Legislative Assembly

Tuesday, 11 June 1991

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

STATEMENT - BY THE SPEAKER

Ombudsman Appointment - Eadie, Mr Robert

THE SPEAKER : I have to announce that Mr Robert Eadie did before me today take and subscribe the oath of office of the Parliamentary Commissioner for Administrative Investigations in accordance with the Parliamentary Commissioner Act 1971. I welcomed him on members' behalf to the position and wished him well in it.

STATEMENT - BY THE SPEAKER

Royal Commissioners - Subpoena, Parliament House

THE SPEAKER: Members, I wish to bring to your attention a most serious breach of parliamentary privilege, which has been reported to me by the member for Cockburn. The Royal Commission has served a subpoena on the member requiring his attendance at the commission on 11 June 1991, that is today. This House has a right to the attendance and service of its members, and that right is paramount over the requirements of inferior tribunals. The rights and immunities which are collectively called parliamentary privilege have developed in the Westminster system over 700 years to ensure that the House can function properly and effectively, but they do not provide a sanctuary from attending before courts or tribunals on days when the House is not sitting. In this case, while there is no freedom for members or officers of the Parliament from attending in response to a properly issued subpoena, there are nonetheless requirements on members and officers of this House to serve the Parliament first. If it is necessary that a member or officer of this House attend an inferior tribunal, a date on which the Parliament is not sitting should be selected. This means the Royal Commission cannot require the member for Cockburn to attend on a day when the House is sitting without leave of the House having been sought and granted. This permission was not sought at any stage and, therefore, in my view, this action constitutes a very serious contempt of this House. This apparent contempt is compounded by a number of factors which I now feel compelled to draw to the attention of members. At a meeting on 19 April, the commissioners indicated to the President of the Legislative Council and me that they accepted that the commission would apply the principles which flowed from article 9 of the Bill of Rights, as traditionally understood by the Houses.

In correspondence to me dated 30 May 1991 and tabled by me in the Parliament, the commission advised that it would at all times take steps to ensure that parliamentary privilege was not infringed in any respect. That letter forwarded a copy of the commission's Standing Instruction No 9 which indicated that, where subpoenas to members or officers of Parliament were concerned, inquiries should be made to ensure that the return date was not a day on which the member or officer was required to attend in the House concerned, and also indicated that a paragraph stating that the subpoena did not require attendance on a sitting day would be added as an additional precaution. On 22 April, following my meeting with the commissioners, this Parliament provided the commissioners with a list of the proposed sitting dates for the House until the end of this year, and those dates have not altered. In the letter of 30 May the commissioners declined a meeting with the Clerks of the Houses of Parliament which would have assisted in more clearly delineating matters of privilege. I regret to advise members that it appears the principles of parliamentary privilege are not being adhered to - in fact, this is the fourth serious error of the Royal Commission which I consider a contempt of this Parliament.

Other than the incident involving the member for Marangaroo there has been one other service of a subpoena in this House while the House was sitting, and in the other case a Royal Commission subpoena required the attendance of another member of this House on a date on which Parliament was sitting. As these two additional events had occurred prior to the one involving the member for Marangaroo and they were drawn to my attention after the

unreserved apology from the Royal Commission, I saw no point in raising them before this House. However, this latest action leads me to believe it is now necessary to fully inform the House.

I advise the House that I have again written to the commission requesting an explanation of this further contempt and I table a copy of that letter for the advice of members. The House may care to consider what options are open to it to follow in the circumstances which I have outlined.

[The paper was tabled for the information of members.]

PETITION - BREAK AND ENTER, MALICIOUS DAMAGE TO PROPERTY

Heavier Penalties and Parent Responsibility

MR NICHOLLS (Mandurah) [2.10 pm]: I have a petition in the following terms -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned believe the penalties for breaking and entering and malicious damage to property should be heavier as a deterrent to repeating the crime.
>
> We also believe parents should be responsible for under 18s debts or the offender should be charged as an adult.
>
> 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 303 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 66.]

