commitment given to occupational health and safety will not be provided. I will give one illustration of the problems that will occur as a result of the radical changes proposed by this Bill. Take as an example one private sector operation in the health industry, the Silver Chain Nursing Association. Silver Chain employs over 2 000 workers in the health industry. It is a unique employer because its employees work in workplaces where there are only one or two workers. It is not a hospital setting; in fact, many of its workers are employed in a home setting.

Mr Blaikie: It has an interesting history.

Dr GALLOP: I am sure it has. In recent years a great development has occurred in Silver Chain. However, it has not come without its conflicts; a significant degree of conflict has occurred from time to time between employers and some of the employees in achieving these improvements. Many training seminars have been introduced. We have seen the beginnings of concern by employers for improved standards among their workers. As a result of that, a culture is beginning to develop that will protect the interests of the workers in Silver Chain. However, what will happen as a result of this legislation? The clocks will be turned right back and they will have to start again because the framework of the legislation and the way in which occupational health and safety is to be conducted in this State will be altered. Even if we forget about the content of the changes and consider the fact that the Government is changing the system, that in itself will be destructive of the progressive changes that have occurred over the past decade in Western Australia.

I repeat the fundamental lesson of occupational health and safety: Twenty years are needed to inculcate a culture into the workplace - a culture that will not accept bad practice; a culture that makes occupational health and safety a priority concern, not just an afterthought in policy making. The original legislation started the process by which that culture was created. Today with this Bill we are seeing a turning back of the clock and, I believe, a retrograde step in the improvement of occupational health, safety and welfare. That will be particularly disruptive to the health industry.

When this legislation was introduced in 1984 in its original form and subsequently amended in various ways by the Labor Government, the health industry was already behind the eight ball in occupational health and safety. It is still behind the eight ball. This legislation will ensure that when coupled with the cutbacks that have occurred in health spending, the clock will be turned back even more. Other speakers have indicated to the House why this movement backwards rather than forwards will occur in occupational health and safety. Members on this side of the House have referred to that very simple change of definition in which the word "welfare" is taken out of the Occupational Health, Safety and Welfare Act. We have noted the effect that will have on the way occupational health issues will be dealt with, and the impact it will have on the provision of services such as rest and refreshment areas and first aid and treatment units within the industry.

We see the ideological attempt of the Government - not an attempt based on the experience of the workplace - to remove the jurisdiction for this issue from the Industrial Relations Commission and to put it into a Magistrate's Court. When it comes to matters of common law and workers' compensation the Minister for Labour Relations speaks frequently of the desire to get lawyers and litigation out of the equation; yet in the important area of occupational health and safety he is bringing in the judicial process and the Magistrate's Court to replace the Industrial Relations Commission. We see also the removal of trade unions from health and safety processes. This is an objective, based not on a judgment about what works in the workplace to improve the conditions but on the desire to take trade unions out of the equation.

Mr Kierath: Why are you so scared of a secret ballot?

Dr GALLOP: Why is the Minister not honest about it? The interests of the people who work and have nothing else to sell, except their labour power in the work force, have only one resource: Their organisation.

Mr Kierath: Your version of their organisation.

Dr GALLOP: The Minister wants those workers to go into the workplace naked, without the powers to protect their interests they can get from their organisations. Do members know what that will do? It will reduce the quality of the workplace and make it much more difficult for the workers to defend their interests. The Minister understands this issue only too well. He knows because he was once an employer in an industry which, since he has left, has improved markedly in terms of the attitude of some of the employers towards their workplace and the role they played in developing a decent award with the trade union. He wants to turn back the clock so that those workers are denied their most basic resource, their resource to act collectively through their trade unions.

MR D.L. SMITH (Mitchell) [8.51 pm]: The issue before us is a very important one in this State. The importance was amply illustrated by the Minister for Labour Relations in the second or third line of his second reading speech where he said that each year 30 000 persons in Western Australia were injured and lost time as a result of workplace accidents, and that the cost to the economy of Western Australia was $1b a year. In simple terms, if there is any slight shift in the frequency of accidents, the effect can be very significant in real terms. For instance, on those figures a 5 per cent increase in the number of accidents would result in 1 500 extra Western Australians being injured; they would lose time as a result of those injuries, and the cost to the economy would be $50m. Some members of the public and some members opposite, when they hear what we on this side of the House remark about this legislation, would say, "The changes do not seem that draconian; therefore, why are you so worried?" I am worried because of those

figures. As little a shift as 5 per cent would affect 1 500 people and would cost the State economy $50m a year.

As a lawyer who has had some experience in workplace injury claims, those figures in turn mask the real horror and hardship that is caused to the individuals who are injured in these accidents. Any lawyer who has worked in that field knows the wider destruction that occurs to the family unit and to the injured person's long term self-confidence and respect, and that should be of immense concern to all of us.

This legislation will result in more accidents because of the shifts that occur in the control of safety in the workplace. That shift, firstly, is broad in the general regulatory power and the supervision of the way in which this legislation operates. Under this legislation a reconstruction of the controlling body results in an extra vote being given to the chairperson and a new structure of representation which inevitably will lead to more employer and conservatively inspired people being involved in that overview of how the legislation operates and the broader protocols that are to govern it. The second way it affects the situation is to impact upon the power and ability of inspectors to control exactly what is happening in the workplace.

The powers of inspectors are more limited and are subject to greater review and a different form of review, and the inspectors are required to act more circumspectly in developing reasonable grounds and to explain those reasonable grounds in any notice that they issue under this legislation. The third way in which this legislation operates that shift is by substantially removing the role of the union movement, individual unions and unionists, in the way it operates on the site and in the broader arena. That shift is a move to greater control of safety issues and decision making about safety issues being vested in the employer with many of the responsibilities formerly cast on managers being cast upon individual employees within the workplace.

The final way in which this legislation shifts the control is to threaten workers who are concerned about safety issues or who support other workers who are threatened by safety issues with not only loss of pay for any time that is lost as a result of that support for the other workers but also prosecution and fines, the size of which are provided for under this legislation. I have absolutely no doubt that workers, who understand that any wrong action by them about safety issues at work may result in not only a loss of pay but also penal sanctions being imposed on them - fines of $5 000 - will be much more loath to raise the safety issues in the first place and, secondly, to take any action about them. That is especially so when we remember that this legislation is part of a parcel of industrial reform that is being forced on the work force by this Government and this Minister. That includes workplace agreements. I have no doubt that in terms of work safety, workplace agreements are being developed which add to the stress, the length of time the workers spend at work, the evasion of award protection that they previously had, and the imposition of conditions which simply result in workers being overtired, overstressed, and unable to cope as a result of improper attention both to their safety and of those who operate around them.

As the member for Victoria Park has said already, the Minister has sought to exclude lawyers almost entirely from being involved in claims for injuries suffered at the workplace. An increasing number of workers are coming into my office and into the offices of lawyers around the State because they have become aware that the way in which the system currently operates is grossly unfair and lacking in any due process that will enable them to be heard properly before the various mechanisms which have been established, basically because lawyers can no longer represent them at almost every level of the process.

In regard to trying to supervise what employers are doing to provide a safe workplace, we see a moving away from the processes of the Industrial Relations Commission and the establishment of industrial magistrates. People who attend before an industrial magistrate will have the right to be represented by a lawyer. However, the way in which those industrial magistrates will operate will be constrained by changing the onus of proof in regard to offences in order to make it more difficult to effect a successful

prosecution. The Bill does that in language which most lawyers would find extremely difficult to understand, because it includes references to matters such as "a satisfactory defence". I do not know what a satisfactory defence is in legal terms and I do not believe any parliamentary draftsperson who was familiar with the court process would use words like "a satisfactory defence". This will result in another shift in the control of workplace safety, and all of these shifts will, in my view, lead to more rather than fewer accidents. This Government and this Minister should be ashamed of themselves for the additional injuries and deaths that will occur in the workplace as a result of this legislation and for the way in which families and individuals will have their futures ruined as a result of those accidents.

I turn now to the proposed offence of refusal to work. The Occupational Health, Safety and Welfare Act will be amended to add a proposed section 28A which will create the classification of "disentitled employee" for an employee who refuses to work for any period, and proposed subsection (2) states -

> An employee who accepts from his or her employer, in respect of any period during which that employee is a disentitled employee, any pay or other benefits to which the employee would have been entitled if he or she had continued to work commits an offence.

We all remember that the Minister stated when he introduced the Workplace Agreements Bill that it would give people greater choice and that employers and employees would be able to negotiate better deals, yet this legislation provides that an agreement between an employer and an employee will have no effect during a period of refusal to work because of concern about safety issues. It provides also, under subsection (3), that -

> An employer who pays or provides to an employee, in respect of any period during which the employee is a disentitled employee, any pay or other benefits to which the employee would have been entitled if the employee had continue to work commits an offence.

That is inconsistent with any idea of choice for employers and employees, because not only will an agreement reached between an employer and an employee not be enforceable, but also the two parties to it will commit an offence punishable by the provisions of this legislation, which I understand include a fine of up to $5 000. Such a removal of choice and penal sanction of employers and employees will not enhance safety in Western Australia. All it will do is guarantee that employees and employers at a particular workplace cannot get together to deal with their concerns about safety at that workplace because, under this legislation, employees who are not directly affected and who leave the workplace will become disentitled employees and will be subject to not only a loss of pay but also the proposed penalties. This legislation is about trying to divide the work force at workplaces. It is about preventing workers from joining together in regard to safety issues and trying to defend themselves against a recalcitrant employer.

I turn now to proposed section 51D, which states -

> In the hearing and determination of a matter under section 51C(1)(a) before a safety and health magistrate a party may appear personally or be represented by any agent, including a legal practitioner.

I turn now to some of the provisions which deal with the shift of onus and the introduction of some defence not presently available to employers. Section 57 of the principal Act is to be amended by the addition of a new subsection (8), which provides that -

> (8) Where it is alleged in a proceeding under this Act that a person has contravened a provision of this Act or the regulations in relation to which a code of practice was in effect at the time of the alleged contravention -
>
> (a) the code of practice is admissible in evidence in that proceeding; and -

I have no problem with that. It continues -

(b) demonstration that the person complied with the provision of the Act or regulations whether or not by observing that provision of the code of practice is a satisfactory defence.

In other words, it does not matter what the code of practice says in relation to safety; if the employer can show that he complied with the Act or regulations, he cannot be found guilty of a breach of the code that governs safety at that site. Why is such a new defence necessary? What impact will that have on successful prosecutions? What will it mean if in fact regulatory control is watered down and requires very little by way of compliance? Under this Government I expect that is what will happen to safety regulations. Even if they are watered down, as long as the employer can show that although he has breached several aspects of the code of practice, he complied with the Act and regulations, that person cannot be found guilty of an offence. At least that is what I believe it means, because it refers to proof of that fact being a satisfactory defence. In other clauses the onus of proof in a number of these safety issues has shifted. In the end that will make it more difficult, because the onus has shifted away from a presumption in favour of the danger to requiring an onus of proof to be discharged by the complainant that there is a danger. In some cases the definition of what is required will change. We move from expressions like "safety" to "exposed to a hazard." I do not know what the legal definition of exposing a person to a hazard is, but I suspect it is different from a simple one of duty of care on the part of the employer which results in injury to an employee.

Mr Lewis interjected.

Mr D.L. SMITH: What must be demonstrated is not just that there was an unsafe condition, but that the employer exposed the employee to a hazard. The Minister for Planning says that if I do not know as a lawyer what that means, he does not either. That is right. We will find out only when this legislation is tested exactly what kind of shift that means to the requirement imposed on employers in the workplace as against what is required of them now.

That says nothing of the cumbersome way in which this introduction of magistrates will affect the prompt resolution of safety issues and the prosecution of those who are guilty of breaching safe practice in the workplace. We all know, and the Minister was so fond of telling us during the debate in relation to his reforms and disentitlement of many workers in relation to injury claims, that once lawyers and formal court processes are introduced, the game can change significantly in the time that it takes to resolve safety issues and to complete prosecutions or other tasks in which the magistrates may be involved. That kind of thing also carries with it the fact that we will have a division between the Industrial Relations Commission and these industrial safety magistrates. In the past the commission could have used its broader powers to resolve issues which might surround some of these health and safety issues. This new body, and we do not know who will be appointed as industrial magistrates, will not have the powers of the Industrial Relations Commission to resolve many of these issues. It will certainly not have the power to act informally in the best interests of the parties to the issue or to the general objective of this legislation.

I will go over some of my concerns in relation to this Bill and what it is intended to do. It will increase employer control, both direct and indirect, over health and safety issues. It will deliberately limit the scope of health and safety issues by removing the word "welfare" from the legislation. The Minister in his opening speech said he was doing that because the inclusion of the word "welfare" confused people and it gave greater scope to the legislation than was necessary or intended. The reason the Opposition wants to see the notion of welfare retained in this legislation is that safety issues and the wellbeing of people in the workplace relate not only to hazards and accidents or to the contraction of industrial diseases, but also to things like stress, and to people's comfort at the workplace. We know that this Minister's idea of comfort for workers is that every worker should go to work every day secure in the knowledge that he could be sacked at the whim of the employer and he should be grateful for having his job. Under this legislation his notion of security is extended, so that workers who may be subjected to unreasonable stressful conditions in the workplace, who may not have in the workplace

adequate showers, or adequate counselling, for instance, in relation to those who are under stress, will have no recourse to it at all because of the exclusion of welfare-type issues. Even the question of air-conditioning and the like, which are important in some places in the State, and in some workplaces, could well be excluded from any consideration in relation to health and safety even though they impact directly on the wellbeing of the workers who are subjected to long periods of very unhealthy conditions, and the sort of lifestyle that we would hope all Western Australians might aspire to, both in their workplace and in their home.

The other objectives of this legislation are: To isolate safety and health representatives; to create confusion in undertaking change for change's sake with uncertain result; to deliberately undermine the fully representative consultative systems and to allow that casting vote, which will forever strike an imbalance or lead to an imbalance in the way in which those matters are resolved; to undermine the quick resolution of issues in the workplace; to undermine the development of experience and expertise on safety issues at a workplace level; to reduce the responsibility at enterprise level in the management of health and safety issues; to increase the formality and legalism; to become more inflexible; and, in general, to pursue the Government's ideological agenda of limiting the role of the Industrial Relations Commission and unions or other representatives on behalf of employees in the workplace.

The Minister is quite open about that because in the second reading speech he made it clear that much of this Bill did not come as a result of the review of the occupational health and safety legislation, nor from the consultation that has taken place in relation to this Bill. It basically arose from this Government's attempt to implement the policy contained in its policy platform for the last election which, in general, might be summarised as oppressive to workers and very supportive of employers. Somehow or other this Government believes that in the end this is for the benefit of workers; that by removing some of the regulation and control in safety in the workplace employers will be freer to operate their businesses and will be able to do so at less cost. That will make them more competitive, and in due process they can employ more people under workplace agreements and disregard all the award conditions. That will be good for the general economy, which will be stronger as a result. All that rhetoric overlooks the startling fact that every year 30 000 Western Australians are injured in the workplace and, as a result of those injuries, this State incurs $1b in cost in its economy. It is totally false economy to believe that by increasing the number of accidents and the number of people injured in the workplace, and by refusing the opportunity to employees to present their views on safety to employers, inspectors and the Industrial Relations Commission, somehow or other it will be better for the economy and better for the employees. As usual, the rhetoric of the Minister is completely different from the effect the legislation will have and, in my view, it will result in the destruction of many more lives and families in this State.

MR GRILL (Eyre) [9.22 pm]: Only a week or two ago we debated in this House legislation which in many respects is similar to this Bill, although it will apply to the mining work force and not the general work force. I refer to the Mines Safety and Inspection Bill. That passed through this House with the ultimate support of the Opposition, which was able to move some amendments to the legislation to improve it. That spoke volumes for the Minister for Resources Development, handling the Bill on behalf of the Minister for Mines in another place. The Minister for Resources Development has shown the confidence and capacity at times to accept amendments to legislation. That is not always reflected by his colleagues, who do not have the same confidence and are not as flexible or liberal as the Minister. It is interesting to note that when the Mines Safety and Inspection Bill went through this House, the Minister for Resources Development said when talking about health and safety representatives, their committees, and the resolution of health, safety and welfare issues, that as with the duty of care, these provisions have been retained in the Bill with no substantive changes; that minor improvements in wording have been made. He went on to make these fairly prophetic statements: No substantial problems have been evident in the 18 months

period during which the legislation has been in place under the Mines Regulation Act. There has, in fact, been widespread informal application of these principles in the two year period which elapsed between assent to and proclamation of the amending Act. The Minister was referring to the fact that the unions had a substantial place in the health and safety committees and in the resolution of health, safety and welfare issues under the mining legislation. They also had that substantial place pursuant to provisions in the Occupational Health, Safety and Welfare Act, which were almost identical to provisions in the Mines Safety and Inspection Bill. The workers and unionists had set up health and safety committees even before the Act was proclaimed, in anticipation of its proclamation, acknowledging that these would have a place in the mining industry. The Minister for Labour Relations now wants to meddle with those provisions to reduce the role of unionists and unions. The amending Bill before us tonight will change the provisions in the Mines Safety and Inspection Act. No substantial argument has been put forward to indicate why it should happen in the mining industry. The Minister handling the mines legislation in this place, and the Minister for Mines when speaking on the Bill in another place, indicated that they were very happy with the role being played by unionists and unions in relation to this legislation.

[Quorum formed.]

Mr GRILL: While that legislation was going through the House, the Minister responsible for the legislation before us tonight indicated he would amend those provisions, even though the Minister for Resources Development and the Minister for Mines were more than happy with the provisions of the relevant legislation when it passed through this Parliament. When we questioned the Minister for Resources Development on that matter he continued to assert the fact that the provisions of the Mines Safety and Inspection Bill and the Mines Regulation Act were adequate as they applied to the participation of unionists in regard to health and safety committees. The question arises as to why this Government has sanctioned the Minister to amend these provisions in the legislation. The situation is contradictory, with different Ministers at different times making different statements about the same matters. The provisions of the legislation I referred to have worked well. Why change them? I have heard no explanation as to why the legislation should be changed as it affects the mining industry. When that legislation went through this House a week or two ago we complimented the draftsman on it. It seemed to be a leading piece of legislation for Western Australia. It was certainly a more comprehensive piece of legislation than the Occupational Safety and Health Legislation Amendment Bill. However, before the ink was dry on the legislation, and certainly before it was proclaimed, another piece of legislation was brought before the House to amend it. The Minister had indicated he would amend it even when the original legislation was in the House. That means this Minister wants to bring into the mining industry - an industry that is very happy with the role of unions and unionists in relation to health and safety - the sort of conflict, dissension and industrial turmoil he seems to revel in. Frankly, this industry does not want it or need it. We do not need conflict or dissension in the mining industry, but we need the union movement.

In the mining industry, which is acknowledged as an inherently unsafe industry but one in which substantial improvements have been made in worker health and safety over the years, there must be a watchdog. What watchdog is on the horizon? If the unions will not act as a watchdog, I do not know who will. Unfortunately, an increasing percentage of the mining industry is not unionised. Where it is, one finds unionists have played a critical role in ensuring improvements in worker health and safety. They have also played a critical role in endeavouring to ensure the high fatality rate in the industry comes down. If their role is to be lessened, the role of the watchdog will be lessened. I thought this Government would like to see the fatality and accident rates come down. I do not see how that will be achieved without the unions in place to ensure every miner and every mine is safe as far as this legislation is concerned, and inherently safe in any event.

I see many miners when I am in my electorate and in my electorate office. Some are unionists, and sometimes unions refer members to me for advice. These days I often find

that when workers who are not unionists go along to a union for advice, especially on matters of workers' compensation and health and safety, the union sends them to me because it is hard pressed for resources and numbers.

There are in the mining industry, in the goldfields and elsewhere, many companies which do not abide by strict rules in relation to workers' compensation and do not abide punctiliously by work and health and safety conditions. I hesitate to say they are fly by night companies, but there are many penny companies on the stock exchange and there have been companies in the past which have not abided by the health and safety provisions of the various Acts. They need a union presence to ensure the provisions of the Acts are properly policed. The Minister might argue that policing can be done by the inspectors employed by the mining engineer or by the workmen's inspectors elected periodically by the work force. There are too few to properly police the mining industry. Without a union there will not be proper policing of the occupational health and safety provisions of any legislation that comes here.

I believe very strongly indeed that a reduction in the role and powers of unions and unionists is very much a backward step and one which in due course could act as an impetus to a greater number of injuries and fatalities in the mining industry. We have seen horrendous numbers of fatalities in the mining industry in the past. The numbers of fatalities thankfully are decreasing, but every pressure must be brought to bear to ensure that they continue to decrease.

When I spoke on the Mines Safety Inspection Bill a few weeks ago I referred to CRA. I was lunching with executives from CRA a few months ago and spoke to some senior board members.

Mr Court: You had lunch with CRA?

Mr GRILL: Yes.

Mr Court: What day was it?

Mr GRILL: What does it matter?

Mr Court: I get questioned every time I have a meeting with CRA or Western Mining. I have to say who was at the meeting, what time of the day it was, and what was discussed.