BILLS (2) - INTRODUCTION AND FIRST READING

1. Land Amendment (Transmission of Interests) Bill

   Bill introduced, on motion by Mr D.L. Smith (Minister for Lands), and read a first time.

2. Construction Industry Portable Paid Long Service Leave Amendment Bill

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

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

Sitting Tuesday 11 June - Leave Granting

On motion by Mr Catania, resolved -

> That this House grants leave for the Public Accounts and Expenditure Review Committee to sit during the sitting of the House on Tuesday, 11 June 1991.

BILLS (2) - ASSENT

Messages from the Governor received and read notifying assent to the following Bills -

1. State Energy Commission Amendment Bill
2. State Supply Commission Bill

SELECT COMMITTEE ON CONSTITUTION - REPORT TABLING

Extension of Time - Council's Message

Message from the Council received and read notifying it had concurred with the Assembly's resolution that the presentation of the Joint Select Committee on Constitution report be extended to 26 September 1991.

PUBLIC WORKS AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

ACTS AMENDMENT (REPRESENTATION) BILL

Second Reading

DR GALLOP (Victoria Park - Minister for Parliamentary and Electoral Reform) [2.18 pm]: I move -

That the Bill be now read a second time.

The essence of democracy is that Government should follow the will of the people which is best expressed, if only imperfectly, in the concept of "majority rule". Our elections must be free, fair and periodic so that there is absolute confidence that the will of the people is faithfully represented in our Parliament. The bedrock of the system is the right of each citizen to cast one vote. Each vote represents the view of an elector about who should represent him or her in Parliament. The view of each elector is equally important - a principle with deep religious and cultural roots that grants every citizen an equal right to defend or promote his or her freedom and interest.

It does not make sense either logically or ethically to establish the right of a person to a vote and then diminish the value of that vote in relation to the votes cast by others. History shows that three electoral malpractices have been used to promote the influence of some citizens at the expense of others. Voting was restricted to those who owned property and some citizens were given extra votes by way of the system of plural voting. Both the propertied franchise and plural vote contradicted the theory and practice of democracy. Due to this the two malpractices were removed from our parliamentary electoral system. However, inequality of representation persists. Removal of this malpractice is the subject of the Bill before the House.

In 1987 Parliament approved the Acts Amendment (Electoral Reform) Act. Passage of that legislation added an important step to the history of electoral reform in Western Australia comparable in magnitude to the reforms achieved in 1947 and 1964. The significant structural reforms enacted in 1987 included the establishment of the independent Western Australian Electoral Commission; four year terms for all members of both Houses; making electoral distribution commissioners responsible for the drawing of electoral boundaries with the exception of the boundary of the metropolitan area; electing members of the Legislative Council by proportional representation from regions; and removing gross imbalances of vote weighting such as 8:1 from Assembly enrolments and 11:1 from Council enrolments.

The SPEAKER: Order! Those members who are not listening to this second reading speech should appreciate that other members want to listen to it.

Dr GALLOP: Statistics showing those gross imbalances of 8:1 and 11:1 were brought about by fewer than 10 000 electors in the two districts of Gascoyne and Murchison-Eyre, the boundaries of which had been determined by the previous Government. An overview which compares the average enrolments of metropolitan districts with country districts shows that the 1987 reforms hardly changed the overall vote weighting of 1.9:1 in the Assembly. There was a slight reduction in vote weighting in the Legislative Council from 3:1 to 2.8:1. The fact that enrolment imbalances among our parliamentary electorates are the worst of any Australian State is a situation that our Parliament should reform. While each person is limited to one vote in choosing a member of Parliament, vote weighting means that 22 000 voters in one area elect two members to represent them, but 22 000 voters somewhere else elect only one member. Instead of this vote weighting and inequality of representation, this Bill seeks to give all electors a comparable level of influence in Parliament.