Mr GRILL: Yes. One of the directors was from RTZ. It was interesting that the CRA directors were prepared to acknowledge that although RTZ operates mainly in third world countries, it had a better health and safety record than did CRA in Australia. That was acknowledged by the directors at the luncheon table, and they further acknowledged that in years past CRA had been wrong in its attitude to worker health and safety and the Labor Party and the union movement in particular, had been right. The attitude of CRA that some accidents simply would happen in any event and could not be prevented was wrong. The company now took the view that all accidents could be prevented as long as the right measures were put in place. If the Minister wants to exclude or reduce the role of unionists in worker health and safety, we will see a rise in the number of serious accidents in the mining industry and an increase rather than a decrease in the number of fatalities. A number of serious allegations have already been made against this Minister in relation to suicides and the lives of workers with respect to workers' compensation. I believe in the near future we will see similar sorts of allegations in respect of workers' health and safety.

Mr Kierath: It is your system which caused that, and we have tried to fix it. You were not here this afternoon, were you?

Mr GRILL: I was here this afternoon. Those allegations have been made. I do not know whether they have been driven home to the Minister; I suspect they have, and that the Minister will be the object of further allegations as time goes on.

Mr Kierath: The 24 deaths occurred between 1989 and the introduction of our legislation. Not one of the 24 was to do with this system; they were all to do with the system you are defending.

Mr GRILL: How does the Minister work that out?

Mr Kierath: I contacted IPASA and asked for the dates; they involved the old system.

Mr GRILL: What were the dates of the deaths of those people? Did they die or were they injured?

Mr Kierath: I am referring to all the suicides which occurred prior to the changes we have made. One allegation has been made since the changes. It was only a few days away from being a year. We can therefore confidently say we have saved four people.

Mr GRILL: Are those dates available?

Mr Kierath: I have referred it to the coroner to see whether there is any substance to the claims. We are serious about this; we do not mess around and indulge in cheap political point scoring.

Mr GRILL: Why is the Minister, by this legislation, changing the mines safety and inspection legislation when the Ministers who handled this matter in here and in the upper House indicated there needed to be no change and the present system was working quite well?

Mrs Henderson interjected.

Mr GRILL: The second reading speech indicates that no substantial problems have been evident.

The DEPUTY SPEAKER: Order! The member for Thornlie knows full well that although we accept interjections they are usually directed at the member on his feet; they are not cross-Chamber interjections with other members who are trying to get in interjections. I believe a very useful exchange has occurred through some of that period, but it is inappropriate and not acceptable for people to interject with each other across the Chamber.

Mr GRILL: It was disingenuous of the Minister to make that last remark. He is happy to interject when he believes he can score a point, but when a question is put to him about a serious matter of this nature and where quite clearly I was referring to a second reading speech made by one of his fellow Ministers he disingenuously endeavoured to indicate he was not aware of it. I read that quote on two occasions from a speech made during the second reading debate by the Minister for Resources Development to underline the fact that he was of the view that the present system was working well and should not be changed.

A similar speech, as the Minister for Labour Relations probably is aware, was made in the other place by the Minister for Mines. This Minister feels obliged to tinker with that system when both his fellow Ministers maintain it is working effectively. Why is the Minister changing the mines safety legislation when both those Ministers maintain that the present legislation is working well? Do I not get an answer to that?

Mr Kierath: When you sit down.

Mr GRILL: The Minister is quick on the lip when he thinks he can score a point. Given his track record I do not believe I will receive an answer to that question. If he had an answer he would have given it already. I believe this Minister is meddling in a matter which he does not understand. As a result of his meddling and lessening of the role of the union watchdog, down the track the rate of accidents and the number of fatalities in the mining industry will increase. That is something no-one wants. Largely out of ego the Minister is meddling with a piece of legislation his colleagues, the mining industry, the unions and, as far as I am aware, workers do not want changed. He may smirk, but he wants to say he was the tough man who muscled aside his colleagues and changed that legislation despite their wishes. He wants to say he showed the union movement who was the tough boy around here.

Mr Kierath: Like you did with Western Collieries?

Mr GRILL: That is an ignorant and facetious remark. I do not know to what the

Minister is referring. If he is referring to the inquiry into Western Collieries Ltd, that remark indicates the level of his ignorance. It had nothing to do with me; I was not even called as a witness. The Minister should not persist with remarks such as that.

Mr Kierath: Why did you resign?

Mr GRILL: Let us not go into that; I have made a full statement on it.

Mr Kierath: You did not defend yourself in this House.

Mr GRILL: I am happy to do that any day of the week; it is on the record. Why does the Minister draw red herrings across the Chamber when he is served up with a question he cannot answer? Obviously he cannot or we would have heard an answer to date. At the end of the day, the Minister is allowing his ego to ride roughshod over the wishes of his colleagues and of the mining industry. Ultimately, he will cause a situation where the role of the watchdog is reduced and the rate of accidents and deaths increased. The Minister will be the person to whom the finger should point directly in that respect.

MR KIERATH (Riverton - Minister for Labour Relations) [9.46 pm]: I thank most of the members for their comments. I particularly thank those who gave their qualified support to this legislation. In giving their qualified support, some members referred to some areas of concern. A number of the speakers indicated they would raise those issues during Committee; therefore, it is not my intention to cover them now. We decided to delete the word "welfare" from the Act because we believe it adds nothing to the scope of the Act which is not already covered by the terms safety and health. In fact the use of "welfare" engenders expectations beyond the precise definition of welfare as it is currently defined directly in relation to safety and health.

Dr Watson: Give us examples.

Mr KIERATH: The member for Kenwick should be patient. It leads to confusion regarding the scope of the legislation.

Mr Grill interjected.

Mr KIERATH: Not many other places include the word "welfare" in the title of their Act. It is a bit peculiar and denotes receiving money and improved wellbeing. Safety and health also relate to improved wellbeing.

Several members interjected.

Mr KIERATH: It is interesting to hear the loud protests of members. When we checked *Hansard* we read where in 1984 Hon Des Dans suggested the word "welfare" could be taken out of the legislation and it would not make a great deal of difference.

Mrs Henderson: What did the others say?

Mr KIERATH: Some of the rabid lefties tried to paint a different meaning to it. The Government believes it should come out of the title of the Act because of the expectations it engenders. The other general comment was that the legislation is somehow anti-union. It eliminates the exclusive role unions had in some situations and is designed to improve the cooperation at the workplace. We believe this change is far more democratic in nature and, more importantly, it is consistent with changes we have made in other labour relations legislation. It does not preclude the opportunity for unions to become involved; but it prevents them from having exclusive control in the process and from denying anyone else having a say. In short we believe the changes will make the election process as flexible as possible. It will prevent standover tactics in some of the election processes. The Government believes it provides for the maximum opportunity for consultation between the employees and the employer and that most of the resolutions will be reached by agreement.

I understand why members opposite are against the provisions relating to the outlawing of strike pay. Most members who have spoken in this debate have put extremely narrow interpretations on this aspect of the Bill and have tried to mislead people. It does not prevent people from stopping work. However, it stops people from walking off the site and going to the beach or the hotel and expecting to be paid. It does not stop people from

refusing to work in unsafe conditions. Another aspect which has occurred is that people who may be involved in a safety issue in the workplace are not the only people to walk off the job. In the more notorious disputes everyone on the site walks off the job regardless of whether they are working in the area which is unsafe. The changes the Government has made will redress those wrongs.

The basis of the changes in this Bill came from the Laing report. Commissioner Laing concluded in his report that the Government's process for resolving issues was a commonsense approach. He said that it may be necessary to ensure that employees who did not comply with the requirements of this process - for example, leaving the workplace instead of remaining available for other work - should be precluded from receiving payment. He commented on this in his report, but this did not get agreement from the parties through the Occupational Health and Safety Commission. This Government had a policy which enabled it to make this decision.

Members opposite focused on the use of occupational health and safety magistrates. The Government believes this will have major advantages, including the establishment of a special jurisdiction. The magistrates will hear all prosecutions, and that makes sense. They will also hear the appeals on determinations by the commissioner. Many members opposite showed their ignorance of the process because the appeals would not get to the magistrate unless the issue had been through the workplace representative and the commissioner. It is not something which occurs on a daily basis, but it is an issue on which the parties feel strongly because they have taken it further than the various processes; therefore, the Government believes it is only appropriate that it should be heard on a legal basis.

This Bill matches the changes made to the industrial relations and workers' compensation legislation. The magistrates will now hear industrial relations, workers' compensation and safety and health matters. It provides some coherence with other changes the Government has made. Only four cases went to the Industrial Relations Commission last year. We are not talking about a huge number of cases, but a handful of cases and they should be put before a specialist safety and health magistrate.

The changes in the Bill support the priorities adopted by the Occupational Health and Safety Commission and the Government. The commission put forward a strategic plan for 1993 to 1997, which the Government adopted in its entirety. It established six priorities: Firstly, the promotion of awareness of occupational health and safety under the requirements of the Act. Secondly, the prevention of workplace fatalities, which is important and I am sure members opposite will acknowledge that. However, there was an improvement in lost time injuries and while the number of workplace fatalities actually plateaued, headway has been made in that area. Thirdly, the safety record in the prevention of manual handling injuries has not been great and there has been an increase despite the overall marked improvement. Statistics show that we have failed in this area. Fourthly, the prevention of injury and disease among young people. Fifthly, the enhancement of workplace consultative mechanisms, and I did not hear one member opposite mention that every employee in this State will have access to a workplace safety committee, whereas previously that access was limited to workplaces with 10 or more employees. Sixthly, a review of the occupational health, safety and welfare regulations, which is under way.

Previously there had been a reduction in injuries and the Government's target from 1993 to 1997 is to reduce the rate of lost time for work related injury and disease by 10 per cent. It decided to target a reduction of the rate of fatalities by 50 per cent in three areas - tractors, falls from heights and electrocution - between July 1993 and June 1997. More importantly, it is intended to reduce the rate of injuries and disease among young workers. I hope members opposite will support all those objectives. They have been very quick to accuse me of having an ideological bent, but despite their ideological point of view I hope they will support the Government's endeavours to meet those targets.

The member for Eyre, who has done a bunk and vacated the Chamber, raised the issue of why the mines safety Bill was not amended as a result of these changes. The mines

safety regulations came into being as a result of extensive consultation and agreement. They were passed at the same time the recommendations from the Occupational Health and Safety Commission came to me. The commission did not make recommendations on a couple of issues that had been considered and they came to me for a decision. In addition we included parts of the policy on which the Government went to the State election. The Bill meets all those requirements and it was a matter of timing. It was my wish that the mines safety Bill not be passed before these changes were approved.

Mrs Henderson: It was not shared by your colleagues.

Mr KIERATH: The member for Thornlie should listen because I promised the member for Eyre that I would give him an accurate explanation on the question he raised. The Minister for Mines did not want any controversy with the mines safety Bill and wanted it to pass through the Parliament with the agreement of all parties. It was my wish to accommodate the Minister and I knew that some elements of this Bill would not be supported by the Labor Party because of its ideological position. For that reason the mines safety Bill was not amended when it was before the Parliament.

The member for Pilbara referred to a number of items which were not related to this Bill. He referred to the Workers' Compensation (Dust Diseases) Board in New South Wales, and it is an issue which is currently before the Government. I have established a working party of interested parties to ascertain whether a similar board should be established in this State. We are almost at the end of the deliberations and I hope that if not by the end of this year, early next year I will be able to make an announcement about that.

The member for Nollamara referred to the housing industry. I thought that the extension of the jurisdiction of general duty of care to a range of people who have not previously been covered would go a long way. I confess that I expected more members opposite would congratulate the Government for the changes that will make major improvements to the safety and health of workers in the workplace.

I thank members for their comments. A number of them signified that they will raise concerns during Committee. I have tried to cover them briefly in my reply. However, I will be more than happy to cover them in more detail during Committee.

Question put and passed.

Bill read a second time.

As to Committee Stage

MR KIERATH (Riverton - Minister for Labour Relations) [10.01 pm]: Madam Acting Speaker (Ms Warnock), I move -

> That you do now leave the Chair and the House resolve itself into a Committee of the Whole to consider the Bill.

MRS HENDERSON (Thornlie) [10.02 pm]: I oppose the motion because, in an unprecedented way this evening, I was handed at 9.40 pm a copy of some 14 amendments to this Bill, none of which appears on the Notice Paper. This Bill came into the Parliament on 27 October. The Minister signalled that it was coming forward a number of weeks ago. It is his job to get his amendments to his legislation onto the Notice Paper. It is not acceptable for him to come into the Chamber and hand me amendments, after I requested them earlier, and then expect us to go into Committee on the same night. That is sloppy performance and it is not good enough. We consider this legislation to be extremely important. It impacts upon every working person in this State. It is not good enough for the Minister to walk into the Chamber and expect to move amendments from the floor without placing them on the Notice Paper.

The copy of the 14 amendments that I have received - there are three pages of them - indicates that the fax came to this House at 4.40 pm. The Minister could have handed copies of the amendments to the Opposition this afternoon. I have noticed people in the back of the Chamber filing these amendments for the past three or four hours, but not a single copy was given to the Opposition. The Minister should not deal in this way with legislation that is as significant and important to the community as is this legislation. He

claims that the Opposition is not cooperative when he is dealing with legislation. He is one of the few Ministers in this House who deals with legislation in such a perfunctory way and he has done it again tonight.

The Opposition has put considerable time into preparing to deal with this legislation. Eight or 10 speakers spoke today in the second reading debate, each of whom spent some time preparing his or her speech. The Minister responded in less than 10 minutes and did not canvass the majority of issues raised. However, my concern is about these amendments. It is not acceptable for the Minister to expect the Opposition to debate these amendments without being given notice of them. The legislation is complex enough. It amends three Acts and it is necessary for anyone seeking to understand the amendments to have them before him when the amendments are moved. I do not recollect a single occasion when we were in government that a Minister came into this Chamber and produced 14 amendments without circulating them until 20 minutes before they were meant to be moved without first speaking to the Opposition.

Mr Bloffwitch: You did it with the repeat and serious offenders legislation. They came straight off the press.

Mrs HENDERSON: The Bill did.

Mr Kierath: You gave me some in opposition.

Mrs HENDERSON: I gave the Minister one amendment to one piece of legislation. We never moved 14 amendments from the floor. This legislation was introduced nearly four weeks ago and the Minister has had the amendments for several hours today. In fact, I suggest he knew at least a week ago that he would move these amendments, but he did not take the trouble to give them to the Opposition. That is not a satisfactory way to deal with legislation in this House. The Minister claims that he is discriminated against as a Minister and that we do not cooperate with him when dealing with his legislation. However, he is the only Minister who treats the Opposition in this manner. He is the only person who, after six hours of debate, would give a 10 minute reply, and sit down and tell us to get on with it, because he wants to get it out of the way as fast as he can. It is about time he gave the same attention to this legislation as we have given it. We consider it to be very important. We put a considerable amount of time and energy into it and we do not expect to be treated in such a perfunctory manner as the Minister treats us repeatedly.

This Bill is not on the list of legislation to be guillotined this week. We are pleased about that. It is a major piece of legislation and, in negotiations between the Opposition and the Government, it was made clear that this was one of the major Bills on which we will be seeking to have extensive debate. When did the Minister draft these amendments?

Mr Kierath: They were going on the Notice Paper today. However, we did not think we would be doing the Committee stage until the end of the week.

Mrs HENDERSON: I thought it would be done on Thursday. At this stage, they would not have got onto the Notice Paper until tomorrow for Thursday, which was my understanding.

Mr Kierath: I apologise. However, earlier today I understood that we would not be debating the Committee stage tonight and that it would be on Thursday.

Mrs HENDERSON: That was my understanding also. I suggest we stick to that understanding. There is a capacity for negotiations to go on behind the Chair. It is not acceptable for the Minister to hand me a copy of amendments 20 minutes before we are expected to debate them. Other matters can be dealt with tonight. We do not have to deal with the Committee stage of this Bill.

Mr Kierath: Basically, there are only two amendments.

Mrs HENDERSON: That is not the point. The point is that the Minister has handed me over three pages of amendments 20 minutes before we are due to debate them in Committee when he has had these amendments for at least five hours judging by the time on the fax. I have no doubt that this is not the first copy of the amendments; it could

even be the third or fourth copy. He probably had the amendments ready last Friday, but we got them 20 minutes ago. If he wants the legislation to be treated seriously and wants people to participate in the debate in a constructive way, this is not the way to get them to do it.

I prefaced my comments tonight by giving credit to the amendments which came out of the Laing report which we support. I spent a considerable amount of my speech dwelling on those parts of the legislation which we support. However, I also referred to 15 other areas which we do not support. The Minister did not even respond to one of these 15 areas in his 10 minute reply. If that is the manner in which the legislation is going to be dealt with, we will have similar problems to those that we had previously when we dealt with legislation for which the Minister was responsible.

The Minister should do the correct thing tonight. He should adjourn the Bill to give us the opportunity to consider the amendments. We have only one copy of the amendments. Other people from this side who are interested in the legislation have not even seen the amendments. The Minister should not be seeking to debate this part of the Bill until the amendments have been placed on the Notice Paper and people have had time to consider them, to slot them into the appropriate clause of the Bill and to consider the ramifications. I call on the Minister to do that. He claims to want a more conciliatory approach to legislation in this House and he has the opportunity to do that tonight. There is no need to proceed with this Bill this evening. Neither he nor we expected it to come on tonight. We understood the Loan Bill would take up the last part of tonight's session. The least the Minister could do is to indicate that he has extended the time and will put the amendments on the Notice Paper.

MR D.L. SMITH (Mitchell) [10.12 pm]: I support the suggestion of the member for Thornlie. Approximately 14 new amendments have been tabled. On first reading every one would seem to support the employer's position and lead to a more unsafe workplace. We on this side have only just seen these amendments. We have had no opportunity to refer them to the public in general, the union movement, employers or anyone else. We do not know the origins of these additional amendments. Quite frankly, I suspect the origins are outside the Government and the Minister has had requests from people who are interested in these issues from a single perspective and not from the perspective of the best interests of Western Australia, of preventing accidents or of those who are likely to be injured. Just as importantly, some extraordinary new offences will be created by these amendments. For instance, the health and safety representative is to notify the commission within 14 days of election. We on this side of the House do not have a problem about notifying the commission of an election, but if he does not do that within 14 days the health and safety representative contravenes proposed new section 31(10a) and commits an offence. We on this side have no capacity of knowing the implication for people's willingness to be the health and safety representatives and for a representative to comply with that amendment, because we have not had the opportunity of seeking advice on the legal effect and the practical implications for an individual who might be said to have committed an offence.

It also creates an additional right of appeal from the industrial magistrate to the Supreme Court on a question of law on the determination of a decision of the safety and health magistrate. It places another expensive step in this process. One very often arrives at the industrial magistrate to review a notice, for example, but this further right of appeal would be to the Supreme Court. What are the implications of that on the effectiveness of the operation of the system, especially where one category of notice is not suspended when a matter is referred to the industrial magistrate for decision? It is a very expensive new step and a substantial delay mechanism for those who want to frustrate the enforcement of health and safety regulations. The Minister has given no explanation of why he suddenly believes there should be this right of appeal to the Supreme Court. I know the Minister. He will not respond to our concerns about the way he has handled this Bill.

I want to make my appeal to the Leader of the House. We know we are operating under a guillotine with this legislation, and part of that program is that we are supposed to

complete consideration of all stages of this legislation tonight or early tomorrow. For a Minister to walk in here with 14 amendments covering three pages and suggest that, even though the matter is subject to guillotine for time management, we should still consider these new amendments is an rejection of what this Parliament is supposed to be about. We had an unplanned extra week of sitting in which we dealt with a reasonable legislative program. This Government cannot mount any reasonable claim that we on this side have been frustrating its legislative program in any way since the resumption of this three weeks' sitting. We can assure members opposite that we will cooperate as far as possible in meeting the terms of the guillotine, even though we are most unhappy about them; but when a Minister walks in with 14 additional amendments the Leader of the House and the Premier should understand that we have moved from an unsatisfactory guillotine to one that is impossible to justify with the addition of these amendments. It simply is not good parliamentary process for a Minister, on the eve of the Committee stage of a Bill, suddenly to land us with 14 additional amendments which he wants to move.

Parliament is supposed to be about representing the public interest, not the interests of the Minister or one group in the community, and not the interest of the Government of the day. It also is supposed to be about making good law, which is made only when everyone involved is consulted and those representing the interests of those people directly affected are given the opportunity of referring those amendments to them and seeking their advice. If we move into Committee tonight we will not be able to do that. Effectively, this Government, the Leader of the House and this Minister will be depriving the 30 000 people injured each year in industrial accidents from having people, who may be interested in their welfare, advise the Parliament, the Opposition and the Government as to whether these amendments will lead to more safety and protection for workers or increase the opportunity for workplaces to be unsafe and for those whose safety is threatened to be further jeopardised.

Quite frankly, I get tired of talking about what we are supposed to be as a Parliament and why the community is losing respect for this institution. People will say that the loss of respect for this institution has to do with the behaviour of people like me and others. That is simply untrue. The real reason that the community has lost its respect for the Parliament as an institution is that we do not deserve its respect because of the way in which we behave and, in this case, the way the Government behaves. For 18 months the Government has been acting in every way contrary to the best concepts of the Westminster system of government and accountability; with the Parliament, the Executive and the judiciary being the three separate parts of the institutions responsible for the wellbeing of all of us. This Government thinks that the Parliament is a rubber stamp of the Executive; that no-one on the government side of the House has any responsibility to the Parliament as an institution. The Government sees no role for the Parliament as an institution; it simply believes that we are here to rubber stamp whatever it wants, in the time span it chooses, and with the absolute lack of consultation for which the Government has become noted.