At each of the past three elections the Australian Labor Party has included in its successful election policy the creation of a fair electoral system. In the 1989 campaign the promise was headed "Promotion of voters' interests - undemocratic imbalances in enrolments will finally come to an end". The Acts Amendment (Representation) Bill proposes a politically neutral system which will achieve that objective. While a parliamentary majority could be found for the significant reforms of the 1987 Acts Amendment (Electoral Reform) Act, agreement

could not be reached on the removal of vote weighting. For this reason the Bill before us now is straightforward. It has two main objectives: Firstly, it proposes that all boundaries will be drawn by the electoral distribution commissioners. In 1987, Parliament selected the metropolitan region scheme boundary as the boundary of the metropolitan area for electoral purposes. While the guidance of that particular boundary is preserved, the Bill also gives the commissioners discretion to depart from it as they see fit when deciding what should be included in the three metropolitan regions.

Secondly, the Bill proposes a system which will bring an end to vote weighting. In each Legislative Assembly district the electoral distribution commissioners will set the enrolment at a redistribution with a margin of allowance from 10 per cent below to 10 per cent above the State average district enrolment. On 29 March 1991, the State enrolment was 977 222 which means the average district enrolment was 17 144. Based on that enrolment, commissioners would be able to create districts containing between 15 430 and 18 858 electors giving due consideration to the unchanged list of matters in the Act. The range of enrolments available to the commissioners and the different enrolments of the districts will mean the enrolment adjustment required for each district will be different. On average though, commissioners will be required to add approximately 5 800 electors to the enrolment of districts in the country and subtract approximately 3 900 electors from the enrolment of districts in the metropolitan area.

The different structure of representation in the Legislative Council requires a different approach to ensure balanced enrolments per member. In place of the existing law which prescribes the number of members of the Legislative Council to be elected from each region, the Bill proposes greater discretion for the electoral distribution commissioners. A table is proposed which sets out a relationship between the number of members of the Legislative Council to be elected from a region and the number of districts that region may contain. The proposed table does two things. The number of MLCs in a region must be an uneven number from three to nine and a fair balance is set among all the regions in the number of districts and, therefore, electors per member of the Legislative Council. Uneven numbers are necessary to guarantee that a party or group winning a majority of the votes will win a majority of the seats, a principle which already applies in existing law.

Mr Speaker, I seek leave to include in *Hansard* a copy of three tables. Table I is taken directly from the Bill and sets out the proposed relationship between the number of MLCs to be returned by a region and the number of districts the commissioners may include in that region. Table II shows the present structure of representation in Parliament. Table III draws on the proposals in the Bill to suggest one possible structure that could be created by the electoral distribution commissioners.

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

[See pp 3045-6.]

Dr GALLOP: Comparisons between existing enrolments and those that would be created by a redistribution under the proposal clearly illustrate the need for reform. On 28 March 1991 the district with the highest enrolment was 36.2 per cent above the State average while the lowest was 50.2 per cent below it. Plus or minus 10 per cent is the proposed margin for enrolments in districts. Enrolments per member in the Legislative Council regions range from the highest at 47.8 per cent above the State average to the lowest of 55.9 per cent below it. Variations in enrolments per member among the regions are limited by the proposed table of relationships between the number of MLCs and districts in each region. It would not be possible for the enrolment per MLC in a region to be more than 18.1 per cent above the average or less than 16.6 per cent below it.

Members will notice that the Bill proposes the preservation of the existing structure of Assembly districts grouped into six broadly defined Council regions. Greater discretion is proposed for the electoral distribution commissioners who will draw upon the flexibility built into the table in deciding on the composition of Legislative Council regions. Under electoral redistributions in other States the aim of setting an equitable enrolment for each member of Parliament is the general rule; for example, in New South Wales, South Australia, the Tasmanian Assembly, Victoria, the Australian Capital Territory and the Northern Territory. The Electoral and Administrative Review Commission in Queensland has recommended reform to do away with the existing electoral zones of unequal enrolments. Plans for a

redistribution there will ensure that the enrolment in each district will be set inside the usual plus or minus 10 per cent margin of allowance with a greater margin available for three or four large districts.