Government members may attack my integrity with impunity but I will repeat what I said in a personal explanation at an earlier stage of this session: For as long as I stand in this place I will continue to voice the very real concerns of the community at large. Under this Government the Executive is in an absolutely dominating position. It has no respect for the Parliament and simply treats the Parliament as its plaything. That approach will increasingly cause a loss of respect for the Parliament as an institution; but, more importantly, it will lead to a situation where the balance between the Executive, the Parliament and the judiciary is completely lost. We will simply wake up one morning and find that we are living in a totally fascist State where the Executive and the Government are paramount. We are halfway there under this Government, and if we allow this kind of conduct on the part of a Minister - one who fails to respond to the second reading debate and, as the Committee stage is about to commence, puts on the table three and a half pages of amendments, including 14 important amendments, and says, "Tough luck, the guillotine is on. Deal with it tonight; you do not have the opportunity to talk to anybody about it" -

Mr Kierath interjected.

Mr D.L. SMITH: We can simply adjourn. When we amend parts of a piece of legislation, it does not affect only the piece we amend; it affects the way the entire legislation operates. We need time to receive advice. The Parliament should always have time to get advice and to consult with community groups and individuals that we are sworn to represent. It should not be a matter of the Minister saying that when we reach the Committee stage, if we are unhappy he will talk about it at that time. The proper thing to do is to acknowledge that the Minister has mucked it up. If he wishes to move 14 amendments he should delay the Committee stage and give us the time we need to do what Parliament is supposed to do when properly considering amendments - and bring on the legislation next week.

What will the Minister lose by delaying the Committee stage for one week? The Parliament deserves some explanation, and that explanation should come from the Leader of the House because he is responsible for the way in which the Government behaves in this place - not the Minister who, as usual, failed to answer any of our concerns.

MR RIPPER (Belmont) [10.25 pm]: If one Minister is capable of upsetting arrangements in this place it is the Minister for Labour Relations. I received written advice from the Government last Friday, which was confirmed yesterday, to the effect that the Occupational Safety and Health Legislation Amendment Bill would be debated today. The information in writing from the Government was that the Government hoped that all remaining stages would be dealt with today. Therefore, there is no suggestion that there was any doubt that it was expected that the Committee stage would come on tonight - at least by the Government. The Minister has no excuse for not providing the Opposition and the Parliament with copies of the amendments which he now seeks to move. It is not acceptable behaviour for a Minister to seek to proceed with important legislation in this way.

The Leader of the House has told us on many occasions about his efforts to achieve what he calls time management in this place. He should exercise that sort of discipline on his own side if he expects the public and the Parliament to believe what he says about time management. If we must suffer time management by virtue of the guillotine, the Minister should behave in a businesslike fashion as well. He should be prepared when the legislation is brought on. If he is not prepared, and the legislation or the amendments are not ready, he should approach the Leader of the House and say that some other action should be taken because he is not ready.

The Opposition has written advice that the Bill is to be debated now, and we are entitled - as are all members - to know what amendments the Minister will move at least some time in advance, particularly when a package of amendments is involved. The Minister has not shown proper respect for the Parliament. He has not advantaged the government side of Parliament because this action only disrupts the agreements which are otherwise possible between the Government and the Opposition.

Question put and a division taken with the following result -

---

Ayes (28)

Mr Ainsworth	Mr Kierath	Mr W. Smith
Mr Blaikie	Mr Lewis	Mr Strickland
Mr Board	Mr McNee	Mr Trenorden
Mr Bradshaw	Mr Minson	Mr Tubby
Mr Court	Mr Omodei	Dr Turnbull
Mr Cowan	Mr Osborne	Mrs van de Klashorst
Mr Day	Mrs Parker	Mr Wiese
Mrs Edwardes	Mr Pendal	Mr Bloffwitch *(Teller)*
Dr Hames	Mr Prince	
Mr House	Mr Shave	

Noes (15)

Mr Catania	Mr Grill	Mrs Roberts
Dr Constable	Mrs Henderson	Mr D.L. Smith
Dr Edwards	Mr Marlborough	Mr Thomas
Dr Gallop	Mr McGinty	Dr Watson
Mr Graham	Mr Ripper	Mr Leahy *(Teller)*

Pairs

Mr C.J. Barnett	Mr Kobelke
Mr Nicholls	Mr Cunningham
Mr Johnson	Mr Taylor
Mr Marshall	Mr Bridge

Question thus passed.

Committee

The Deputy Chairman of Committees (Ms Warnock) in the Chair; Mr Kierath (Minister for Labour Relations) in charge of the Bill.

Clause 1: Short title -

Mrs HENDERSON: This clause contains two major issues which are of concern to the Opposition. The first is the deletion of the word "welfare" from the title of the principal Act. The title will be changed from the Occupational Health, Safety and Welfare Act to the Occupational Safety and Health Act. When this legislation was discussed in 1987 there was an extensive debate about the word "welfare". Key persons in the then Opposition opposed the inclusion of the word. Some of the points they made were that it would create confusion in the community; that it would give a wider ambit to the Bill than was intended; that it would raise expectations that the Bill would deal with a range of welfare matters that were not intended to be dealt with; and that it would be something of a distraction from the main intention of the Bill, which was to relate to occupational health and safety.

I have had a brief look at the debate which occurred at that time. I notice that some considerable length of time was spent debating that issue. One would expect that some seven years later, when the now Government brings forward an amendment to delete the word "welfare" from the title, the Minister would provide some evidence that the suggestions made seven years ago had been borne out and that there had been constant problems; that there had been confusion and that people had made complaints about the implication of the word "welfare" in the title sufficient to justify removing this word and redrafting and reprinting all the stationery and publications which include the word "welfare". The Minister in the second reading speech gives none of that evidence. In his 10 minute response to the second reading debate tonight he said there was confusion. It behoves the Minister to bring forward some examples of the confusion he believes is abroad and the complaints he has received about the use of the word "welfare" in the title: Who has complained about it; on what basis; what have been the problems; and what significant difference it will make to the legislation to delete the word "welfare" from the title.

The second issue is that when the former Government included "welfare" it was not included just to add a third word to the title, but because there was a strongly held belief that the word "welfare" allows the legislation to deal with matters such as the provision of facilities and amenities and first aid treatment rooms, and to allow the Act to be used to cover situations such as inadequate staffing levels which might otherwise affect the general welfare of employees in a workplace. It is not without good grounds that the Opposition has raised those issues.

Many of the early regulations under the previous Acts which the original legislation consolidated referred to welfare. I refer to one of them: The Factories (Welfare) Regulations, which were subsumed under the legislation when it came into place, have since been part of a regulation review to consolidate and gradually reduce the number of different sets of regulations that are attached to the legislation. The Factories (Welfare)

Regulations included the word "welfare" in their title. They did that because of the content of the regulations. The regulations state -

> Every occupier of a factory where work carried on is of such a nature as to necessitate a change of clothes by employees on entering or leaving their place of work, shall provide a separate change room for the use of each sex, unless there are less than six persons of either sex employed, in which case suitable accommodation for changing giving privacy to each sex, shall be provided.

The regulations go on to state that each change room shall be fitted with shelving, adequate seating and so on. They refer to the amount of space each employee shall have in order to change. In other words, if people are employed in a workplace where they are required to change their clothing, those regulations require that the employer provide a change room for each sex, and that those change rooms contain certain areas and facilities. The regulations refer to people who work under wet or dirty conditions, or who work with hazards that require changes of clothing. They refer also to the kinds of circumstances under which these changing facilities would have to be provided. It refers to drying facilities for people whose clothing or boots become wet. It talks about a casualty room where between 10 and fewer than 100 people are employed, and the kinds of facilities that must be made available in that casualty room, including blankets and a couch. It goes on to talk about other facilities for people at the workplace.

All of these facilities are headed up as factory welfare regulations, not just factory regulations. They are concerned with the welfare of people who work in factories. They do not necessarily relate to the safety of those persons. The provision of a first aid kit and a sick room - a place where people can lie down if they feel unwell - is also covered. They do not relate to safety in the normally understood sense of the word. They refer to welfare. These regulations describe the kind of accommodation that shall be provided for people in which to eat their lunch - the dining facilities, the seating, tables, the capacity to boil water so that people can have a hot drink, and the provision of adequate facilities to wash crockery and cutlery. This detail in regulations is one of the things the current legislation seeks to overcome. This clearly demonstrates that these are the sorts of facilities that will not be picked up under health and safety, but will be picked up under the broad ambit of welfare.

The seventh part of these regulations talks about first aid. It says that every occupier of a factory shall provide one first aid box or cabinet for every 150 persons. It also talks about who shall have charge of the first aid cabinet, who shall stock it, who shall ensure that it contains various kinds of facilities, such as treatments for burns, minor haemorrhages and dust or splashes in the eyes. It details exactly what must be provided in the first aid kit. These sorts of things were necessary because on occasion people were injured at work and it was found that no facilities were available. On many occasions first aid boxes had not been opened for 20 years and if anything was in them, those articles had usually passed the expiry date. These regulations set out in considerable detail the things that must be provided at a factory.

I raise these matters because the provision of these sorts of things is taken for granted in most workplaces today. I suspect that we would be hard pressed to find workplaces where there was no first aid kit, casualty room or facilities in which people could lie down when they felt ill. If these things are not available and if people need to take action to ensure that they are provided, the word "welfare" in the title of the principal Act was considered to be the head of power under which these previous welfare regulations drew their authority and enabled people to argue that they should have these amenities under this legislation.

The Minister says the use of the word "welfare" creates confusion. That is a very broad statement. He has not given us any evidence of that. Our concern is a positive one that the Act allows people to raise all of the other issues that I have canvassed under the heading of welfare, and the Minister has given no assurance whatsoever that, by deleting the word "welfare", the capacity to take up these other issues, which clearly do not fall under health or safety, will be able to be raised by people in the workplace.

The provision of those facilities is as important today as it was in the past. In fact, some of the issues that are becoming more prominent today - for example, the space that each worker has in which to carry out his or her duties which might add to the stress if a worker felt that the space was too confined to carry out his or her task properly - relate to welfare, not necessarily to safety or to health. They relate to the general wellbeing of the members of the work force. For that reason it behoves the Minister to present a more adequate explanation of why he seeks to remove this word from the title eight years after it was put in place. Certainly during my time as the Minister responsible for this legislation, I cannot recall one letter or telephone call or complaint put to me in any other form about the use of the word "welfare" in this legislation causing a problem.

Dr WATSON: I will elaborate on some of the issues that my colleague has raised. As she said, welfare was not put in the legislation just to make a third focus of the legislation; it had a history. The history was derived from the Factories and Shops Act and the Construction Safety Act where those issues relating to work conditions and to the provision of the hygienic workplace were addressed in this State as long ago as 1960. In 1987 the then Opposition sought to confuse the debate and to trivialise it by discussing issues of welfare. Opposition members asked: What if I were very distressed when my cat was killed and went to see my employer to say that I should not go to work? If that idea is still in the collective minds of those, at least in the Liberal Party - I did say that the Nationals distanced themselves from the Liberals during the debate - it seeks to demean the conditions that workers need, want and are entitled to. Opposition members also sought to confuse the issue by saying that teaching English as a second language would be seen as a welfare issue. They said it in a demeaning way - I was in the House at the time - but I do not think that stretches the definition too far.

One of the things in the 1990s is to address management systems, to examine management, the kinds of interactions in the workplace that add to or detract from the stressors that might be felt there. If people go to work and there is nowhere to change and they have to work in an ill-lit, ill-ventilated place - it might be Parliament House or a factory - and authoritarian management systems are in place, people will increasingly claim compensation for illnesses whose origin is recognised as being in the workplace. It seems to be amazingly shortsighted for the Minister to seek to remove these kinds of provisions from an Occupational Health, Safety and Welfare Act that has caused no problems at all so far, that will contribute to the wellbeing of people at work and thereby to their safety. If people are working in conditions that are not conducive to their being alert and feeling confident about what they are doing, safety will be compromised. That is the fact of the matter.

I am distressed that the Minister has dealt with this issue by saying, "We did not agree with it in 1987 and we will not agree with it now", despite the fact that there is no evidence that this has been misused or abused in any way. In fact, it has had a positive effect because workers have been able to have this issue addressed in a tripartite commission that is modelled on similar commissions all over the world which all address welfare. To reverse the order of the words "health and safety" is the most trivial thing the Minister could do. I guess it will be positive in that it will make for an easier acronym, but for the last 10 years no-one has had any difficulty with that wording. The same ideological approach was displayed very clearly in the debate in 1987, and I hope the Minister has read that debate and has seen how foolish his two colleagues looked then and certainly look in retrospect.

Mr KIERATH: Stationery and pamphlets will be changed over time when reprints are required, so there will be no additional expense in that regard. I am advised that issues such as first aid treatment rooms, ventilation, seating, lighting, etc, will still be covered under the definitions. We believe that the word "welfare" engenders a traditional expectation which should not be there. It is important to have the word "safety" before the word "health", but the member for Kenwick is correct in saying that it is something of a cosmetic change. It was done for convenience. If we are not careful with names, we will end up with acronyms which are not used properly. This Bill will allow the word "WorkSafe" to be used in the same way as the word "WorkCover". I know some people

had a problem with that at the time, but the people who use those words on a daily basis would rather work with a simple word like WorkCover than with the words with which they had to work previously, and anything we can do in that regard should be applauded. International Labour Organisation Convention No 155 does not use the word "welfare" in any way. It uses the words "safety and health". We have sought to bring this into line with that convention because we believe it will improve things somewhat. I admit that on the face of it, some of these changes are cosmetic and do not go to the heart and policy of the legislation.

Mrs HENDERSON: This issue was debated at great length in 1987, and I remember that debate well. I had hoped that eight years later, the Minister would at least take the trouble to advise us of the evidence upon which he is seeking to turn back the clock on the basis of what appears on the surface to be a straight ideological decision by the Government to revert to what it wanted to do in 1987 but could not because it was not in government. I asked the Minister whether he has received complaints about the use of the word "welfare" and whether any problems have been brought to his department in regard to employees or employers having difficulty with the title of that department. I asked the Minister also what will be the estimated total cost of changing the title of the department by reversing the words "health and safety" to "safety and health". If the intention is to allow the current supply of pamphlets to run out, that is fine, but the change of name of the department will involve considerable expense in regard to signage. I note that the tripartite body which was established by this Parliament in 1984 and which offers advice to the Minister opposed the reversal of the words "health and safety" to "safety and health" because it considered that no valid reason had been given for the change and that it would create confusion because for 10 years people had become accustomed to talking about health and safety. One would think that the Minister would have a better reason for rejecting the advice of his own advisory body than to just say it is a cosmetic change.

Clause put and passed..

Clause 2: Commencement -

Mr D.L. SMITH: When can we expect this Bill to be proclaimed and what will need to be done prior to its proclamation? Will any appointments be made, such as those of the industrial magistrates, prior to the proclamation of this legislation?

Mr KIERATH: We expect that a proclamation date in February will be feasible.

Clause put and passed.

Clause 3: Principal Act -

Dr WATSON: I draw to the Minister's attention that the purpose of the principal Act is to promote and improve standards for occupational health, safety and welfare, etc. Will that focus continue?

Mr Kierath: I am advised the only change is that "welfare" will be deleted and the words "safety" and "health" will be reversed.

Clause put and passed.

Clause 4: Long title amended -

Mrs HENDERSON: I made it clear earlier that we do not intend to debate these issues repeatedly as they arise, although we maintain our opposition to the deletion of the word "welfare" and the reversal of the words "health" and "safety". However, this is the first clause which states that the Department of Occupational Health, Safety and Welfare will become WorkSafe Western Australia. I pointed out during the second reading debate the irony of the Minister seeking to plagiarise the title of the national department which is concerned with occupational health and safety.

The national body has an extremely proud record. It has produced outstanding research. It has worked long and hard to produce national standards which States can aspire to and can ratify and implement. In my view Worksafe conjures up in the community generally

a body that has fostered the development of excellence and expertise in research and tackling issues relating to occupational health and safety in the workplace. Despite the Minister's opposition to those national standards, and to Western Australia being part of national schemes - in that respect he is no different from his colleagues, such as the Minister for the Environment and other members of the Government - he is seeking to take for himself the credit and the good name that attach to the Worksafe Australia body. He has done nothing to deserve that, and my understanding is that the national body will strongly oppose this. Has the Minister received legal advice on whether he is entitled to take this name and use it in relation to this Bill? If he has received legal advice on this, will he advise the Parliament what that advice is?

Has the Minister received a written request from the federal Minister who has responsibility for occupational health and safety that he not use the title Worksafe Australia, and that he delete it from his legislation? If he has received such a request from the federal Minister, does he plan to ignore that request and seek to take over the title which the Federal Government has developed over a long period?

The Minister previously indicated that he thought that a title for a department consisting of a single word was easier for people to deal with rather than a title such as the Occupational Health, Safety and Welfare Commission. No-one could disagree with that, but one imagines the Minister and his advisers are not so lacking in creativity that they could not think up a title for themselves. The fact that they have chosen to take over the title used by the national body suggests to me that they hope to be able to cash in on the kind of international reputation that Worksafe Australia has. In fact, Worksafe is sought after by other countries, particularly in the Asian region, to offer advice, support and assistance in developing occupational health and safety systems in those countries. So highly regarded is the level of research and development done by Worksafe Australia, that I understand it has contracts in those countries to provide those sorts of services and that that is a source of income for Worksafe Australia.

It is clear that the Minister seeks to cash in on that good name and reputation by creating confusion in the minds of our near neighbours and perhaps giving them the impression that WorkSafe Western Australia is some kind of sub-branch of Worksafe Australia. If I were Worksafe Australia, I would be extremely angry about that for two reasons. The first is that the Minister has done nothing but criticise Worksafe Australia and the national standards since he became the Minister. He has deliberately sought to undermine the process of developing national standards. He is the only Minister in this country who has sought to delete a national safety standard once established and to go backwards. I do not think any other Minister in this country shares the reputation of this Minister. I noticed in the Worksafe publication that came across my desk only yesterday a short article pointing out that Western Australia is in the unfortunate position of being the only State in Australia which has not adopted the national standards for noise in the workplace. Will the Minister send copies of those kinds of publications that show how far Western Australia is behind the rest of the country when he seeks to use the word WorkSafe to promote himself and his department overseas? Will the Minister use the publications of the real Worksafe to show that Western Australia is not measuring up to the kind of standards that Worksafe Australia has developed?

Worksafe Australia is held in the highest esteem, and it would be detrimental to its reputation to have another body in Western Australia, under the control of a Minister who does not have that commitment to those national standards of increasing the levels of safety at work. Everything about this legislation indicates that far from seeking to promote, improve and progress standards of health and safety at work this Minister lends a very ready ear to those employers who would seek to reduce their responsibility under this legislation, particularly those employers in the construction industry. The Minister's ear is very keenly inclined towards those disgruntled persons who do not wish to comply with the duty of care that is imposed on them in relation to their work sites, because they are not prepared to put in the kind of effort and expenditure that goes with having a healthy and safe environment for people on their work sites. So much time has the Minister spent listening to such persons, that this legislation reflects that preoccupation

with those who might abuse the system. Rather than seeking to improve the system as a whole the legislation focuses on one tiny group in the community which the Minister firmly believes has abused health and safety legislation. The Minister is prepared to undermine the standards of the rest of the community in order to put into practice what those employers have complained of. I would be surprised if any of those employers would be happy to see Worksafe Australia mentioned, because those are the kinds of employers who share the Minister's views, who do not support the notion of national standards, who do not support improving the requirements of noise levels at the workplace, and who do not support, and ran a strong campaign against, national standards on manual handling.

The most recent publication of Worksafe Australia shows that the Minister's handling of the manual handling area is the most intractable in terms of improvement to levels of injury to people at work. That area has shown the least improvement in work safety practices over the past 10 years. A national safety standard was developed by Worksafe Australia, and this Minister sought to distance his Government from that standard on the very day he came to office. Will the Minister leave his current position, as we all understand he will in January or February, proud that his first action was to seek to undo the national standards which would have brought Western Australia into the national fold in relation to the levels of noise to be allowed at the workplace and the effect of those on loss of hearing? His second action was to undo national regulations relating to manual handling. Extensive research had been conducted by Worksafe Australia in those two areas. It had shown that reducing the level of noise to which people were exposed over long periods at the workplace would result in major improvements in the number of people suffering with occupational deafness and hearing loss. The Minister ignored that kind of research, which was compelling to the extent that employers as well as representatives of employees supported it.

The Minister is seeking, for purely ideological reasons, to disallow and change those regulations which had already been gazetted and put in place and were widely supported by a range of industries, including the mining industry. The Minister went off on his own little frolic because he objected to national standards. He comes before this Parliament seeking to hijack the name of the national body. This is the ultimate irony. It should not be allowed because Worksafe Australia represents the highest standards and is based on objective and quantitative research. It does not represent the kind of ideological changes the Minister makes in this area, which have no foundation in health and safety but which represent his own obsession with particular issues. I strongly oppose the proposal to change the name of the commission and to seek to plagiarise the title of the national body.

Mr D.L. SMITH: I share the concerns of the member for Thornlie and I note the intention of the Minister to insert a provision under clause 8 that a person other than the commission who uses or operates under the name mentioned in proposed subsection (1) or (5), or any name that is so similar that it is likely to be misunderstood as referring to the commission, commits an offence.

I put two questions to the Minister: By adopting the name WorkSafe Western Australia, and given the fact that the Minister has plagiarised the name Worksafe Australia, how can the Minister justify creating an offence for any person who uses a name similar to WorkSafe Western Australia? Secondly, does the Minister believe that as a result of clause 4(b) he will have the capacity to prosecute Worksafe Australia for using a name similar to WorkSafe Western Australia? Does the Minister agree with me that for constitutional reasons he cannot take such an action? What will be the position of those people, other than Worksafe Australia, who in relation to any of their arrangements might be entitled through licence to use or be related to Worksafe Australia? Does the Minister intend to prosecute those people who, with strict interpretation of the amendment, are covered by clause 8 of this Bill and could be passing themselves off with a name similar to WorkSafe Western Australia, if they used a franchised name relating to Worksafe Australia?

Mr KIERATH: In reply to the member for Thornlie, the use of the term WorkSafe

Western Australia was a policy decision. Sometimes it is right and sometimes one must show leadership and make decisions. I received a letter from Mr Gary Johns, the Assistant Minister for Industrial Relations in Canberra. I did not ignore it. I wrote to him and I will read that letter to the Committee as follows -

> Dear Gary,
>
> Thank you for your letter of 4 November regarding the Occupational Safety and Health legislation Amendment Bill 1994 and utilisation of the name "WorkSafe Western Australia".
>
> I must say I am surprised the Commonwealth is opposed to the State using the term "WorkSafe". The Commonwealth deserves credit for introduction of the term "WorkSafe" which captures what is embodied in occupational health and safety very conveniently. Surely we should be working together to ensure terms to describe Government services in occupational health and safety are easily communicated to workplaces. The Commonwealth has been urging a consistency/uniformity of approach to occupational health and safety across Australia, use of "WorkSafe" to describe Government occupational health and safety services in various jurisdictions is in line with the Commonwealth consistency theme.
>
> You have expressed concern that use of "WorkSafe Western Australia" could create confusion and uncertainty within areas in which both the Commonwealth and Western Australian agencies operate. I have the contrary view. By universal use of "WorkSafe" there will be less confusion, with parties at workplaces throughout Australia understanding the descriptor relates to Government services in occupational health and safety. There are many examples of overlap between titles for Commonwealth and State/Territory agencies in the labour relations and employment fields without ensuing confusion at workplaces. For example, the terms "Industrial Relations" and "Employment and Training" have frequently applied concurrently describing both Commonwealth and State/Territory agencies providing similar services throughout the country.
>
> I urge you to reconsider the Commonwealth opposition to our use of the title "WorkSafe Western Australia". I can assure you we are attracted to using this terminology because we believe it will be beneficial for both the State and National interests.

The member for Thornlie said I had done nothing but criticise the national commission. That is not the case, I have supported it on many occasions. I have criticised it only when it is justified. That is in the minority of cases, and very rarely has my criticism been of the national commission. I have found that if one puts a coherent and sensible point of view to the commission, in most cases it agrees with that point of view. In some cases it does not do so, and I have criticised it on that basis. I remind the member for Thornlie that Western Australia was the first State to adopt the certification standard for operators, machinery, riggers and scaffolders.

Mrs Henderson: When was that?

Mr KIERATH: On 1 July this year. Western Australia was the first State in Australia to do so, and most other States have not yet adopted it. The noise standards referred to are part of the regulation review.

Mrs Henderson: Why did you delete them?

Mr KIERATH: Because members opposite tried to avoid the authority of Parliament. They waited until Parliament rose before proclaiming those regulations. They knew at the time that consultation had not taken place and that business was opposed to the regulations. Let us consider the difference between the two approaches. The member mentioned the manual handling regulation which has now been agreed to by the commission. That is the difference between consultation and the previous Government's dictatorial approach. It shows what can work.

In reply to the member for Mitchell, the important part of the name is the Western Australian component. Most of us can tell the difference between a name with the words "Western Australia" and one with the word "Australia". I certainly can. I do not intend to prosecute Worksafe Australia at this stage. I have no reason to do so currently but if it did something mischievous in future, I would not rule it out.

Mrs HENDERSON: I asked the Minister whether he received a letter from the federal Minister. In reply he read a letter he sent. I also asked whether he had received any legal advice on whether he was entitled to use the name of the federal department, when the federal Minister had expressly asked him not to do so. I ask the Minister again to read the request from the Federal Government not to use the title.

Mr Kierath: I do not have a copy with me but I will make one available if the member so desires.

Mrs HENDERSON: Will the Minister table it tomorrow?

Mr Kierath: I will provide the member with a copy.

Mrs HENDERSON: Tomorrow?

Mr Kierath: As soon as possible.

Mrs HENDERSON: Tomorrow. What about the legal advice the Minister has received?

Mr Kierath: We sought legal advice which was that we can use the term WorkSafe Western Australia.

Mrs HENDERSON: Will the Minister read the legal advice in relation to the use of that name?

Mr Kierath: No. I have received legal advice.

Mrs HENDERSON: Will the Minister provide to this Chamber the legal advice that he has received?

Mr Kierath: No, that is not a practice this Chamber has adopted.

Mrs HENDERSON: It is not the practice to table a document and I deliberately did not ask the Minister to do that. However, on other occasions Ministers have read part of the advice into the record of this Chamber. The Minister himself has tabled pieces of legal advice in this Parliament.

Mr Kierath: I will ask Crown Law to do a summary of its advice suitable for tabling in this place, as I have done previously.

Mrs HENDERSON: Yes, I know; I said that. I would be pleased to receive that tomorrow.

Mr Kierath: I cannot promise it tomorrow.

Mrs HENDERSON: Thursday will do.

Mr Kierath: I will action it tomorrow.

Mrs HENDERSON: It should be ready on Thursday. It does not take two days to provide a summary of a one page legal opinion.

The Minister told the Chamber that the reason he was deleting the word "welfare" was that there was confusion in the minds of the public about the ambit of that word. He read his own letter to the federal Minister and one could surmise from that letter that the federal Minister raised exactly that issue; that is, that the use of the term "WorkSafe Western Australia" would create confusion in the minds of the public. Having been alerted to that, the Minister is pressing on regardless. The Minister said he wants to delete the word "welfare", but he produced no evidence of any confusion. I asked him how many complaints had been received, but he did not answer the question, because I believe he has had none. His own commission has advised him that to use the words "WorkSafe Western Australia" will create confusion. His own advisory body has cautioned him against using it and the Chamber of Commerce and Industry has said it will create confusion in the Western Australian community.

Despite that likely confusion, he seems determined to plagiarise a title. I do not believe no-one in the department could come up with a one word title. It would not be too difficult. It could have been easily done. That is not the reason he has chosen to take that title. It was because of the good name and reputation behind the title and the possibility of marketing that title in Asia in the same way as the federal body has been able to market its services and research and the high standard of occupational health and safety material that it produces.

It is a deliberate attempt to create confusion, to seek to market materials, and to capture some of the market which the Federal Government has already marked out and exploited. The Minister is to be condemned for the ulterior motives behind choosing that title. He is to be condemned also for refusing to cooperate with the federal Minister, who has written and asked him not to use it. It was after all the Federal Government's title; it thought of the title first. It was developed over many years. The Minister has been asked not to use it, but despite that he is pushing on and says that he intends to use it.

Mr Kierath: Are you aware it was the preferred title of the department in 1985? The letter from Gary Johns asked me not to use it, but as I said in the reply, we have legal advice we can use it.

Mrs HENDERSON: The Minister may have legal advice, but does he not think there is a time to cooperate?

Mr Kierath: Have you tried to cooperate with Gary Johns?

Mrs HENDERSON: The Minister has been asked not to use a title that the federal body already has in place, and he deliberately seeks to obstruct and say, "No, I am not going to cooperate because we have legal advice that technically we can do this, so we will do it. We will press on." What sort of attitude is that from a man who is a Minister of State? It is an extraordinary attitude. All his advisers and all the bodies in Western Australia are saying, "Don't do it; it will create confusion." The federal Minister has said, "Don't do it; it will create confusion." What does the Minister do? He says, "I want to do it, so I will." That is exactly the kind of attitude we have complained about in this place before. It is an attitude which leads us to be thankful to read the continuing rumours of foreshadowed changes to portfolios.

Dr WATSON: I cannot come to grips with the Minister's intention as being anything other than to create confusion. Coming from a secessionist anti-federalist who now says he wants to adopt a national name against the advice and recommendations of everybody involved in the commission and all the key players in occupational health, one can only interpret that as stubbornness. Alternatively, if we are to reach out to our Asian neighbours and perhaps our Indian Ocean neighbours with some kind of capacity for training and policy development, this is meant intentionally to confuse. We have no reason to trust the Minister. He has done this before with workers' compensation and in ministerial statements he has made in this Chamber. He has certainly done it with the labour relations legislation. I find it very insulting because I was part of the steering group in the interim National Occupational Health and Safety Commission that helped develop the trading name Worksafe Australia. It took an enormous length of time for us to brainstorm that name.

Mr Kierath: You obviously think it is a good name.

Dr WATSON: Yes, because it encapsulates the intention of the organisation and it has been enormously successful. However, they are all reasons why we in Western Australia should not use it. It is not our name to trade on. The federal Minister has made a specific plea because it will cause confusion.

I take this opportunity to pay tribute to the work that has been done and developed by Worksafe Australia. It started as a fledgling organisation but determined to be a centre of excellence for occupational health and safety, not only in Australia but also in the Asia Pacific region. Its research capacity, funding of research and data collection are probably among the best in the world. It grieves me that the Minister has deliberately set out to obfuscate and confuse. We know what the Minister is like. He will trade on Worksafe

Australia's good name and say, "Oh well, the Thais and the Mauritians won't know." They do know about this centre of excellence in Australia and they will assume that the body set up by the Minister is a branch of the federal body.

The Minister does not like uniform standards! What about chemical safety; what about protection from hearing loss through noise, or manual handling injuries which are continuing to increase despite the fact we have had occupational health, safety and welfare legislation for so long? The reason for that is the Minister is not prepared to adopt a standard. The Opposition rejects outright the proposal that WorkSafe Western Australia be used as a trading name for the department and the commission. We note that it comes up in clauses of the Bill that are still to be debated including one that will entitle the commissioner to be the WorkSafe Western Australia commissioner.

Clause put and passed.

Clause 5: Section 1 amended -

Mrs HENDERSON: We have previously raised our objections to this clause. Suffice to say the reversal of "health" and "safety" occurs again, as does the deletion of the reference to welfare. For all the reasons we have stated previously, we oppose this clause.

Clause put and passed.

Clause 6: Section 3 amended -

Mrs HENDERSON: Two major issues arise under this clause which relate to the creation of an appointed member. I indicated in the second reading debate my opposition to the political appointment of a person to chair the Occupational Health and Safety Commission. It appears to be a distinct attempt by the Minister to gain greater control of the commission by adding an extra person appointed by himself to be the chairperson and giving that person a casting vote. That arises under the definition under clause 5 where, for the first time, we create a position of chairperson of the commission.

We also create for the first time a safety and health magistrate. When this matter comes up in its substantive form the Opposition intends to debate at greater length the use of a safety and health magistrate versus these matters going to the Industrial Relations Commission. Nevertheless, this is the first occasion on which the matter arises. We endorse the extension of the coverage of this Act to include apprentices under the first of the definitions, and the extension of the coverage to include industrial trainees. A definition is included under the Industrial Training Act 1975. The Opposition is certainly pleased to see those extensions. However, for the reasons mentioned, confusion will be widespread over the safety and health committee.

Mr Kierath: Do you support self-employed persons?

Mrs HENDERSON: Yes; I indicated during the second reading debate that we support the extension of the coverage to self-employed persons. We believe that the expression "safety and health representatives" is a backward step purely because people have become accustomed to that widely recognised term "health and safety representatives". It rolls off the tongue because people have used it so frequently. We believe change for the sake of turning words around will create confusion in the community, is unnecessary and should be condemned. It is frivolous and a waste of time of the Parliament and can only cause confusion about the issue for some time.

Clause put and passed.

Clause 7: Section 3A repealed -

Mrs HENDERSON: Section 3A of the parent Act relates to the jurisdiction of the Industrial Relations Commission. It provides that where under this Act a matter is capable of being referred to the Industrial Relations Commission, the matter may be heard and determined as if it were a matter in which jurisdiction was conferred on the Industrial Relations Commission by the Industrial Relations Act. That Act, as far as it is capable of application, shall extend to jurisdiction in such matters. Section 3A of the

parent Act allows the Industrial Relations Commission to be the body to which disputes under this Act can be referred by the parties for resolution. The amending Act seeks to repeal the whole of that section which creates the jurisdiction for the Industrial Relations Commission to exercise its power to deal with disputes under this Act.

During his second reading speech the Minister said this legislation is about implementing the recommendations of the Laing inquiry. Commissioner Laing undertook an industry review of the operation of the Act. In fact he recommended that the Industrial Relations Commission was the appropriate body to deal with these matters. He made it quite clear in his review - he consulted extensively with all the parties affected by this legislation - that the very nature of the Industrial Relations Commission, its capacity to conciliate, to arbitrate when it needed to, and to hear submissions from the parties in Chambers, in conference or in formal session, gave it the scope and flexibility to deal with these matters in a way that was constructive and helpful. It is quite clear that the deletion of the whole of the jurisdiction of the Industrial Relations Commission has nothing to do with promoting health and safety. It flies in the face of the major report on which the Minister claims this legislation is based.

We have not seen any evidence brought by the Minister to the Parliament to indicate the genesis of his desire to remove these matters from the Industrial Relations Commission and give them to a magistrate, other than his own particular penchant for moving matters into the formal court system. In fact, the Opposition spent many hundreds of hours in the community - there was a lengthy debate in this Chamber - on workers' compensation matters. The Minister put the view repeatedly in that debate that it was not to the advantage of the parties for disputes over workers' compensation to be dealt with in a legalistic and formal way. In fact, he abolished the whole workers' compensation board which provided an avenue for people to take their complaints and to be represented by lawyers. He claimed that he was setting up a less formal and less expensive system in terms of lawyers' fees.

The reason the Minister put to the Parliament and the community for changing the workers' compensation system is that it will allow people, including review and conciliation officers, to conciliate. Many people have been critical of those changes and effectively what has happened is that the workers are pitted against the highly experienced compensation officers of the insurance companies who are far better trained and able to deal with those issues in a conciliation setting and workers have been severely disadvantaged by those changes. Nevertheless, the Minister, in arguing why that system should be put in place, strongly relied on the arguments that a less formal and legalistic system was an advantage to working people. However, in this Bill the Minister seeks to repeal the whole of the jurisdiction of the Industrial Relations Commission and put in its place industrial magistrates. It is a much more rigid and complaint-based system which does not allow the kinds of conciliatory actions which traditionally have occurred in the Industrial Relations Commission.

One cannot escape the view that this Minister has a particular obsession with the Industrial Relations Commission. Traditionally, its members have been drawn from experienced employer and employee representatives and when they have brought down decisions they have not always favoured the side the Minister supports. In some cases, they brought down decisions favouring one party and in other cases they favoured another party. Regardless of the background of the commissioners, no-one could argue that they have not adopted a professional, independent role. After all, they have made comprehensive decisions and have given reasons for them. Of course, normally the decisions are appealable.

Under this Bill the Minister intends to delete the whole of the jurisdiction of the commission and he appears to be doing that as part of a larger program to restrict the ambit and jurisdiction of the Industrial Relations Commission. In this respect, he is extremely short-sighted and he behaves in government as if he were still in opposition. He takes up the fringe-type issues taken up by people who are unhappy with individual decisions. He then seeks to punish those organisations which are the subject of complaints brought by individuals because they did not bring down a decision that was

favourable to someone with whom he has close contact. That is not an appropriate reason to bring legislation to this Parliament. It should be concerned with the general impact of the outcome on the citizens of the State in general. This Bill will impact on all people in all workplaces across the length and breadth of the State. It is wrong for the Minister to remove the capacity for those people to take their disputes to the Industrial Relations Commission and to allow them the flexibility and the expertise that the commission has in dealing with these matters and then say to them, "You shall go to a magistrate and take a formal and legalistic position; you shall incur the costs which go with seeking legal advice to appear before the magistrate; and you shall subject yourself to a system which is based upon individual complaints and offences and an adversarial, prosecution-type approach to these problems."

I give the Minister this advice: This Bill will make matters relating to health and safety on the job much more adversarial, bitter and closely contested. It will draw sharper lines and place people in hardened positions. They will have no choice and there will be no opportunity for conciliation, compromise, discussion or negotiation; it will be a formal and legal hearing and that is a backward step when it comes to promoting health and safety on the job. The Minister stands condemned for seeking to change a system in which the improvement to health and safety has been outstanding over the past 10 years. For him to seek to undermine those changes by bringing in this legislation because he has an obsession with the Industrial Relations Commission does not do him any credit in his role as the Minister charged with taking care of occupational health, safety and welfare in the workplace.

Mr D.L. SMITH: Like the member for Thornlie, and for many of the same reasons, I oppose this clause. It is a substantive shift in the balance of workplace safety. It moves away from a situation where it was run by a commission which had an obligation to be balanced in its approach and had wide reaching powers to resolve issues. As a lawyer I am opposed to the creation of a multitude of specialist tribunals - that is what will occur under this Bill - when a perfectly adequate system is already operating. The member for Thornlie said that the review found that the Industrial Relations Commission is the appropriate body to deal with these issues and it has been handling them satisfactorily. I can see no justification for the abolition of the rights of the commission and the consequent need for the establishment of the industrial magistrate's court.

Clause put and passed.

Clause 8: Section 6 amended -

Mrs HENDERSON: I did say that the Opposition would not seek to debate each clause, but at this early stage of the debate the Minister declined the opportunity to comment on the issues raised on the previous clause which deletes a section of the parent Act.

Mr Kierath: All I can add to what I said in the second reading debate is that it was a policy decision.

Mrs HENDERSON: Arguments were put and points were raised and the Minister declined to comment on them; to say that it is a policy decision is wrong. Every Minister in this place takes the trouble to debate issues put to him. This Minister stands alone as the Minister who refuses to debate the issues before the Committee and says that it is a policy decision. It is not good enough and if he seeks the cooperation of members on this side of the Chamber, he should cooperate by responding to the concerns opposition members raise.

The establishment of WorkSafe Western Australia is a concern, as is the composition of the commission. This clause includes a description of what the commission will consist of. Proposed subsection (2)(a) states that the commission shall comprise a person nominated by the Minister and appointed by the Governor as chairperson. That person is nothing other than a political appointment. There is no requirement for the person to be appointed on the advice of any of the tripartite partners. There is no suggestion that the person should be selected by the normal selection processes. There is no indication of how the Minister will select this person. He could be a ministerial adviser out of the

Minister's office whom the Minister could seek to make a part-time chairperson of the commission should he choose. We offer the Minister the opportunity tonight of giving an undertaking to the Parliament that that will not happen. How will this person be selected, where will he or she come from, what sort of expertise will this person have, and why is the Minister persisting with appointing this person to chair the commission against the advice of all the tripartite partners on the commission? I understand there was unanimous opposition to a person being nominated as chairperson by the Minister and appointed by the Governor. The Chamber of Commerce and Industry representing employers, industry experts and the trade unions representing the work force unanimously opposed this clause of the Bill. Yet the Minister persists with it. The tripartite partners oppose the method of nomination of this person. The commission has long enjoyed a reputation of being independent and the people who have served on the commission have given the State exceptional service. In many cases they have spent hundreds of hours not only debating issues at meetings, but also establishing numerous working parties and groups that have worked extensively on issues and brought down papers and recommendations to the commission, which in turn has made recommendations to the Minister of the day. That work has been extremely valuable. I have seen the end results of their work. There is no point those people bothering to put in that kind of effort and work if their advice to the Minister will be disregarded.

They were unanimous that they did not want this ministerial appointment to chair the commission, or to be given an extra vote as the casting vote which would disturb the tripartite balance which was carefully determined by this Parliament when the legislation was put in place. At that time there was extensive consultation and discussions about the make-up of the commission and about the manner in which voting would occur. How that would happen was agreed by all the parties. That is a tribute to the fact that the tripartite structure has worked. The parties agreed on how they would vote, who would vote, who would sit on the commission, how people would be nominated and how other people would be nominated when they could not attend meetings. All those matters were resolved by negotiation. The Minister is now saying that he would like to appoint an extra person who will have an extra vote. However, as I said, that will upset the balance.

Currently, there is a safety mechanism for voting on this body. It requires not only a normal majority of people to resolve an issue, but also a larger number of people to vote in favour of an issue for it to be carried. That was another deliberate mechanism put in place to ensure that no one party would dominate proceedings of this body. Now the Minister will disturb the balance for, one presumes, his own reasons which include frustrating the commission's ability to reach decisions that he does not want it to reach. By adding an extra person as his nominee and giving that person an extra vote, he seeks to control the decisions of the commission. However, he does not need to do that because the commission can make recommendations only to him as Minister anyway. He can reject the recommendations at any time. He does not have to accept the advice of the commission. However, the commission is allowed to operate as an independent body which reaches decisions based on its own expertise and offer advice to the Minister.