The proposal for approximately equal enrolments per member of Parliament is the system most likely to be politically neutral. Comparable systems in South Australia, New South Wales, Tasmania and the House of Representatives have enabled changes in voter opinion to be reflected in changes of Government and both Liberal and Labor Governments have maintained that principle. Confidence that election results will be fair is essential for democracy, and in Western Australia this is especially relevant for Legislative Council elections. It is doubtful whether Parliament can truly represent the views of all Western Australians while vote weighting exists. This is a reason that respect for the authority of Parliament is tarnished in the eyes of many. The passing by Parliament of the Acts Amendment (Representation) Bill will ensure that the 1993 election, the first in our second century of responsible Government, will establish a new, more democratic standard of representation of the people in this Parliament. I commend the Bill to the House.

Debate adjourned, on motion by Mr MacKinnon (Leader of the Opposition).

WESTERN AUSTRALIAN COASTAL SHIPPING COMMISSION AMENDMENT BILL

Third Reading

MR RIPPER (Belmont - Minister for Community Services) [2.30 pm]: I move -

That the Bill be now read a third time.

MR McNEE (Moore) [2.31 pm]: I thank the Minister for Transport for making documents available to the Opposition. I have not had much time to look at those documents, but they are an indication of the naivety of the Government and of the mismanagement of taxpayers' funds. The Government should look very closely at the sort of mismanagement that has occurred and at the people who have made the decisions. It has taken management five years to realise that the vessels, the *Koolinda*, the *Pilbara* and the *Irene Greenwood* were not suitable for the purposes for which they were used. The losses from those vessels from 1982 to 30 June 1990 which totalled $157 million occurred because of an error of judgment. I am concerned that we may be making the same mistake now because we are experimenting with three vessels of 3 400 deadweight tonnes and we wonder what marketing research has been done to justify this scandal. Can Stateships table the projections of its market surveys for the next five years? If it has not done those surveys, why have they not been done? With the bare boat charter, the subsequent years of hire after the first year would be on a descending scale of values as is customary in the industry, because the asset would be depreciating. A hire rate which commences at a cost of $US3 221 a day and concludes in the tenth year at $US5 013 is questionable. I wonder what the logic is behind that because people experienced in the industry have told me that, with the asset depreciating, it is more likely to be cheaper to hire one of these vessels in year 10 than in year one. Those same people have said that the bare boat hire costs and sale value are grossly exaggerated.

Questions relating to building costs should be answered. The argument that these vessels could have cost a couple of million dollars less to build is valid. What are the advantages for Western Australia if we pay $2 million extra for each vessel? The residual value of $US6.6 million at the end of the 10 years is rather hopeful because these vessels will have a restricted area of trade because of their size. Stateships seems to be fairly ambitious about realising that much money at the end of 10 years.

A couple of the penalty clauses seem to favour Westpac. These include penalties for late delivery, penalties if the Taxation Office does not allow a certain level of depreciation, penalties in excess of industry practice for early termination of charter, and also a penalty if Westpac is unable to sell the vessels for the required $US6.6 million at the end of the charter. I wonder, therefore, how much thought the Government put into the contract before it entered into it.

As I have said, I have not had time to go into this matter properly. Nonetheless, the documents were tabled and we can now see how this Government conducts its business. I am not sure that the taxpayers of this State will get any joy at all from this deal. It is a

questionable deal to say the least and the performance of Stateships in the past would not fill Western Australians with any confidence.

MR COURT (Nedlands) [2.37 pm]: I support the member for Moore's comments on the Western Australian Coastal Shipping Commission Amendment Bill. This transaction is a commercial shocker. Stateships has enough trouble with the money it has lost without having to cope with this arrangement. It has now purchased these ships which we have been told cost considerably more to build than they would have cost had they been built by competitive tender. I think the difference is in the vicinity of $2 million a ship. These are relatively small ships to begin with and the deal provides that lease payments be made on three vessels that have cost well over the market price. The Government is hoping also that, at the end of 10 years, it will be able to sell them for $6 million or $7 million. None of us knows what they will be valued at then. However, because they are fairly small ships, the market will be limited. Before Stateships entered into such an agreement, it would have been a lot better had it considered the benefits between leasing and purchasing the ships. It has gone the leasing route and, unfortunately, all that will do is add to the losses of the State shipping service.

We are in the dark about Stateships' plans for the next five years. We have scant information about the routes these ships will take and we do not know whether the market feasibility studies have been locked in place. Public debate has ensued about Stateships and we all want a shipping service along the coast and between Australian ports and ports around the world, particularly in the Asian region. We are all aware of the debacle with coastal shipping. For example, we have been told that it is cheaper to import salt from overseas than to ship it from where it is produced in the north of this State to Fremantle. We need local shipping reform. The Opposition is not saying that the State does not need a State shipping service, but that it needs a local shipping service that offers competitive prices. The actions of this Government have failed to ensure that.

If we were able to free up coastal shipping we would save Australian industry a considerable amount of money. The Government is not addressing the real issues but is continuing with a concept that has not been commercially viable for many years. Despite huge losses by the service the Government has transacted to lease three vessels. The vessels have cost more than they should have done in a leasing arrangement that is not beneficial to the operations of Stateships. The Opposition has done its best to explain to the Government and to the public that Stateships has not made a commercially sound decision on this matter.

MR BLOFFWITCH (Geraldton) [2.42 pm]: Over the weekend I took the time to read the lease document for the construction of three new vessels for Stateships and I found it to be the most one-sided document I have read in many years. My main concern is that, even though these vessels will be a cost to Western Australia, the Government is dealing in American dollars. It is a deal between a Western Australian shipbuilding company and the Western Australian Government, yet it is open to the ravages of the variation of the American dollar. If the American dollar falls - which is what the pundits predict - it will cost Western Australian taxpayers more than anticipated. I cannot understand the reason the Government entered into such an agreement. I can understand that the Westpac Banking Corporation would be extremely pleased with the agreement because, as those of us who have travelled overseas would know, there is a difference between buying and selling the American dollar.

Mr Blaikie: Is it correct to say that Westpac is more astute than is the Government?

Mr BLOFFWITCH: One could say that Westpac is very astute.

The lease agreement states that if the cost is not recovered the Western Australian Government - its taxpayers - will pick up the total cost. The lease document also states what will happen if a profit is made. Can members believe that if that occurs half the profit has to be given to Westpac? The Western Australian Government will pick up the liability, but it will share the profit.

Mr Kierath: Wouldn't you like a deal like that?

Mr BLOFFWITCH: I certainly would, but if that were to happen in my industry the Minister for Consumer Affairs would say that I was ripping off the public. However, we have a classic example in this legislation of the Government, which represents the people of

Western Australia, agreeing to do that. I am nothing short of staggered at the Government's proposal. Someone with the right expertise should read the lease document and prepare a policy document for the Government outlining what should or should not be done when entering into financial dealings on behalf of the people of this State.

Mr Blaikie: The Government is being extremely generous to Westpac, which will be very grateful for the Government's incompetence.

Mr BLOFFWITCH: I am greatly concerned about the bias evident in the document. Anyone with a limited commercial knowledge would not have entered into such an agreement.

MR RIPPER (Belmont - Minister for Community Services) [2.45 pm]: I have noted the comments made by members opposite in this third reading debate. To the extent that those comments have not been previously dealt with in the debates on the earlier stages of the Bill, I will refer them to the Minister for Transport. I am sure she will arrange, either in this place or in the other place, for appropriate clarification to be provided for the information of members

Question put and passed.

Bill read a third time and transmitted to the Council.

ACTS AMENDMENT (STUDENT GUILDS AND ASSOCIATIONS) BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr Fred Tubby, read a first time.

HUMAN REPRODUCTIVE TECHNOLOGY BILL

Committee

Resumed from 6 June. The Chairman of Committees (Dr Alexander) in the Chair; Mr Wilson (Minister for Health) in charge of the Bill.

Progress was reported after clause 11 had been agreed to.

Clauses 12 and 13 put and passed.

Clause 14: Functions of the Council -

Mr MINSON: In view of the fact that an earlier amendment I moved was not accepted by the Committee I do not intend to proceed with my proposed amendment to page 28, line 31 of the Bill. I also indicate that I shall not proceed with my proposed amendments to page 29, lines 5 and 6, because the Minister has foreshadowed a similar amendment which takes into account the objective I was trying to achieve.