Mr KIERATH: The idea of having a part-time chairman was to do a number of things. First, it was to make this legislation similar to government policy in other areas. There is a part time chairman of the Workers' Compensation Commission and also a part time chairman of the Environmental Protection Authority. I am advised there are few bodies at which the chairman does not have a vote. The member used the example of the National Occupational Health and Safety Commission. The chairman of that body has a vote. In fact, sometimes chairmen have two votes, a deliberative vote and a casting vote. However, in this case it is proposed to give the chairman a vote only when things are deadlocke. When there has been a deadlock, this provision is a circuit breaker which would overcome problems such as those associated with the accreditation of health and safety representative courses which took something like 18 months to overcome and a deliberate action to prevent those courses getting up. I am advised that the appointment process will follow a similar process to the commissioner and other statutory provisions.

Mrs HENDERSON: I was interested in the Minister's comment that the reason he will

appoint this chairperson is so that the commission will have a separate part time chairperson. However, there is no reason that he cannot do that without adding the chairperson to the existing people on the commission. The opposition to this proposal has come from those upset about the change in the balance and about the fact that this person is to be appointed by the Minister. There is nothing to stop the Minister having a part time chairperson. He could be a part time commissioner for example because the Minister has indicated that he wants to separate the positions of chairperson and chief executive officer. There is no reason for his not having a part time commissioner who could be chairperson or for taking the commissioner off and have a part time chairperson. In that way, he would not disturb the balance. The opposition from all members, not just from one or two, is that they see this as disturbing the delicate balance which they all support. As I said, Parliament spent hours in 1987 debating the composition of the commission. It was a major issue. There are not that many pieces of legislation that spell out in such detail how each of the people sitting on the commission will be elected and what will be the balance between the different interests. That is the case with this legislation because it was considered to be an important issue. All of the parties are opposed to what they see as a very heavy-handed approach by the Minister which pays scant regard to that delicate balance. The fact that they are opposed should be of some significance to the Minister. It is not good enough for him to say that this is in line with what the Government is doing in other places. The Minister should be concerned about the views of the people currently serving that body, who give up their time and expertise to represent employers, unions, experts in academic institutions and elsewhere, and industry. If they oppose this legislation, he should stop and think, "Am I doing the right thing?" It is fairly clear he is not doing the right thing and he should have the good grace to recognise that at times he does the wrong thing and goes down the wrong track. In this case he must say that they must have good reason to oppose this. I urge him to change this because all parties are opposed to it.

Mr D.L. SMITH: This is one of the clauses that concerns me about the balance of the whole way the Act will operate. The inclusion onto the commission of a new person called the chairperson with a casting vote alters the previous balance. Effectively the Minister will be in a better position to control what goes on in the commission. More importantly, it displaces the previous balance between the respective groups interested in workplace safety. The second amendment changes the requirement for an officer of the Office of Industrial Relations and Public Service to be appointed as the person from the department to be responsible for this legislation to a situation where it is any two public servants nominated by the Minister. We will be interested in the Minister's explaining why that shift has been from officers from two nominated areas in the Public Service to two officers from any section of the Public Service and what kind of officers he intends to appoint other than the two referred to in the legislation. On the face of it, it would seem to leave the Minister in a position where he could appoint onto the commission any permanent public servant who happens to be in his office or any permanent public servant in the Ministry of the Premier and Cabinet, which would not seem to be very wise.

Mr KIERATH: The Department of Productivity and Labour Relations has the statutory right to attend. It said that it could not see any sense in its being continually represented at meetings. There should be someone from WorkCover, the Department of Minerals and Energy or somewhere else who wanted to be involved. That is why we made the decision. DOPLAR did not want to turn up because it did not see a place for its representatives in the process.

Mr D.L. Smith: Why not limit the number of agencies from which to draw those two officers? Why does it have to be any two officers of the Public Service?

Mr KIERATH: It was so that we could get somebody who wanted to be involved.

Mr D.L. Smith: It gives you the absolute, total discretion to appoint anybody from the Public Service.

Mr KIERATH: It was designed for flexibility - that is all.

Mr D.L. SMITH: It puts the Minister in a position where he can appoint whom he likes and affect the conduct of the commission accordingly. Could the Minister explain why he has deleted the person from the commission?

Mr KIERATH: The member should realise that the person does not have a vote.

Mr D.L. Smith: The person does not have a vote but, nonetheless, he or she is a participating member.

Mr KIERATH: In discussions but not in voting. One wants people who are keen and committed and want to be involved, not somebody who is made to go there.

Dr WATSON: I share the concerns about the appointment by the Minister of the new chairperson. I am sure we do not need to spell out that we do not trust the Minister to choose an objective chairperson. I will be most interested to know the kinds of qualities, qualifications, experience and expertise that the Minister is seeking in the chairperson. For instance, does he expect this person to have some knowledge of occupational health and safety?

Mr Kierath: Yes, I would expect the person to have some knowledge and to be of some standing in order to be chairperson.

Dr WATSON: We go from there to say that anybody the Minister selects - and I do not want to be especially rude - will really be a fourth nomination for the Chamber of Commerce and Industry.

Mr Kierath: What a load of rubbish!

Dr WATSON: That will disturb the tripartite balance. Tripartism is just that. If a fourth person in the group is not from the employers, one cannot call it a tripartite committee any more.

Mr Kierath: We will try to choose the best and most qualified person for the job.

Dr WATSON: Is the Minister prepared to bring the list to us, as the Minister for Disability Services brought to us the list of people he was considering for both the commission and the advisory council? I can see no reason why in a spirit of cooperation the Minister for Labour Relations would not be able to approach the Opposition with some suggestions as to suitability. I am sure my colleague the member for Thornlie would agree with that.

Mr Kierath: Nowhere else is an appointment to the commission done on that basis. I do not know why we should start doing it now.

Dr WATSON: We are talking about the need to be as bipartisan as possible. I have given an example of where that has happened. To go on from the contribution by the member for Mitchell when he was talking about officers from the Public Service, when we were drafting this legislation and consulting about it back in 1984, we thought someone from the Environmental Protection Authority would have a lot to contribute, because one can say that what is coming out of the factory or workplace is a pretty good indication of what happens inside. It would seem to me, if the Minister considers these proposals of the member for Mitchell, that one person could well be from the Department of Environmental Protection and another, of course, from the Health Department. Then again, a good argument exists for someone from the labour relations agency. One really needs to be sensible about the expertise that these people can offer to this field of occupational health and safety.

Mr D.L. SMITH: New subclauses (5) and (6) to be added effectively create an offence of using the name WorkSafe WA, WorkSafe Western Australia or any name so similar it is likely to be misunderstood as referring to the commission. For this Parliament to pass legislation which includes a clause like that, when we are already aware there is an organisation called Worksafe Australia still operating, is just wrong. We should not be in effect running the risk that we are empowering someone under this legislation to contemplate prosecuting either Worksafe Australia itself or any organisation which might be using that name under a franchise from Worksafe Australia. I am concerned also that

Minister has not allowed himself any discretion to provide for the commission to franchise or to allow anyone to use his name. There is no power for a person to use the name or a similar name with the consent of the commission. It would have been wise to include some capacity to at least allow the commission to allow its name to be used, especially when seeking to take advantage of goodwill and allowing other people to franchise it or to provide services in its name. The provision will allow the Minister no discretion, and anyone who uses the name, whether under agreement or not, will be liable to prosecution under proposed subsection (6).

Mr KIERATH: The appointments I made were on the advice of the department on the names put before me. I envisage that is the way it will occur here. The wording is similar to the appointment of the commissioner. The Parliamentary Counsel uses such words to draft such clauses. I assure the member that there is no sinister intention to appoint anyone else. We had an opportunity to appoint independent experts and we sought the best qualified people.

Mrs HENDERSON: I asked the Minister how he would seek to obtain an independent chairperson. Does he plan to advertise? Where will he seek the nominations for the position? By what process will the Minister select the person? The Minister did not respond.

Mr Kierath: It will be the same process as that involved when appointments were made to the commission and when other appointments were made in previous years.

Mrs HENDERSON: The appointments to the commission are made by the bodies being represented. They present a list of nominees to sit on the commission. Unlike those people, this person will be selected by the Minister. Will the Minister advertise and call for nominations? Will he set up a selection panel? How does the Minister plan to obtain the chairperson?

Mr Kierath: I have answered that. I said that I would seek input from the department. This is no different from the other appointments to the commission, or the appointment of the Chairman of the Workers' Compensation Commission. Most chairmen of statutory boards or authorities are appointed by the Governor after nomination by the Minister. It will go through Cabinet.

Mrs HENDERSON: I understand that the Minister will nominate the person to the Governor. Does the Minister plan to advertise?

Mr Kierath: At this stage, no. I will seek advice from the department about a potential chairperson.

Mrs HENDERSON: The Minister will seek advice from the department regarding names of people that might be put forward to occupy the position of chairperson. What sort of person does the Minister envisage?

Mr Kierath: I have answered that.

Mrs HENDERSON: The Minister answered regarding people who represent government agencies on the commission. What sort of people will the Minister ask the department to nominate? Will the Minister look for retired public servants or retired magistrates?

Mr Kierath: It will be people with the necessary experience and qualifications.

Dr Watson: If I were not a member of Parliament would the Minister be willing to appoint me? Would he appoint someone like me who has some expertise?

Mr Kierath: I have not sought to discover the political views of the people appointed by me.

Dr Watson: So, the Minister could appoint me?

Mr Kierath: It is possible, but I know about the member's background.

Mrs HENDERSON: I do not have a clear picture. I am interested in the Minister's comments because some of his colleagues advertise in such a situation. Some seek nominations. They operate in a much more open and transparent way than does the

Minister. The Minister appears to be reluctant to provide information about how he will receive potential nominations. The Minister said he will ask departmental officers to provide the nominees.

Mr Kierath: I said they will provide advice.

Mrs HENDERSON: Will the Minister draw up a list of the nominees and ask for advice on the names, or will he ask for names?

Mr Kierath: Last time I asked the occupational health society for a list of names, and the various interested parties submitted a list of names. I then sought advice from the department about the list.

Mrs HENDERSON: Will the Minister put the names to the tripartite commission?

Mr Kierath: No. As with other appointments, I will seek nominations for appointments. I will seek views. I will formally write and ask for names.

Mrs HENDERSON: Will the Minister seek from the tripartite body the names of potential chairpersons?

Mr Kierath: Yes.

Mrs HENDERSON: What will the Minister do then? Will he appoint a selection panel to choose that person?

Mr Kierath: Normally, appointments at that level are determined by the Minister.

Mrs HENDERSON: Will the Minister choose?

Mr Kierath: In the end, yes. That is what the legislation provides.

Mrs HENDERSON: That is all I wanted to know. The Minister said that he would ask various people for names and, ultimately, he will choose.

Clause put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr Kierath (Minister for Labour Relations).

WESTERN AUSTRALIAN TOURISM COMMISSION AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

House adjourned at 12.18 am (Wednesday)

QUESTIONS ON NOTICE

LANGUAGE SERVICES POLICY - GOVERNMENT DEPARTMENTS AND AGENCIES, IMPLEMENTATION

1517. Mr BROWN to the Minister for Community Development; the Family; Seniors:

(1) Has the language services policy of the Government been fully implemented in each of the departments and agencies in the Minister's portfolio?

(2) What funds have been specifically allocated for the implementation of the policy in each department and agency?

(3) Have funds for the effective implementation of the language services policy been increased in the 1994-95 budget and if so, by what amount?

(4) What funds and resources were allocated to the implementation of the language services policy in the -

(a) 1992-93 financial year;

(b) 1993-94 financial year?

Mr NICHOLLS replied:

The answer provided by the Minister for Community Development; the Family -

(1) To ensure that government services and programs are accessible to all Western Australians, the language services policy was introduced. This requires that all public sector agencies develop and implement a language service strategy which is appropriate to their needs and those of their clients. Agencies' operational and budgetary responses to the language services policy are tailored to suit their particular responsibilities and vary according to clientele or whether they are involved in service delivery or policy advice.

(2) When language allowance is paid in the form of higher duties to a staff member, the cost is met from the salaries budget. The charges for using interpreters are also met from the existing budget.

(3) The costs will be met from the existing budget.

(4) (a) $3 245.
(b) $9 291.94.

The answer provided by the Minister for Seniors -

(1) To ensure that government services and programs are accessible to all Western Australians the language services policy was introduced. This requires that all public sector agencies develop and implement a language service strategy which is appropriate to their needs and those of their clients. Agencies' operational and budgetary responses to the language services policy are tailored to suit their particular responsibilities and vary according to clientele or whether they are involved in service delivery or policy advice.

(2) The Office of Seniors' Interests has tailored its information services to meet the needs of non-English speaking older people.

(3) $2 500 to prepare a language service implementation plan.

(4) (a) In the 1992-93 financial year no specific funds were allocated.

(b) In the 1993-94 financial year no specific funds were allocated.

RAILWAYS - *PROSPECTOR* SERVICE, PRIVATISATION

1579. Mr TAYLOR to the Minister representing the Minister for Transport:

(1) Is it correct that the Minister is examining the privatisation of the *Prospector* rail service?

(2) If yes -

(a) with whom has the Minister, his department or Westrail had discussions on the proposal;

(b) will the Government continue to subsidise the service;

(c) what controls, if any, are proposed over both the quality of the service and the level of fares;

(d) how does the Minister's consideration of the issue fit with the Premier's proclamation last year that the service would not be scrapped or finalised;

(e) how does the Minister's position fit in with his statement in the Legislative Council that "it is not the Government's intention to privatise the *Prospector* or *Australind* services"?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

(1)-(2) There is no proposal to privatise the *Prospector* rail service. However, the Government is currently examining patronage figures before the calling of expressions of interest for the Avon Citylink rail passenger service. Depending on this outcome, the Government may consider alternative operation of the *Prospector* services but only on the proviso of lower cost and higher quality of service than is presently the case. In considering all options this does not mean privatisation.

RAILWAYS - *AUSTRALIND* SERVICE, PRIVATISATION

1580. Mrs HALLAHAN to the Minister representing the Minister for Transport:

(1) Is it correct that the Minister is examining the privatisation of the *Australind* rail service?

(2) If yes -

(a) with whom has the Minister, his department or Westrail had discussions on the proposal;

(b) will the Government continue to subsidise the service;

(c) what controls, if any, are proposed over both the quality of the service and the level of fares;

(d) how does the Minister's consideration of the issue fit with the Premier's proclamation last year that the service would not be scrapped or finalised;

(e) how does the Minister's position fit in with his statement in the Legislative Council that "it is not the Government's intention to privatise the *Prospector* or *Australind* services"?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

(1)-(2) There is no proposal to privatise the *Australind* rail service. However, the Government is currently examining patronage figures before the calling of expressions of interest for the Avon Citylink rail passenger service. Depending on this outcome, the

Government may consider alternative operation of the *Australind* services but only on the proviso of lower cost and higher quality of service than is presently the case. In considering all options this does not mean privatisation.

BANKWEST - BUILDING, BARRACK STREET, OWNERSHIP

1603. Mr KOBELKE to the Premier:

(1) Which government agency or department is now the owner of the BankWest or old R&I Bank building in Barrack Street, Perth?

(2) Was a real estate agent or consultant used to negotiate or assist in the purchase of this building?

(3) If so, who was that agent?

(4) Were one or more independent valuations sought prior to the decision to pay BankWest for its Barrack Street building?

(5) If so, who gave these valuations and what value or values did they suggest for this building?

(6) By what date is it anticipated that this building will be demolished?

(7) What grading or quality rating would currently apply to this city building?

(8) What is the total floor space for this building which would be considered suitable to let should current tenants vacate?

(9) When is it envisaged that the current tenants will vacate the building?

Mr COURT replied:

(1) The building is held under the Minister for Lands, Hon George Cash.

(2)-(3) The Department of Planning and Urban Development obtained advice from Knight Frank Hooker.

(4) Yes.

(5) Richard Ellis. The valuation is confidential; however it was greater than the purchase price.

(6) 31 March 1996.

(7) C (or possibly D).

(8) In the present market it is unlikely that tenants could be found for the building, which has an approximate net lettable area of 9 600 square metres.

(9) 31 January 1995.

COMMUNITY DEVELOPMENT, DEPARTMENT FOR - NON-GOVERNMENT ORGANISATIONS

Tendering Arrangements, Impact

1626. Mr BROWN to the Minister for Community Development:

(1) Has an assessment been made on whether the collaborative relationship between non-government organisations will be detrimentally affected by the proposed tendering arrangements to be introduced by the State Government?

(2) Does the Government expect the same degree of collaboration and cooperation between non-government agencies when such agencies are competing against each other for funds?

(3) How does the Government intend to ensure that the proposed tendering arrangements will not damage the relationship between non-government organisations competing for funds?

Mr NICHOLLS replied:

(1) The Department for Community Development has an excellent working relationship with non-government organisations, as demonstrated during the work which was undertaken in the community services industry study which was completed in June 1994. This Government and the non-government organisations recognise the importance of accountability in the expenditure of public funds. The Department for Community Development currently directs about $40m a year to non-government agencies to provide community services. This represents 37 per cent of the department's total expenditure.

When I became Minister in 1993, only 38 per cent of agencies funded by the department had funding agreements. Neither the agencies nor the department could clearly identify why they were being funded or what they were required to produce with the funds. To provide effective and accountable services to the community, it was necessary to undertake a stocktake of services. This was done in the community services industry study. In addition, the management of non-government funding was devolved to the department's district offices. This allows the department to be more responsive to community needs by having a truly local perspective in the planning of services.

All funded agencies now have funding agreements. The transition from the funding of organisations to the funding of services will mean that non-government bodies will receive funds to provide a specific service which will in turn result in specified benefits and outcomes for the people who use each service. The focus on services will mean that members of each local community will always be able to find out what services are available in their community and which organisation is providing them.

(2)-(3) Not applicable.

GOVERNMENT EMPLOYEES - OVERSEAS BASED

1631. Mr BROWN to the Premier:

(1) How many staff in each department or agency under the control of the Premier are stationed outside Australia?

(2) In how many countries does the Western Australian Government employ staff?

(3) How many and what are the classifications of staff employed in each country?

Mr COURT replied:

(1)

Ministry of the Premier and Cabinet	17
Gold Corporation	10
BankWest	19
Tourism Commission	6

(2)-(3) Ministry of the Premier and Cabinet - European Office

United Kingdom	1 x Level 9
	1 x Level 7
	2 x Level 6
	1 x Level 3
	2 x Level 2
	2 x Level 1 (actually 1.6 FTE)
France	A consultant is retained

North Asia Office		
Japan	1 x Level 8 (TSA to Level 9) 5 - All of these officers are locally engaged staff under local conditions and market rates (includes part time General Manager in Kobe, Japan)	
Korea	A consultant is retained	
Gold Corporation -		
Thailand	5)	All these staff members
Hong Kong	2)	are hired locally on
Switzerland	2)	contract based on local
Indonesia	1)	conditions.
BankWest		
United Kingdom	4	Managerial
	12	Banking operations staff
Singapore	1	Managerial
	2	Banking operations staff

Note: Three staff members are employed on Australian conditions and paid allowances for living overseas. The remainder are employed locally under local employment conditions and at current market rates.

Tourism Commission	
United Kingdom	2
Japan	2
Malaysia	1
Singapore	1

Note: Overseas Tourism Commission staff are employed locally under local employment conditions and at current market rates. There are four Market Development Managers, one Marketing Assistant and one Secretary Assistant. Specific classifications do not apply.

TREE PRUNING - NEAR POWERLINES, LEGISLATION

1677. Dr WATSON to the Minister for Energy:

(1) Does the Minister propose to enact legislation to define responsibilities for tree pruning requirements near powerlines?

(2) If so, when?

(3) What consultation process will be entered into?

(4) Is a community education process planned?

(5) Will tenants of houses and commercial buildings - shops, offices - be required to be responsible for tree pruning?

(6) Will this include Homeswest tenants?

(7) Does the Minister agree such a requirement would be onerous?

(8) Will local authorities be required to be responsible for tree pruning and vegetation control in road reserves?

(9) Has any estimate of cost benefit to the State Energy Commission of Western Australia been made of such a step?

(10) What penalties, if any, are proposed for breaches of the legislation and are different penalties proposed for individuals and local authorities?

Mr C.J. BARNETT replied:

(1) Yes.

(2) When a community consultative process is completed, hopefully in 1995.

(3) A consultation process has begun. A group of representatives of land managers met on numerous occasions from mid-1993 to mid-1994 to prepare a code of practice relating to the distance that vegetation should be kept from powerlines, how pruning should be undertaken, waste disposal methods and regrowth control measures. That code, together with the draft legislation prepared by SECWA, has been issued to all local government authorities, government departments who are or may be involved in vegetation management under the proposed legislation, and other representative bodies such as the Western Australian Municipal Association, the Western Australian Farmers Federation, etc, seeking their comment. Ten displays were constructed outlining the proposal as it could affect individual landowners. These displays have been set up for one or two week periods in libraries and shopping centres around the State over a three month period. Their location was advertised in the local community newspapers. In addition, I met with the hills area shire presidents and councillors on Monday, 31 October 1994.

(4) Yes.

(5) Under the terms of most leases tenants are prevented from making structural changes to the property. This extends to trees large enough to interfere with powerlines. The draft legislation refers to "occupier", which will need to be defined as the person or organisation that has legal control over the property by ownership, by Statute or by other agreement.

(6)-(7) This will not include Homeswest tenants unless the lease requires them to manage the vegetation. Homeswest is normally responsible for tree control on its properties.

(8) Local authorities are already responsible for tree pruning and vegetation control in road reserves under both the Local Government Act and the SECWA Act. The draft legislation will clarify SECWA/local authorities' responsibilities.

(9) SECWA currently incurs a cost penalty in certain areas because it has to perform vegetation management duties that are the legislative responsibility of other groups. This means that all SECWA customers are subsidising a small group of the population. Any reduction of SECWA's costs will be shared by all of its customers. The magnitude of any cost reduction cannot be determined until outstanding negotiations are completed and the responsibilities of each group involved in tree management are finalised.

(10) Penalties for breach of any legislation are determined by a court taking into account the individual circumstances of each case. It is not intended that a charge would be laid against an individual or authority simply because they failed to prune a tree. The penalty relates to the continual refusal to perform the duties imposed by the legislation or the obstruction by an individual or authority of a person legitimately going about the business of vegetation management. Individual trees or groups of trees presenting a risk to the powerlines or surrounding property would be dealt with by SECWA with the cost being charged to the person or group responsible for the tree. The upper limit of any penalty imposed by a court is proposed to be $5 000 for an individual and $50 000 for a corporation. The legislation will be incorporated in the Electricity Act which will be administered by the Office of Energy, not SECWA.

SMALL BUSINESS ADVISORY CENTRES - NUMBERS

1699. Mr CATANIA to the Premier:

Would the Premier advise -

(a) how many Small Business Advisory Centres exist in Western Australia;

(b) their location;

(c) their funding arrangements?

Mr COURT replied:

(a) The Small Business Development Corporation provides an advisory service to small business. In addition, there are five Small Business Centres which act as agents for the corporation located throughout the State. There are also 36 Business Enterprise Centres in Western Australia.

(b) The SBDC is located at 553 Hay Street, Perth. The Small Business Centres are located in -

Armadale
Derby
Kwinana
Merredin
Northam

These centres do not provide advice as such but carry a range of information publications for display to the public and ordering from SBDC. They are co-located with either Chambers of Commerce or public libraries.

The Business Enterprise Centres are located at -

Albany
Beverley
Broome
Bunbury
Busselton
Carnarvon
Collie
Corrigin
Derby
Esperance
Geraldton
Kalgoorlie-Boulder
Karratha
Lancelin
Manjimup-Bridgetown
Margaret River
Mukinbudin
Narrogin
Northam
Perenjori
Port Hedland
Tambellup
Tammin
Wongan Hills
Wyndham-Kununurra

Balcatta
Belmont
Fremantle
Maddington
Malaga
Mandurah
Midland
Rockingham
Subiaco
Wanneroo
Welshpool

(c) The SBDC receives funding from the Western Australian Government and generates revenue from its operations. For 1994-95, the corporation's net recurrent and capital expenditure is $2 662 000. The Department of Commerce and Trade provides funding of between $50 000 and $60 000 to 31 of these Business Enterprise Centres.

SMALL BUSINESS DEVELOPMENT CORPORATION - SECTIONS; STAFF

1700. Mr CATANIA to the Premier:

(1) Would the Premier advise the operational divisions in the Small Business Development Corporation and the number of staff in each division or section?

(2) Would the Premier advise the responsibility of each section and its current activity?

Mr COURT replied:

(1) The operational divisions in the Small Business Development Corporation are -

Business Services - 20 staff;
Marketing and Special Projects - two staff;
Small Business Policy and Research - six staff;
Administration - six staff.

(2) The responsibility of the Business Services Section is to provide services for the development of small business.

The Marketing and Special Projects Section promotes the services of the corporation. It also promotes the small business sector to the public through media and special events.

The Small Business Policy and Research Section is responsible for promoting a business environment favourable to the small business sector.

The Administration Section supports all areas of the corporation to perform their respective functions.

GOVERNMENT DEPARTMENTS - RELOCATED TO ROCKINGHAM ELECTORATE

1760. Mr M. BARNETT to the Deputy Premier; Minister for Commerce and Trade:

(1) What action, since being elected, has the Minister or the Minister's department taken to relocate any portion of his department to within the electorate of Rockingham?

(2) If none, why?

Mr COWAN replied:

(1) None.

(2) Agencies falling within the Commerce and Trade portfolio have 27 offices throughout the State and overseas. The locations are selected to give best value for the taxpayers' dollar in providing services to both existing and potential clients. Clients in Rockingham can access services directly from departmental offices in Mandurah or Perth. Many services can also be accessed through a chain of 36 Business Enterprise Centres supported by the Department of Commerce and Trade, one of which is in Rockingham; others are available in Fremantle and Mandurah.

Potential clients of the Small Business Development Corporation in Rockingham can also contact the Rockingham Business Enterprise Centre or the corporation charge-free on an 1800 inquiry line and access a range of services, including those of the Business Licence Centre, the Business Information Centre and the Business Advisory Section. Advisory visits to Rockingham are arranged on an as-required basis.

GOVERNMENT DEPARTMENTS - RELOCATED TO ROCKINGHAM ELECTORATE

1764. Mr M. BARNETT to the Minister representing the Minister for Transport:

(1) What action, since being elected, has the Minister or the Minister's department taken to relocate any portion of his department to within the electorate of Rockingham?

(2) If none, why?

Mr LEWIS replied:

The Minister for Transport has provided the following reply -

(1) None.

(2) It is considered at this time that the current staffing arrangements are adequately meeting the needs of the people of Rockingham. However, the situation in this regard is constantly monitored and altered to meet changing community requirements.

COMPACT STEEL - STEEL MILL, IP14 LAND, ROCKINGHAM AREA

1780. Mr M. BARNETT to the Minister for Resources Development:

What is the current status of the proposal to site a steel plant and power station within the IP14 land adjacent to Rockingham?

Mr C.J. BARNETT replied:

Compact Steel is currently seeking equity support for its proposal to locate a steel mill in IP14. The company expects to know whether the project is viable in Western Australia early in the new year. If the project proves viable the company will approach relevant government agencies early in the new year to continue the approvals process.

COMMUNITY DEVELOPMENT, DEPARTMENT FOR - WOMEN'S REFUGES

1811. Ms WARNOCK to the Minister for Community Development:

(1) When will the Government inform the five women's refuges in the inner city area whether they will be funded for the remaining part of 1994-95?

(2) When will the Minister inform these refuges whether they will receive funding for 1995-96?

(3) Has the Minister consulted with consumers of women's refuge services to find out what their needs are?

(4) What changes does he propose to recommend in services delivered by women's refuges?

Mr NICHOLLS replied:

(1) I have made the commitment publicly that funding agreements for all women's refuges, as for other SAAP services, are current until 30 June 1995. Women's refuges have been informed of this situation.

(2) When the proposed changes have been considered fully and a decision made.

(3) Consultation has been undertaken as part of the SAAP review process and every agency has had the opportunity to read the review document which I released publicly in July 1994 and to respond with their comments to the Implementation Committee.

(4) No decisions as to future changes to SAAP services have been finalised.

ELECTRICITY CORPORATION - ASIA MARKET INVOLVEMENT

1812. Mr THOMAS to the Minister for Energy:

(1) Has Mr Lee Bong Suh, a vice president of the Asian Development Bank, stated that there are substantial shortfalls in generating capacity in the growing economies of Asia?

(2) Has Mr Lee Bong Suh estimated that $68b would need to be spent each year until 2000 to make up this shortfall?

(3) Will the Minister have the new Electricity Corporation become involved in this market as Pacific Power of New South Wales has done, and the new legislation permits, preferably in conjunction with the private sector so as to create employment for Western Australians and generate more income for the State?

Mr C.J. BARNETT replied:

(1)-(2) I am aware of an article in *The West Australian* in which statements to that effect were reported.

(3) Legislation will ensure that the new Electricity Corporation has a commercial focus and is empowered to involve itself in this type of business, as is the case with Pacific Power in New South Wales. It would be up to the board of the new corporation to make decisions in this area on commercial grounds.

GRAHAM, ROGER - GOVERNMENT CONSULTANT

1814. Mrs HALLAHAN to the Minister representing the Minister for Transport:

(1) Over what period was transport consultant Roger Graham providing advice/services to the Government?

(2) How much has the Government or its agencies -

(a) paid to Roger Graham;
(b) contracted to pay Roger Graham?

(3) What services did Roger Graham provide?

(4) Has the Minister put any safeguards in place to ensure that Roger Graham's activities in Western Australia will not need to be the subject of scrutiny by the Auditor General?

(5) Did Roger Graham declare his employment with the New South Wales based Bus and Coach Association?

(6) Was he on direct contract to the Department of Transport?

(7) If not, which Minister, government department or agency contracted his services?

(8) Given his alleged conflict of interest in other States, will the Minister provide a copy of the contract with Roger Graham?

Mr LEWIS replied:

The Minister for Transport has provided the following response:

(1) Within the Transport portfolio Mr Graham has provided services to the Department of Transport from 15 April 1994 for an unspecified period, during the progress of the public transport reform program.

(2) (a) No payments to date.

(b) Agreed to pay for consultancy advice as and when required at an agreed daily rate.

(3) Provide advice on approaches to and documentation for the contracting out of public transport services.

(4) It was expressly stated that Mr Graham's company would not participate in any evaluation of the expressions of interest or tenders that may be received.

(5) It was already a matter of public knowledge.

(6) Yes.

(7) Not applicable.

(8) Given the above, I do not believe a conflict of interest exists.

SUPPORTED ACCOMMODATION ASSISTANCE PROGRAM - REVIEW

1846. Ms WARNOCK to the Minister for Community Development:

(1) Were Burdekin funded projects consulted during the process of the review of the operation of the supported accommodation assistance program?

(2) Was the report on the SAAP review put out for consultation or discussion before being finalised?

(3) What are the mechanisms to facilitate community consultation during the implementation of the SAAP review?

(4) What are the processes for input to local decision making on discretionary SAAP services within the model proposed?

Mr NICHOLLS replied:

(1) The decision as to who should be consulted during the process of the review was made by the independent consultant, in conjunction with the review steering committee.

(2) The preparation of the report involved substantial consultation with the SAAP sector. In addition, the steering committee which oversaw the review included WACOSS and the Ministerial Advisory Committee, which comprise sector representatives.

(3) When the SAAP review report was made public in July 1994 all agencies were invited to submit their comments. This effectively gave everyone an opportunity to read the total review document and respond with their views.

(4) The proposed model does not include discretionary SAAP services.

COMMUNITY DEVELOPMENT, DEPARTMENT FOR - COMMUNITY DEVELOPMENT POLICY

1848. Mr BROWN to the Minister for Community Development:

(1) Does the Government have a policy on what services or features constitute community development?

(2) What is that policy?

(3) Is it publicly available?

Mr NICHOLLS replied:

(1) Yes.

(2)-(3) See "From Crisis to Prevention", the report of the Community Services Industry Study.

COMMUNITY DEVELOPMENT, DEPARTMENT FOR - COMMUNITY DEVELOPMENT POLICY

1849. Mr BROWN to the Minister for Community Development:

(1) Does the Government have a policy on the goals it wishes to achieve in community development?

(2) Is the policy publicly available?

Mr NICHOLLS replied:

(1)-(2) See the Community Services Industry Study "From Crisis to Prevention" and the department's 1994 annual report.

COMMUNITY DEVELOPMENT, DEPARTMENT FOR - NON-GOVERNMENT ORGANISATIONS
Funding Agreements

1859. Mr BROWN to the Minister for Community Development:

(1) Has any examination been made of the degree to which the trust between clients and non-government agencies may be effected by the implementation of funding arrangements based on a competitive tendering model?

(2) Will the degree to which a non-government community organisation has been able to gain the trust of clients be taken into account in the allocation of funding services?

Mr NICHOLLS replied:

(1) The Department for Community Development has an excellent working relationship with non-government organisations as demonstrated during the work which was undertaken in the Community Services Industry Study which was completed in June 1994.

This Government and the non-government organisations recognise the importance of accountability in the expenditure of public funds. The Department for Community Development currently directs about $40m a year to non-government agencies to provide community services. This represents 37 per cent of the department's total expenditure.

When I became Minister in 1993 only 38 per cent of agencies funded by the department had funding agreements. Neither the agencies nor the department could clearly identify why they were being funded or what they were required to produce with the funds.

To provide effective and accountable services to the community it was necessary to undertake a stocktake of services. This was done in the Community Services Industry Study. In addition, the management of non-government funding was devolved to the department's district offices. This allows the department to be more responsive to community needs by having a truly local perspective in the planning of services. All funded agencies now have funding agreements.

The transition from the funding of organisations to the funding of services will mean that non-government bodies will receive funds to provide a specific service which will, in turn, result in specified benefits and outcomes for the people who use each service.

The focus on services will mean that members of each local community will always be able to find out what services are available in their community and which organisation is providing them.

(2) Not applicable.

COMMUNITY DEVELOPMENT, DEPARTMENT FOR - NON-GOVERNMENT ORGANISATIONS
Funding Agreements

1861. Mr BROWN to the Minister for Community Development:

(1) Has any examination been made of the degree to which the trust between clients and non-government agencies may be effected by the implementation of funding arrangements based on a competitive tendering model?

(2) Will the degree to which a non-government community organisation has been able to gain the trust of clients be taken into account in the allocation of funding services?

Mr NICHOLLS replied:

See answer to question 1859 above.

GOVERNMENT DEPARTMENTS AND AGENCIES - OPINION POLLS

1883. Dr GALLOP to the Minister representing the Minister for Transport:

What opinion polls or surveys have been conducted or commissioned by the Minister's departments or agencies since 1 January 1994?

Mr LEWIS replied:

The Minister for Transport has provided the following reply -

Fremantle Port Authority -

Customer Survey of shipping lines and agents
Customer survey of Fremantle Port Authority tenants
Internal employee opinion survey.

Main Roads Western Australia -

Pre-Road Funding Campaign Survey
Post-Road Funding Campaign Survey
Customer Service Research Survey

Bunbury Port Authority -

Survey of Customer Satisfaction

Department of Transport -

Transperth Division -

Passenger Satisfaction Monitor (6)
Passenger Satisfaction Monitor (7)
Avon Citylink - Tourist Potential Research Survey
Transperth Model Colours Survey
Kiara Residents Survey

Maritime Division -

Road Transport Survey of Container Trucks at North Quay
Customer Survey of Candidates for Certificate of Competency Award
under the WA Marine Act

Metropolitan Transport Trust -

Survey conducted over one week to clarify patronage trends and user preferences on South Perth Ferry Service
Survey of public transport users and non-users in area south of Armadale to obtain opinions about existing MTT services and seeking suggestions for possible service improvements
Survey of public transport users and non-users in area north of Joondalup to obtain opinions about existing MTT services and seeking suggestions for possible service improvements
Survey to determine preferences for new trading name for MTT.

Westrail -

Observation study of Grant Street and Loch Street railway stations to determine patronage levels
Survey of train dwell times at suburban railway stations to determine if changes to timetables are necessary
Demographic survey of Westrail staff in respect of equal employment opportunities for employees
Transfer pricing survey to establish the requirements of divisions within Westrail for services provided by its Engineering Division
A staff attitude survey conducted within the Engineering Division.

ROTTNEST ISLAND AUTHORITY - DISABILITY SERVICE PLAN

1917. Dr WATSON to the Minister for Tourism:

(1) Will the Rottnest Island Authority be required to formulate a disability plan?

(2) If so, by what date?

(3) What facilities currently exist for people in wheelchairs to access -

(a) built facilities;

(b) beaches;

(c) ocean;

(d) beauty spots;

on the island?

(4) Are these adequate and appropriate?

(5) What plans, if any, does the Minister have to improve access?

Mr COURT replied:

(1) Yes.

(2) It is an obligation for the disability service plan to be completed by 1 January 1996. The Rottnest Island Authority has the objective of submitting a plan by 30 June 1995.

(3) (a) Most Rottnest Island Authority and lessee commercial buildings are wheelchair accessible. Some Rottnest Island Authority accommodation - holiday homes, camping, Kingstown Environmental Education Centre, Youth Hostel - are wheelchair accessible.

(b)-(c) There is a wheelchair accessway into the water at Thomson Bay immediately adjacent to the main jetty and Visitor Centre where disabled access toilets are positioned.

(d) Beauty spot access for wheelchair bound people includes Thomson, Longreach and Geordie Bays, Garden Lake and Government House Lake and the boardwalk over Bickley Swamp adjacent to Kingstown. The Rottnest railway vehicles are wheelchair accessible thus opening up the Oliver Hill railway and areas within the Oliver Hill military interpretive area as a result.

(4) Yes. The Rottnest Island Authority is not yet in a position to fund a bus capable of mechanically/hydraulically lifting wheelchairs. When this occurs, there will be little difference in access for disabled persons to the entire wildlife reserve of Rottnest.

(5) These will be outlined in the disability service plan.

HOSPITALS - BUNBURY REGIONAL, NEW
Project Director Advertisement; Management Plan

1922. Dr GALLOP to the Minister representing the Minister for Health:

(1) Why did the Health Department's advertisement calling for expressions of interest for a project director for the Bunbury Hospital Project (*Weekend Australian*, 29 October 1994) call for experience in "Human Resource Planning" and "Patient Service Delivery Planning" if the privatisation of hospital management was not intended?

(2) Does the Government have a position on what form of management, private or public, is intended for the hospital?

(3) If not, why not?

Mr MINSON replied:

The Minister for Health has provided the following reply -

(1) For the member's information, in a project of this size the transition of staff and direct patient service delivery is considered most important and needs to be planned and structured in a manner

to ensure that the best possible service for the community is maintained during the transition phase; hence the need for this experience.

I am surprised that the member would suggest that a project director should not have this experience. It seems to indicate that the member does not consider patients or staff to be an important consideration in the development of a hospital. A hospital is not just an architectural construct designed in a vacuum.

(2) The public facility management will remain with the Bunbury Health Service Board of Management.

(3) Not applicable.

COOPERATIVE RESEARCH CENTRES - APPLICANTS, ASSISTANCE

1937. Mr THOMAS to the Deputy Premier:

(1) Is the Deputy Premier aware that all but two of the Western Australian based proposals for cooperative research centres have been eliminated?

(2) Does this mean that both the remaining applications which are for the evolution of Australian landscapes and particulate mineralogy will need to succeed if Western Australia is to achieve a proportionate 10 per cent of the national total?

(3) What will the Government do to assist the remaining Western Australian applicants to succeed with their applications?

Mr COWAN replied:

(1) Yes.

(2) No. There are only 10 cooperative research centres to be established nationally in round 4. If both of Western Australia's remaining applications are successful, there will be 20 per cent of the round 4 CRCs based in Western Australia. Taken over the whole program (four rounds) there would be six of the 60 CRCs based in Western Australia.

The actual picture is more complicated. Very few CRCs are based wholly in one State. Western Australia presently has representation in 10 CRCs, equivalent to about five full CRCs. In round 4 Western Australia has representation in nine applications amounting to about 2.5 full CRCs.

(3) The Government has provided assistance to the two named applicants in the form of expert advice on preparation for their final interview with the CRC panels. Professor Ralph Slatyer, the former chief scientist, was contracted to conduct "mock interviews" with these two groups, along with staff from the Department of Commerce and Trade.

COMMERCE AND TRADE, DEPARTMENT OF - COMPANIES, FINANCIAL ASSISTANCE APPROVAL

1941. Mr RIPPER to the Minister for Commerce and Trade:

(1) What companies have received approval for financial assistance in the form of a -

(a) guarantee scheme;

(b) capital establishment assistance scheme'

(c) equity investment;

(d) special purpose grant;

(e) loan;

in this Government's term of office?

(2) How much financial assistance has each of the above companies received?

Mr COWAN replied:

(1)-(2) (a) I understand that the Privacy Amendment Act 1990 restricts full disclosure of the successful applicant's name, including business, personal, financial and related information. However, the following details are available with regard to approved applications under the scheme during this Government's term of office -

Approved applications - 11 for guarantees value $677 400.

The following banks have participated -

			$
R & I (now BankWest)	3	guarantees for	172 000
Challenge Bank	2	guarantees for	67 400
Westpac Bank	1	guarantee for	15 000
ANZ Bank	3	guarantees for	238 000
National Bank	2	guarantees for	185 000
	11		$677 400

(b)-(c) None.

(d)-(e)

Company	Amount Approved	Type	Amount Paid to Date
	$		$
Australian Leather Holdings	215 000	Grant	120 000
Coflexip	8 500 000	Grant	6 500 000
J & E Hofman Engineering Pty Ltd	200 000*	Grant	Nil
Motorola	7 110 000*	Grant	Nil
One Australia America's Cup Team Pty Ltd	430 000	Grant	Nil
Austal Ships	1 210 000	Loan	Nil
Southern Processors	500 000	Loan	500 000
Transfield ASI	20 000 000*	Loan/Grant	Nil
Drillex	22 900	Grant	13 615
ESD Simulations PLC	10 000	Grant	6 000
WS Atkins	25 000	Grant	15 000
Wyndham Crocodile Farm	135 000	Loan/Grant	Nil
Wyndham Crocodile Farm	65 000	Grant	65 000

*Not proceeding.

COMMERCE AND TRADE, DEPARTMENT OF - AUDITOR GENERAL'S REPORT

Administration of Financial Assistance, Legislation Amendments

1944. Mr RIPPER to the Minister for Commerce and Trade:

(1) With regard to the Auditor General's report tabled on Thursday, 3 November 1994, is the Minister going to bring to Parliament amendments to the legislation governing the administration of financial assistance to provide -

(i) an effective framework for the administration of financial assistance;

(ii) clear authority to introduce and implement schemes more appropriate to changing circumstances?