Mr WILSON: I move -

Page 28, line 31 - To delete "or" and substitute the following -

(iv) any embryo; or

This is a consequential amendment.

Amendment put and passed.

Mr WILSON: I move -

Page 29, after line 14 - To insert the following new subclause -

(2) The Council shall not grant approval to any research being conducted, or any diagnostic procedure to be carried out, upon or with an egg in the process of fertilisation, or any embryo, unless the Council is satisfied -

(a) that the proposed research or procedure is intended to be therapeutic; and

(b) that existing scientific and medical knowledge indicates that no detrimental effect on the well-being of any embryo is likely thereby to occur.

I believe that the best way to administer and regulate reproductive technology is to prohibit research on embryos outright but to permit, where practitioners can medically and scientifically justify, procedures, observations or interventions that are therapeutic in intention and are designed to, at best, enhance the wellbeing of the embryo and, at worst, in no way harm the embryo.

Justification for these therapeutic practices will be based on established guidelines which are mindful of the due respect afforded embryonic life that exists throughout the legislation. What we can achieve through this legislative structure is, firstly, confirmation of the overall objective of reproductive technology; that is, to assist infertile couples to give birth to a live born child. Secondly, and just as importantly, it will protect the interests of those people in the community who do not wish to go down the road of eugenics and condone the practice of using human subjects as means to ends, but rather are happy to see the unfortunate situation of some infertile couples improved.

Mr MINSON: I am happy to support the Minister's amendment. In my opinion it goes a long way to putting the ethos of the Bill where it should be; that is, procedures will be allowed to be carried out on an embryo for therapeutic reasons and very clearly, as is the intent of the Bill, those procedures will be for the good of that embryo. In the debate in Committee last week I referred to the fact that it is a parent's responsibility, in consultation with medical personnel, to treat children at and around the time of birth and well into their teens without the permission of those children when it is for their wellbeing. I see this amendment as nothing more than a logical extension of that ethic. It seems unlikely that any parent would want a procedure carried out on an embryo that was not for its wellbeing. With that in mind, I support the amendment.

Mr KIERATH: I move -

> That the amendment be amended by inserting after the word "therapeutic" in new subclause (2)(a) the following -
>
> for that egg or embryo

I ask the Minister to indicate whether he is prepared to accept that amendment.

Mr Wilson: Yes, I am prepared to accept the amendment to my amendment.

Mr WIESE: I wanted to clarify with the Minister the definition of the word "therapeutic". I am sure the Minister is very aware of the fact that the Discussion Paper on Human Embryo Experimentation produced by the Western Australian Interim Reproductive Technology Council discussed at some length the whole issue of "therapeutic" and "non-therapeutic". There is considerable debate as to how therapeutic should be defined and what definition should be adopted in relation to human embryo technology. In view of the discussion that has taken place, I ask the Minister what definition he has placed on the word "therapeutic". I also query why no definition is included in the Bill or attached to his proposed amendment. That amendment brings this concept to the attention of the Committee, and the amendment moved by the member for Riverton has considerable bearing on that definition.

Mr WILSON: It is true that "therapeutic" is not defined, as the Bill stands, but the amendment moved by the member for Riverton will fulfil any such requirement because what it does - and what the Bill intends it should do - is clarify for future reference that "therapeutic" in the sense that it is used here is "therapeutic specific". That is, it is specific to that particular egg or embryo. All the other words included in my amendment make it quite clear that it is directed to the wellbeing and to enhancing the life prospects of a particular egg or embryo.