(2) If not, why not?

(3) If yes, when?

Mr COWAN replied:

(1)-(3) An independent review of the effectiveness of functions undertaken within the Commerce and Trade portfolio, including the effectiveness of the Technology and Industry Development Act 1983, is under way. It is premature to consider that the outcome of that review will simply involve amendment of existing legislation. However, it is likely that legislative action will occur. The timing of any action will be dependent on the outcomes of this review.

COMMERCE AND TRADE, DEPARTMENT OF - AUDITOR GENERAL'S REPORT RECOMMENDATIONS

Administration of Financial Assistance to Industry

1945. Mr RIPPER to the Minister for Commerce and Trade:

(1) With regard to the Auditor General's report tabled on Thursday, 3 November 1994, what steps is the Minister taking to ensure that the Auditor General's recommendations relating to the administration of financial assistance to industry are implemented?

(2) What will the time frame be for implementing such recommendations?

Mr COWAN replied:

(1) The Auditor General's report highlighted initiatives already under way to enhance the administration of financial assistance. In addition to this, the Department of Commerce and Trade has reviewed the report and is preparing a plan of action to address areas of concern not already being acted on.

(2) It is not possible to put a precise time frame on the series of actions already under way and being planned. However, one action involves an independent review of the effectiveness of functions undertaken within the Commerce and Trade portfolio, including the effectiveness of the Technology and Industry Development Act 1983. This is due for completion in December 1994. Until the results of the review are available, specific actions cannot be identified.

MEDICAL BOARD - DOCTOR, INQUIRY

1947. Mr BROWN to the Minister representing the Minister for Health:

(1) Will the Medical Board investigate those cases where claimants have been diagnosed by a certain doctor as adopting a "sick role" where that opinion is contrary to other specialist or medical advice?

(2) Will the Medical Board investigate any complaints which allege that the doctor submitted an opinion on the condition of claimants after interviewing them once for a brief period?

(3) Will the Medical Board investigate all the allegations against this doctor?

Mr MINSON replied:

The Minister for Health has provided the following reply -

(1) A medical practitioner would not automatically be considered to be in breach of the Medical Act if his/her medical opinion varied from the opinion of other medical practitioners.

(2) The Medical Board of WA investigates all formal complaints made by members of the public against medical practitioners, within the powers conferred by the Medical Act.

(3) The Medical Board of WA has investigated all formal complaints made by members of the public against the doctor concerned.

MEDICAL BOARD - DOCTOR, INQUIRY

1948. Mr BROWN to the Minister representing the Minister for Health:

(1) Has the Medical Board initiated an investigation into the conduct and professional integrity of a certain doctor?

(2) Has the Medical Board examined the suicide rate of persons who have been referred to this doctor by insurers?

(3) If so, is the suicide rate greater than the suicide rate -

(a) in the general community;

(b) from persons injured as a consequence of a motor vehicle or workers' compensation accident?

Mr MINSON replied:

The Minister for Health has provided the following reply -

(1) The Medical Board of WA is not currently considering any formal complaints against the doctor concerned.

(2) No.

(3) Not applicable.

MEDICAL BOARD - DOCTOR, COMPLAINTS AGAINST

1950. Mr BROWN to the Minister representing the Minister for Health:

Has the Medical Board received complaints against a certain doctor which claim -

(a) unorthodox interviewing techniques;

(b) reports submitted by this doctor to insurers -

(i) inaccurately report the statements made by the claimant;

(ii) fail to report statements of the claimant;

(c) endeavours to intimidate claimants in the interview process by various means such as -

(i) walking around a desk hitting a large stick on the doctor's hand or the desk;

(ii) degrading, humiliating and/or demoralising them?

Mr MINSON replied:

The Minister for Health has provided the following reply -

(a)-(c) Yes.

WESTRAIL - BILLBOARD TOWER, HORSESHOE BRIDGE

1979. Mrs ROBERTS to the Minister representing the Minister for Transport:

(1) What is the revenue to Westrail derived from the billboard tower located on Westrail property near the Horseshoe Bridge?

(2) What was the cost to Westrail to construct the abovementioned billboard tower and who was the money paid to?

(3) Were any other costs involved in the establishment of the billboard tower?

(4) If so, what were those costs and who were they paid to?

(5) Are there any ongoing costs to Westrail in respect of the billboard tower?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

(1) The revenue is commercially confidential information between Westrail and Australian Posters Pty Ltd.

(2) Westrail did not pay for construction of the tower but expended approximately $25 000 as part of the construction of the western overpass to provide capacity in columns and footings to carry the tower.

(3) Yes. Administration costs and consultants' fees in obtaining planning approval, establishing the feasibility of the project and arranging the contract with Westrail's outdoor advertising company.

(4) Various consultants were generally employed on the northern suburbs transit project. The work on the tower was included in the design of the western overpass at Perth station, and to extract the names of those consultants and the amounts paid to them would require a significant amount of research. I am not prepared to commit the resources required to carry out this task.

(5) No.

MENTAL HEALTH - CHILD AND ADOLESCENT PSYCHIATRY, PROFESSORSHIP, UNIVERSITY OF WESTERN AUSTRALIA

1994. Dr GALLOP to the Minister representing the Minister for Health:

(1) Are the arrangements including funding from the Health Department, that were formerly put in place to establish a professorship in child and adolescent psychiatry at the University of Western Australia, currently being actively pursued?

(2) If so, what is the current status of action to establish this chair and, in particular, what action is being taken to attract likely candidates to accept the position?

Mr MINSON replied:

The Minister for Health has provided the following reply -

(1) Yes.

(2) Professor R.S. McKelvey has been appointed to the position, and is due to start in February 1995.

MENTAL HEALTH - CHILD AND ADOLESCENT PSYCHIATRIC SERVICES
Health Regions Funding

1995. Dr GALLOP to the Minister representing the Minister for Health:

(1) What child and adolescent psychiatric programs and services are being funded in each health region in 1994-95?

(2) What is the budget for each of these services in 1994-95?

Mr MINSON replied:

The Minister for Health has provided the following reply -

(1) South Metropolitan Health Region -

South Metropolitan Child and Adolescent Mental Health Service -

Stirling Street outpatient clinic

Outreach services to Armadale, Kwinana and Rockingham

Inpatient liaison program. The Fremantle Hospital paediatric unit, the Alma Street adult psychiatric centre, PMH and the Bentley acute adolescent unit will be involved in this program.

East Metropolitan Health Region -

Youth Link (TYSS)

Hillview outpatient clinic/Hillview Terrace Hospital - statewide

North Metropolitan Health Region -

Warwick child and adolescent clinic - outpatient
Selby child psychiatric services
Stubbs Terrace Hospital - statewide
Under fives project
Princess Margaret Hospital - statewide

Central Health Region -

Kalgoorlie child and adolescent clinic

(2)

	Budget $
South Metro Child and Adolescent Mental Health Service*	500 000
Youth Link (TYSS)	395 900
Hillview Clinic/Hillview Terrace Hospital**	2 139 800
Warwick child and adolescent clinic	1 172 000
Selby child psychiatric services	744 000
Stubbs Terrace Hospital	1 122 750
Under fives project	87 100
Princess Margaret Hospital (1993-94 figures)	1 547 206
Kalgoorlie child and adolescent clinic	29 306

* Separate budgetary breakdown for each separate service is not available.

** Separate budgetary breakdown is not available for these services due to sharing of resources.

MENTAL HEALTH - FUNDING

1998. Dr GALLOP to the Minister representing the Minister for Health:

(1) With respect to the statement by the Commissioner for Health reported in the latest edition of "Healthview" that an extra $17m, representing an increase of 20 per cent, had been provided for mental health services, over what period has this amount been provided?

(2) How much of this amount has been expended to date?

(3) What are the proportions of capital and annual recurrent expenditures included in this amount?

(4) Does the $17m represent -

(a) new funding allocated to the Health Department;

(b) the reallocation of funds within the Health Department's budget from other programs and services;

(c) the reallocation of funds from other government departments or agencies?

(5) What proportions of the $17m apply to 4(a), (b) and (c) above?

(6) What commonwealth funds are included in the $17m?

(7) What psychiatric services in hospitals, clinics, and community-based

programs have had their budgets cut in 1994-95 and what has been the percentage and amount of the cut in each case?

Mr MINSON replied:

The Minister for Health has provided the following reply -

(1) This amount has been provided over the last three financial years.

(2) The whole of the additional funding has been incorporated into the recurrent budget for mental health services.

(3) The whole amount is annual recurrent expenditure.

(4) (a)-(b) Yes.

(c) Yes. The Disability Services Commission has provided a grant of $786 000 to the Health Department for housing support services.

(5) (a)-(b) Not identifiable.

(c) 4.6 per cent.

(6) $1.7m.

(7) No psychiatric services have had their budgets cut in 1994-95.

PARLIAMENT HOUSE - EXTENSIONS, GROUND FLOOR, SOUTH SIDE

2003. Dr WATSON to the Speaker:

(1) Why have extensions to partitions been constructed on the ground floor (south side)?

(2) How much floor space is there?

(3) How many people work there?

(4) Does the Speaker know that there is no fresh air and no windows available in that area?

(5) What is the air temperature in each of the spaces?

(6) Who decided that these additions could be built?

(7) Is this a satisfactory working environment?

The SPEAKER replied:

(1) The change in the partitioning has been made to accommodate an additional officer in the computing section.

(2)-(3) The total floor space for the four officers and equipment in the computer section is approximately 38 square metres.

(4) There are no windows to the outside in that area and, as is the case for many parts of the building, there is room for improvement in air circulation.

(5) The temperature range is variable, as only part of the space has air-conditioning.

(6) The additions were approved in discussion with the relevant officers.

(7) It is not possible to describe much of the working environment in Parliament House as satisfactory. Efforts are still being made to provide additional accommodation, and although we are hopeful of some change, major changes are needed to achieve an appropriate long term solution, and that requires a commitment from all members.

PARLIAMENT HOUSE - GALLERY AND LEGISLATIVE ASSEMBLY CHAMBER

Temperatures, Assessment

2004. Dr WATSON to the Speaker:

(1) On the next day when the temperature is 32 degrees or more, will the Speaker undertake to have temperatures taken at appropriate points in the Gallery and in the Legislative Assembly Chamber at 12.00 noon, 4.00 pm and 8.00 pm?

(2) Will the Speaker request the Department of Occupational Safety and Health of Western Australia inspectorate to assess and advise on temperatures and improvement of air cooling and movement in the Gallery and Chamber?

The SPEAKER replied:

On Wednesday, 16 November 1994, when the heat was apparent yet again in the Legislative Assembly, I arranged for a further review by officers of the Building Management Authority to determine what measures were available to cool the Chamber on days of high temperature. The subsequent report from the BMA stated "the only method of providing all year round comfort is air conditioning". The estimated cost of such air conditioning is $350 000 for the Legislative Assembly Chamber alone. The report also stated that the newly installed lighting has reduced the heat gain to the Chamber - since lighting power input has been reduced from 14 to 8 kilowatts. To date no government of any political persuasion has been prepared to provide the necessary finance to adequately upgrade the parliamentary building. Until this occurs the heat problem of the Legislative Assembly is unlikely to be eliminated.

CONTROLLED MARKETING - GOVERNMENT ASSISTANCE

2007. Mr RIPPER to the Minister for Commerce and Trade:

(1) Has the company Controlled Marketing received any financial assistance from the State Government?

(2) If yes, what is the total of assistance that has been given?

(3) When was it given?

Mr COWAN replied:

(1) No.

(2)-(3) Not applicable.

BUS SERVICES - STOP AND GO LIGHTS, BUSPORT AND MORLEY STATION

2009. Mr BROWN to the Minister representing the Minister for Transport:

(1) When is it envisaged the Stop and Go lights at the Busport in Mounts Bay Road and the Morley bus station will be brought into operation?

(2) What is the reason for the delay?

(3) What circumstances will give rise to the lights being used?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

(1) The Stop and Go lights at the Busport and Morley bus station are operative. Their periodic use is currently limited to morning and afternoon peak periods and periods of high vehicle congestion. Use of the lights is at the discretion of Busport or bus station management.

(2)-(3) Not applicable.

MENTAL HEALTH - COMMONWEALTH FUNDING

2033. Dr GALLOP to the Minister representing the Minister for Health:

(1) In relation to the gross recurrent expenditure of $88.112m on mental health in 1993-94 how much was funded by the Commonwealth Government?

(2) In relation to the $97.163m which was budgeted to be spent on mental health in 1994-95 how much will be funded by the Commonwealth Government?

(3) On what programs will that commonwealth money be spent?

Mr MINSON replied:

The Minister for Health has provided the following reply -

(1) $291 000.

(2) $1.7m.

(3) Projects on which the commonwealth money will be spent are -

WA Consumer Advisory Group - $25 000

ATUL/Recnet recreation program - $10 000

Community mental health services, south metropolitan region - $721 000

Aboriginal mental health program, Kimberley - $120 000

Child and adolescent mental health services, south metropolitan region - $500 000

Regional programs for people from non-English speaking backgrounds - $90 000

Emergency/respite accommodation - $300 000

MRSA (GOLDEN STAPH) - ROYAL PERTH HOSPITAL AND FREMANTLE HOSPITAL, DEATHS AND AMPUTATIONS

2071. Dr GALLOP to the Minister representing the Minister for Health:

(1) Have there been any deaths attributed to the bacterium MRSA, commonly known as golden staph, at Royal Perth Hospital and Fremantle Hospital in the last six months?

(2) Have there been any amputations as a result of the bacterium MRSA at Royal Perth Hospital or Fremantle Hospital in the last six months?

Mr MINSON replied:

(1) No.

(2) No. Royal Perth Hospital records indicate that there have been five cases of partial limb amputations involving colonisation with a non-multiresistant strain of methicillin resistant staphylococcus aureus. The amputations were attributable to peripheral vascular disease, not the incidental NMRSA colonisation.

EPILEPSY - INTERHOSPITAL COMPREHENSIVE EPILEPSY REPORT

2072. Dr GALLOP to the Minister representing the Minister for Health:

(1) Has the Government considered the Western Australia Interhospital Comprehensive Epilepsy Report?

(2) Which hospitals in Western Australia are especially equipped in human and non-human resources to deal with epilepsy?

(3) Will money be made available for the training of the necessary technical staff to enable the treatment of Western Australians with uncontrollable epilepsy?

Mr MINSON replied:

The Minister for Health has provided the following reply -

(1) Yes.

(2) Royal Perth Hospital, Sir Charles Gairdner Hospital, Princess Margaret Hospital.

(3) Money has been made available for training technical staff in this area and an appreciable number have been trained. The more important issue, however, is the retention of trained staff and the ability to attract skilled staff from elsewhere. Further consideration is therefore being given to an appropriate career structure for this group of health care workers.

ABORIGINAL LIVING AREA PROGRAM - REVIEW REPORT

2075. Mr BRIDGE to the Minister for Aboriginal Affairs:

(1) With reference to the Aboriginal living area program being carried out jointly by the Aboriginal Affairs Planning Authority and the Department of Land Administration, have the members of the review team submitted their report?

(2) If not, when will that report be available?

(3) When will the Minister table the report so that members can be made aware of its conclusions?

Mr PRINCE replied:

(1) The report has been submitted in draft form to the Minister for Lands, who sought additional information.

(2) Not applicable.

(3) It is not known at this time when the report will be made available.

EPILEPSY ASSOCIATION INC (WA) - FUNDING APPLICATION TO HEALTHWAY

2085. Mr BROWN to the Minister representing the Minister for Health:

(1) Did the Western Australian Epilepsy Association make an application to Healthway for funds to enable the association to produce an educational kit for primary schools?

(2) Was the application successful?

(3) If not, why not?

Mr MINSON replied:

The Minister for Health has provided the following reply -

(1) No application has been received from the WA Epilepsy Association by Healthway.

(2)-(3) Not applicable.

CREDIT CARDS, GOVERNMENT - MINISTER AND MINISTER'S STAFF

2087. Dr GALLOP to the Deputy Premier; Minister for Commerce and Trade:

(1) Has the Minister been issued with a government credit card?

(2) Has it been used by the Minister?

(3) Which of the Minister's staff have a government credit card?

Mr COWAN replied:

(1)-(2) Yes.

(3)

Principal Private Secretary	Mr G. Wiltshire
Media Secretary	Mr P. Jackson
Principal Policy Officer	Mr B. Calderbank
Executive Officer	Mrs J. Shadbolt
Principal Policy Officer	Ms S. Krupa

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - DOMICILIARY AIDS PROGRAM FOR CHILDREN

Wheelchairs, Costs to Family; Lycra Splints, Princess Margaret Hospital Charges

2134. Dr WATSON to the Minister representing the Minister for Health:

(1) Is the domiciliary aids program for children the subject of the current review of aids and appliances costings being undertaken by the DSC and Department of Health?

(2) If not, why not?

(3) What are the costs of a turbo and a manual wheelchair to a family?

(4) What is the "partially refundable hire charge"?

(5) Are the costs means tested?

(6) Why does Princess Margaret Hospital charge for lycra splints?

(7) How would parents of a disabled child access a communication device?

(8) How would parents of a disabled child access a computer?

Mr MINSON replied:

The Minister for Health has provided the following reply -

(1) Yes. Consultation will be undertaken with provider and consumer stakeholders.

(2) Not applicable.

(3)-(4) Hire costs for both manual and electric wheelchairs loaned by Princess Margaret Hospital are as follows: Any loan over eight weeks' duration is $100 deposit with a rebate of $50 on return of the chair. If the parent has a health care card, there is a flat rate of $25 which is non-refundable. This category includes children requiring wheelchairs long term. For a loan of eight weeks or less the charge is $50 deposit with a refund of $25 on return of the chair. If the parent is on a health care card, there is a flat rate charge of $12 non-refundable. This hire services includes free maintenance to the amount of $500 per year for each electric chair - new batteries/repairs etc.

(5) As outlined above, discounted hire costs apply to health care card holders. Additionally, should any parent indicate financial difficulties, including those with health care cards, charges can be paid off in very small amounts or waived dependent on circumstances. Assessment would be done by Princess Margaret Hospital's social work department.

(6) Lycra splints are provided free of charge at Princess Margaret Hospital. An average splint costs upwards of $225 per item. Parents are asked for a donation of $20 only towards this cost. This is not enforceable.

(7) Assessment and advice are given by speech pathologists such as those at Independent Living Centre or School Aged Therapy

Services. Communication devices are then accessed from a variety of sources such as the Education Department, the Social Justice Department, special disability organisations such as the Cerebral Palsy Association, and from special grants by the Lotteries Commission and community service organisations.

(8) Princess Margaret Hospital assists with the assessment stage only in defining the needs of a child to access a computer. Princess Margaret Hospital does not provide them. The Education Department may provide for school needs, and independent service clubs, etc, do fundraise to provide this type of equipment.

MINISTERS OF THE CROWN - MEDIA, PUBLIC RELATIONS OR COMMUNICATION TRAINING AT GOVERNMENT EXPENSE

2136. Dr GALLOP to the Deputy Premier; Minister for Commerce and Trade:

(1) Has the Minister undertaken any media, public relations or communication training at government expense?

(2) If so -

(a) when;

(b) what was the name of the firm;

(c) what was the cost?

Mr COWAN replied:

(1)-(3) Not since becoming a Minister.

MINISTERS OF THE CROWN - MEDIA, PUBLIC RELATIONS OR COMMUNICATION TRAINING AT GOVERNMENT EXPENSE

2140. Dr GALLOP to the Minister representing the Minister for Transport:

(1) Has the Minister undertaken any media, public relations or communication training at government expense?

(2) If so -

(a) when;

(b) what was the name of the firm;

(c) what was the cost?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

(1) No.

(2) Not applicable.

MINISTERS OF THE CROWN - MEDIA, PUBLIC RELATIONS OR COMMUNICATION TRAINING AT GOVERNMENT EXPENSE

2151. Dr GALLOP to the Minister for Aboriginal Affairs; Housing:

(1) Has the Minister undertaken any media, public relations or communication training at government expense?

(2) If so -

(a) when;

(b) what was the name of the firm;

(c) what was the cost?

Mr PRINCE replied:

(1) No.

(2) Not applicable.

MINISTERIAL OFFICES - STAFF OR CONSULTANTS, EMPLOYMENT

2156. Dr GALLOP to the Minister for Commerce and Trade:

(1) Further to question on notice 1129 of 1993-94, what staff or consultants have since been employed in the Minister's office and on what salaries, terms, conditions and allowances?

(2) What staff or consultants are no longer employed in the Minister's office and for what reason?

(3) What variations have occurred to salaries, terms, conditions and allowances, if any?

Mr COWAN replied:

(1) K. Kent, Policy Officer - L6
A. Frodsham, Policy Officer - L6
S. Walker, Receptionist - L1.

(2) P. Maughan, Policy/Research Officer - L4 resigned
H. Norris, Personal Assistant/Appointments - L2 transferred
S. Thompson, Receptionist - L1 transferred.

(3) S. Krupa, Principal Policy Officer - L7 (L6)
L. Mackin, Policy Officer - L5 (L4)
C. Di Petta, Liaison Officer (Policy) - L3 (L2).

MINISTERIAL OFFICES - STAFF OR CONSULTANTS, EMPLOYMENT

2162. Dr GALLOP to the Minister for Water Resources:

(1) Further to question on notice 126 of 1993, what staff or consultants have since been employed in the Minister's office and on what salaries, terms, conditions and allowances?

(2) What staff or consultants are no longer employed in the Minister's office and for what reason?

(3) What variations have occurred to salaries, terms, conditions and allowances, if any?

Mr OMODEI replied:

(1) Ms Leanne Giles in the position of receptionist - $16 481-$25 616, L1. Ms Giles is on maternity leave until July 1995.

Mrs Beverley Culpan was employed on contract for four months until 31 October 1994. Ms Sharon Mitchell is currently employed in the position until Ms Giles returns from maternity leave.

Mr Ian Laing is seconded from the Department of Agriculture as acting executive officer to the Farm Water Coordinating Committee.

(2) Mr Ralph Fardon was employed as a consultant on the City of Perth Restructuring Act and his contract has expired. Mr Richard Latter and Ms Rosemary Ferguson left to pursue other job opportunities.

(3) Nil.

RETAIL TRADING HOURS - REVIEW REPORT TABLING

2197. Mr CATANIA to the Minister representing the Minister for Fair Trading:

(1) Will the Minister table the report of the review on trading hours, which has been written by the department and in respect of which in excess of 2 500 submissions have been received?

(2) If not, why not?

Mrs EDWARDES replied:

The Minister for Fair Trading has provided the following reply -

(1) I am required to table a report on the review of the Act as soon as practicable after it is completed and will do so when the matter is finalised.

(2) Not applicable.

MINISTERIAL OFFICES - REFURBISHMENT, RELOCATION OR UPGRADE

2228. Dr GALLOP to the Minister representing the Minister for Transport:

(1) What refurbishment, relocation or upgrade has taken place in the Minister's office since February 1994?

(2) What was the cost of these improvements or changes?

(3) What is the breakdown of costs?

(4) What is the Minister's host agency?

(5) Did the host agency meet the costs?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

(1) Nil.

(2)-(5) Not applicable.

QUESTIONS WITHOUT NOTICE

FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT BILL - MAGISTRATES' CONCERNS

633. Mr McGINTY to the Attorney General:

I refer to the latest group within the judiciary which is now offside with the Attorney General and ask -

(1) Is it true that Western Australia's magistrates have written to the Attorney General objecting to the Government's Fines, Penalties and Infringement Notices Enforcement Bill, on the ground that it is not in the "best interests of the administration of justice and the community"?

(2) When will the Attorney General table this correspondence in the interests of accountability?

(3) What action has the Attorney General taken to address the magistrates' concerns?

Mrs EDWARDES replied:

(1)-(3)

In the process of developing the Fines, Penalties and Infringement Notices Enforcement Bill, the Government undertook quite an amount of consultation and that included the Magistrates Society, as well as the Chief Stipendiary Magistrate. At the last count before the legislation was introduced in the Parliament, the Chief Stipendiary Magistrate had agreed with all aspects of it, and I am sure that any concern that has been raised has now been dealt with.

WORKERS' COMPENSATION LEGISLATION - LEADER OF THE OPPOSITION'S CLAIM

634. Mr BLOFFWITCH to the Minister for Labour Relations:

Is the Minister aware of the outrageous claim by the Leader of the Opposition that the Minister's new workers' compensation laws are responsible for the deaths of 24 Western Australians?

Mr KIERATH replied:

Last Tuesday I accused the Leader of the Opposition of sinking to a new low. At the beginning of this week I must tell the House that I was wrong, because at the end of last week he went even lower and went headfirst into the sewer. I quote from his comments on a radio station last Thursday morning, in which he said that the fact that 24 West Australians have committed suicide as the result of their treatment under the new workers' compensation laws is cause for enormous alarm. He said that he thought there was a very strong connection with Graham Kierath's changes to the workers' compensation laws.

He then proceeded with his usual tirade of personal abuse and name-calling against me, but I will ignore that because I believe that type of name-calling is the weapon of cowards. He went on to say that people could not be properly represented and that is what is driving them to suicide; so Graham Kierath's changes to the laws are the root cause. He said that publicly on radio.

Several members interjected.

The SPEAKER: Order!

Mr KIERATH: When he was put on the spot by the interviewer and asked whether the Minister had the blood of 24 people on his hands, there was the first sign of a backdown. Towards the end of the interview he said that he did not know whether it was 24 people. He was starting to move away from his earlier stance. What is the truth, Leader of the Opposition? Where is the evidence of people causing suicides?

Mr McGinty: You are a joke. Read the interview.

Mr KIERATH: On the radio, the Leader of the Opposition told "Richos".

Several members interjected.

The SPEAKER: Order!

Mr KIERATH: This is the dirtiest, cheapest and most disgusting political point scoring I have ever seen.

Several members interjected.

The SPEAKER: Order!

Mr KIERATH: It did not end there. He put his foot in it that night on "The 7.30 Report". He completed the backflip by telling another "Richo". He said that he had never said that the cause of anyone's suiciding in Western Australia was directly attributable to Graham Kierath's new workers' compensation laws. On television that night he denied saying it, but on radio that day he said that it was my fault.

Several members interjected.

The SPEAKER: Order!

Mr KIERATH: He was asked the question again and he said, "That is not true and you know it." The only person who knew the truth was he; he knew that he had told "Richos" to distort the truth. In the morning he said one thing, and that was the dirtiest and most disgusting political trick. To give

him credit, that night he tried to distance himself from the situation and denied it. I should remind the House that while the Leader of the Opposition has been telling "Richos" he has been defending a system - to use his reasoning - under which 24 people suicided. It is a couple of days short of a year since we introduced our changes to the workers' compensation laws and during that time there has been only one alleged suicide.

Several members interjected.

The SPEAKER: Order!

Mr KIERATH: One death is too many, but under the Leader of the Opposition's system five people a year suicided. On the law of averages, I could say that four people's lives have been saved over the last 12 months. I understand the sensitivity of the Leader of the Opposition because he tried to defend a system under which people took their lives. This Government has the courage to make changes to the workers' compensation system but all the Opposition can do is knock it.

KIN KIN RESORTS PTY LTD - MANJIMUP PROPERTY, INCORRECT ZONING COMPLAINT

635. Mr MARLBOROUGH to the Minister for Local Government:

(1) Has the Minister been interviewed by police in relation to a complaint from Kin Kin Resorts Pty Ltd that he was involved in actions which resulted in the company's property being incorrectly zoned in the Manjimup town planning scheme No 2?

(2) Was the Minister requested in May 1993 by Mr R.A. Cutting of Kin Kin Resorts to instruct the Department of Local Government to investigate the circumstances surrounding the removal of the short stay residential zoning from Kin Kin Resorts' property?

(3) Was the Minister's decision to decline the request for an inquiry simply to save his own skin?

Mr OMODEI replied:

(1)-(3) I have not been interviewed by police on any issue in relation to my portfolio nor any other issue prior to that, either privately or publicly. Kin Kin Resorts' claim that the area was zoned is not true. It has never been formally zoned. The issue goes back to about 1978 when Kin Kin Resorts attempted a development on its property under a council interim development order. There were no grounds for an inquiry under the Department of Local Government. However, I understand that the issue has been investigated by the Ombudsman and the fraud squad, and that it has been cleared by the Ombudsman.

The proprietors of Kin Kin Resorts have written to a number of people about the development on their property. At this stage they are still asking questions of the Shire of Manjimup The shire has placed a letter of demand on Kin Kin Resorts asking Kin Kin exactly what it wants.

The issue is convoluted in that one of the properties was purchased by the Water Authority of Western Australia under clearing bans legislation, and Kin Kin is still seeking a retrospective zoning of its land. That matter is between the council and Kin Kin Resorts. I have no worries about the issue. As the local member for the area I attempted prior to and after the election to investigate the matter. Many others within the community are seeking information on behalf of Kin Kin. The entire matter has been investigated. Should the proprietors of Kin Kin require a zoning of their land, all they need do is request that of the local shire.

LEADERS' FORUM MEETING - MELBOURNE

636. Mrs van de KLASHORST to the Premier:

Will the Premier inform the House of the outcome of last Friday's leaders' forum meeting in Melbourne?

Mr COURT replied:

The meeting on Friday was the second of its type to be held. It was very successful. It would have been unheard of a year ago for all the Premiers and Chief Ministers to come together in such a forum to debate a wide range of issues which concern all the States and Territories. A common agreement has been reached among the States and Territories on an agenda to work towards rebuilding the federation. The Liberal and Labor leaders, regardless of political persuasion, were prepared to come together to take on the difficulties being experienced with Canberra. Whether it be to debate the general running of the federation, the commonwealth-state financial agreements, or a range of other issues, these meetings are proving to be a good forum in which the leaders can come together.

I hope the Leader of the Opposition will support the moves being taken by the leaders. All the leaders, regardless of which political party they belong to, have condemned the centralist push of Mr Keating, who is prepared to ignore the interests of the States. The Leader of the Opposition tried to get to Canberra yesterday to see the Prime Minister. I suggest that he get him to come to Western Australia so we can tell him about some of our concerns. The Prime Minister should visit the States at least once a year. Instead of being critical of the work this Government has undertaken with the moves to change the federation and with the way in which the federation is operating, the Leader of the Opposition -

Mr McGinty: You haven't heard me criticise your trip east.

Mr COURT: Come off it!

Mr McGinty: I have been critical of your over the top rhetoric.

Mr COURT: I am referring to the attacks we had to make on the Federal Government.

Mr McGinty: You are being quite unreasonable. I clearly didn't criticise your trip east. Get your facts right.

Mr COURT: Here we go! The Leader of the Opposition is now doing the backflip. Does the Leader of the Opposition support the centralist trends of the Keating Government?

Mr McGinty: Where did you go to reach the age of three intellectually?

Mr COURT: I was trying to explain to the Leader of the Opposition that all the States and Territories have come together in opposition to those centralist policies. I simply asked the Leader of the Opposition whether he condemns the push that has taken place. Of course, we do not get an answer.

In the meeting an agreement was reached on how we would like to see the issue of the treaties handled. We reached agreement on the move towards the Northern Territory becoming a full State by the centenary of the federation. We have discussed greater cooperation on issues and we have agreed to do more research on a wide range of crime issues which affect commonwealth-state relations, including the financial relationship. We have also agreed to do additional work on the problems States and Territories face on health issues. All of this is a cooperative effort by the States and Territories in a forum that was not thought possible less than a year ago.

POLLS - SURVEY OF COMMUNITY ATTITUDES, CONTRACT

637. Dr GALLOP to the Premier:

With reference to the Premier's belated release of highly political opinion polling commissioned by the Government at the taxpayers' expense, and in the interests of accountability -

(1) Given that the so-called attitude survey was undertaken in August, did the Government receive any information about the outcome of this survey, either formally or informally, prior to the Helena by-election?

(2) Has the Premier released all the information provided to the Government by West Coast Field Services?

Mr COURT replied:

(1) I certainly did not receive any information and I am not aware of anyone else receiving any. The Deputy Leader of the Opposition got uptight on Sunday because we released information on Sunday which he thought we were going to release on Monday. Then on radio he commented about the polling, but he had not even read it.

Dr Gallop: I had read it; I had it in front of me.

Mr COURT: The Government set broad parameters under which the polling people can tender. The company has the responsibility of developing its methodology, following which it gives us a report.

Mr Ripper: Do they do work for the Liberal Party?

Mr COURT: I think they also do work for *The West Australian* and probably 100 other companies. I can find out if the member is genuinely interested. The important point is that the Labor Government spent a fortune on polling and did not make the information public.

Dr Gallop: Nor would you unless we had pressed you.

Mr COURT: That is another classic example of double standards. Members opposite, including the Lawrence Government and the like, spent money on polling and the results were always secret. Now the coalition has undertaken polling and made it public, but all the Opposition can do is criticise the way in which the polling is done.

(2) No.

POLICE - CHILD ABUSE REPORTS

638. Mr W. SMITH to the Minister for Police:

(1) How many reports of the ill-treatment, including sexual abuse, of children have been made to police and investigated by the police in Western Australia in the past two years?

(2) How many of those reports have been voluntarily made by the actual perpetrators of such abuses?

Mr WIESE replied:

(1)-(2)

I thank the member for Wanneroo for some notice of the question. I must qualify my answer to some degree because members will realise I needed to get some figures from the Commissioner of Police on this issue. I ask members to bear in mind the fact that the original question was about child abuse rather than ill-treatment.

The Police Commissioner has advised that during 1992-93 a total of 4 159 sexual assaults were reported and of those 963 were on juveniles. During

1993-94, a total of 3 316 cases were reported, 989 of which were on juveniles. All of the reports received were inquired into. It is not possible to determine how many of the above reports fall within the criterion of "child" as the Police Department does not hold data specific to that issue. Reports to the child abuse unit for the corresponding years were 1 749 in 1992-93 and 2 404 in 1993-94. The figures include physical assaults and those sexual assaults where the victim making the report is now an adult but was a child at the time of the offence.

Mr Brown: How did you get those figures? I asked for some figures the other day and was told that none was available.

Mr WIESE: The member should come to me and I will do everything I possibly can to provide such figures.

Mr Brown: When we were debating a Bill here the other day I asked for some figures and you could not provide me with them.

Mr WIESE: There is none so deaf as he who will not hear! As I said, if the member approaches me, I will endeavour to get them for him. In some cases the types of figures the member requests are not available because they are not kept in the form in which the questions are asked. Even in this question, I am unable to provide all the figures. If the member wishes to raise a matter with me, I will follow it up for him.

As to the second part of the question about whether offences were reported voluntarily by the perpetrators, that information is not recorded by the Police Department. Therefore, I am unable to give the member an answer.

EVERETT, AMELIA - DEATH AT PRINCESS MARGARET HOSPITAL

639. Mr BROWN to the Minister representing the Minister for Health:

I have given some notice of this question.

(1) Is the Minister aware of the tragic death of Amelia Everett at Princess Margaret Hospital and the fact that the hospital has admitted that this tragic event is associated with a major error in drug administration?

(2) Will the Minister ensure the coroner investigates this matter without delay?

(3) Does the Minister intend to take action to ensure the medical practitioner responsible for administering the drug is suspended until the events surrounding the death are fully investigated by the coroner?

Mr MINSON replied:

I thank the member for some notice of the question.

(1)-(3) I have been waiting for the answer to return from the office of the Minister for Health. Unfortunately that has not happened; however, I will make some comments as the representative Minister. Although I am aware of the matter, I have no further details. However, I give the undertaking that the Minister will take appropriate action. I understand that the coroner automatically gets involved in these matters. If the situation is as the member says, the coroner will automatically become involved. As to who gave the drug - if that was the reason for death - I do not know whether that person was a medical practitioner, a nurse or some other employee of the hospital. Until the coroner investigates such a matter, we cannot say that that was the cause of death. However,

I understand the hospital has made a statement. The member may wish to ask me the question again tomorrow when I will have an answer or perhaps he will put it on notice.

Mr Brown: Will you table it today if you get it?

Mr MINSON: I am more than happy to do that. Mr Speaker, can I table it at a later stage?

The SPEAKER: Order! The member will need to seek leave of the House at that time.

COMMUNITY DEVELOPMENT, DEPARTMENT FOR - CHILD ABUSE REPORTS

640. Mr W. SMITH to the Minister for Community Development; the Family:

How many voluntary reports have been made to Department for Community Development officers by perpetrators of the ill-treatment of children, including sexual abuse?

Mr NICHOLLS replied:

I thank the member for some notice of the question. In reference to child maltreatment, 7 749 reports were made to the Department for Community Development in 1993-94, of which 41 were made voluntarily by the person believed to be responsible. That information is available in the annual report. I highlight to the member for Wanneroo and other members in the Chamber that friends and neighbours, relatives and parents, and guardians, including foster parents, are the sources of a large proportion of the concerns, making up 45 per cent; that is, a major part of the contact with the departmental officers is by people in those three principal groups who look after children.

Mr Ripper: What is the increase compared with the previous financial year?

Mr NICHOLLS: I do not have that information with me, but from memory there has been a slight increase compared with the 1992-93 financial year.

Members opposite, especially the member for Mitchell, know of Dr David Thorpe who was here last week. He wrote a book about child protection for which he used Western Australian data. I urge members opposite to read that book because from his investigations it is apparent that we must closely consider the allegations that were made to ascertain which allegations should be treated as child protection, inappropriate parenting or, in some cases, moral judgments. I hope that information will allow the member to make a proper judgment on what he is looking for.

STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - KALGOORLIE POWER PLANT

Sale to Proponents of Goldfields Gas Pipeline, Request

641. Mr GRILL to the Minister for Energy:

(1) Has the State Energy Commission of Western Australia been asked to sell its Kalgoorlie power plant to any of the proponents of the goldfields gas pipeline?

(2) Has SECWA been asked by any of the proponents of the goldfields gas pipeline to indicate what type of tariff regime it will be applying in the goldfields with a view to seeking a guarantee that prices will not be reduced?

(3) Is SECWA negotiating with the goldfields gas pipeline proponents over the supply of gas for domestic consumption and electricity generation in the goldfields and, if yes, what is involved in the negotiations?

(4) Can the Minister assure the House that electricity consumers in the goldfields will not be providing direct or indirect support to the pipeline project?

Mr C.J. BARNETT replied:

(1) I take it that the member was intimating that I or the Government may have asked the State Energy Commission of Western Australia to sell some of its gas generating capacity in Kalgoorlie. That is not the case. Negotiations are continuing between SECWA and major energy consumers about entering into a joint venture to make better use of that facility or even expand it. I have made it clear to SECWA that it can negotiate with anyone it wishes on a commercial basis, and it is doing that with a number of parties. I have not been involved, either directly or indirectly, in those negotiations.

(2) SECWA is not making any guarantee on prices. One of the complications in the negotiations is that SECWA indicated the sort of tariff it may be able to charge by the year 2000 when the transmission line is paid off. I pointed out to SECWA and to some of the companies that the difficulty with that is that SECWA can offer what would be relatively low electricity prices only if the pipeline were built. Only then would it have some spare capacity. If it were not built, the scenario would be an increase in prices or the need to build a duplicate transmission line. It really is a chicken and egg situation.

(3) I do not know how many times I have to say this: There will be absolutely no government subsidy for this project other than the Government facilitating the project by taking on the coordinating role. There will be no government subsidy or subsidy from electricity consumers.

(4) Householders and small businesses in the goldfields will continue to get gas and electricity at prices commensurate with Perth.

Mr Grill: Will it be prevented from having the ability to increase prices?

Mr C.J. BARNETT: I am advising SECWA that there is no government subsidy for this project, but to bear in mind that it is the number one development project of this Government. I will not let SECWA allow a pipeline to be built and then use spare capacity to undercut and take away customers. I have made it very clear to SECWA: "Do not, as a government agency, do anything which would undermine this project. Get out there and behave commercially on a level playing field. Charge your full costs, and compete." Indeed, what will upset members opposite is that if - and it is an "if" - this project goes ahead, we will probably find that joint ventures will be entered into between SECWA and major consumers, so the State's investment of some 50 megawatts of largely unused gas capacity in Kalgoorlie will be used. That will mean for the member for Kalgoorlie jobs in Kalgoorlie and a gas supply into Kalgoorlie for his constituents.

Mr Grill: We do not want to prevent the price from coming down.

Mr C.J. BARNETT: There is no instruction from anyone within government to prevent the price from coming down.

Mr Thomas interjected.

Mr C.J. BARNETT: Members opposite have got it all wrong. The whole point about the pipeline is to develop industry and to introduce competition in order to reduce prices. I would be the most foolish Minister in the world if I told them they could not reduce prices. Why do members opposite think we are deregulating the energy industry and introducing competition?

WATER AUTHORITY OF WESTERN AUSTRALIA - WANNEROO TREATMENT PLANT, SWAMPY ODOUR PROBLEM

642. Mr JOHNSON to the Minister for Water Resources:

Some notice of this question has been given. Will the Minister advise the House whether the Water Authority is investigating the swampy odour problem in the water distribution system supplied from the Wanneroo treatment plant, and what action is proposed to remedy the situation?

Mr OMODEI replied:

I am advised by the Water Authority that ground water supplied from the Wanneroo treatment plant does at times generate swampy odours in the distribution system, more particularly at the end of the distribution system where chlorine levels are low. I am told that these odours are caused primarily by dimethyl trisulphide, which is present in the water at extremely low concentrations, and that this problem is more particular to Western Australia than it is to any other part of the world. The Water Authority is concerned about this issue because as we draw more water out of the Pinjar and Neerabup bores for the future, there will be persistent odours in the water.

The Water Authority has set up a pilot distribution system near the Wanneroo treatment plant in an attempt to generate the same odour in order to try to find a cure for the problem. The technology that will be tried on a pilot scale to eliminate the source of the odour will be activated carbon, sulphur dioxide, ferric coagulants, other oxidants, and other, processed technology. We have also contacted some world authorities on water quality, and recently we signed a memorandum of understanding with a French company, Lyonnaise des Eaux, which has expertise in water quality, and we hope to work with its organisation in Australia, Australian Water Services, to try to remedy this problem.

It appears that the longer the ground water is carried by the distribution system, the more persistent is the swampy odour. At present we are treating it with chlorine, but that is not resolving the issue completely, so any new technology that is provided by Lyonnaise des Eaux or under the pilot system at the Wanneroo treatment plant will hopefully resolve the issue.