Mr WIESE: I do not agree with this amendment. In adopting this definition of "therapeutic" we are closing the door on any further research in the whole area of reproductive technology. The definition brought into being by this amendment narrows the whole effect of the Minister's amendment. It does that much more than is desirable for informed development in the whole area of reproductive technology. It will mean that procedures can be carried out only on individual embryos that are wholly and solely linked to that particular embryo and that researchers will be completely locked out of any research work which could lead to modifications and developments of procedures to the benefit of future embryos. That is a retrograde step. The effect of this amendment is that Western Australian practitioners will be unable to do any innovative research work and will be utterly dependent upon research

results coming from other parts of Australia and overseas. We should not be moving in that direction. It will place Western Australian practitioners at a great disadvantage. Many of the advances in reproductive technology have occurred in Western Australia. Workers in this field in Western Australia have been to the forefront of in vitro fertilisation technology. This amendment would have prevented them from making the progress they have already made had it existed at the time of their investigations.

Amendment on the amendment put and passed.

Mr KIERATH: I move -

> That the amendment be further amended by inserting after the word "any" in new subclause (2)(b) the following -
>
> egg in the process of fertilisation or any

Mr Wilson: I also accept that amendment to my amendment.

Mr WIESE: The Minister has not responded to my remarks. What does he believe will be the effect of the amendment? Does he believe the development and research work carried out in Western Australia in the past will be closed off as a result of this amendment or does he believe research work will be able to be carried on in Western Australia once the Bill is passed in this form?

Mr WILSON: This is not my amendment, but I am happy to answer the question. I refer to page 9 of the Discussion Paper on Human Embryo Experimentation produced by the Western Australian Interim Reproductive Technology Council in March this year, which states -

> Jones (1987) proposed a view specifically dealing with human embryo experimentation where, although therapeutic human embryo research is research performed to benefit a subject, it may take two forms. The first is *therapeutic individual*, -

I use the term "specific", but it means the same thing -

> - where the research may benefit the individual embryo upon which it is carried out. An example of this is gene therapy on a particular embryo, performed so that this individual embryo is given the opportunity to develop into a mature individual with an improved genetic constitution. The second is *therapeutic general*, where the subject to benefit from the research comprises embryos in general. Therapeutic general research could involve the loss of present embryos, in order to benefit future embryos.

It seems to me that the member for Wagin is adopting a definition of "therapeutic" which could be aligned with the term "therapeutic general". That would, as indicated in this document, involve the loss of present embryos. That would be in contravention of the principles of the Bill. Therefore I refer the member to my previous answer where I used "therapeutic" when referring to "therapeutic individual" or "therapeutic specific".

The amendment moved by the member for Riverton clarifies the intention of the Bill in particular terms in this way. In answer to his question whether this will hinder research - that could yet occur. However, I am reliably informed that most of the research that has occurred in Western Australia, and elsewhere in Australia for that matter, has been therapeutic research. I am informed by people who have been in contact with researchers, for instance, in New South Wales, that they say quite categorically that most of the research that could be carried out has been carried out. Therefore, I am assured in a general sense that this will not be a major hindrance. It will only be a hindrance to any research carried out in Western Australia which puts at risk the wellbeing of any embryonic life. That is the intention of this Bill. Therefore, in clarifying the intention I support the amendment.

Mr KIERATH: I support the Minister's argument. I would not have moved this clause as it appeared initially, but having accepted the Minister's intention all my proposed amendments seek to ensure is the removal of any grey areas. This clause does that; it focuses on the benefit of the embryo and the egg in the process of fertilisation. The aim of my amendments was to try to focus entirely on that and to ensure that the embryo was the entity that was being protected. The process should be therapeutic for that entity, and not for someone else.

I moved my amendments not to try to close off any other areas but to ensure that we were focusing on the right entity.

Mr WIESE: The definition of "therapeutic" which is being adopted here relates to the specific individual embryo and the benefit that will come to that embryo from research work. However, I believe that if research work had not been carried out under the definition of "therapeutic general", to which the Minister has just referred, in vitro fertilization would not have reached the stage it has now reached, and be available and of benefit to a great number of people.

I wish to quote a subsequent passage from the discussion paper from which the Minister quoted, which refers on page 10 to the narrow definition of therapeutic research adopted by the Helsinki Declaration, and states -

> If this broadening of the definition is not adopted as acceptable for human embryo experimentation, progress in the treatment of infertility would be limited by the exclusion of that human embryo experimentation which falls outside the ethical framework of the Helsinki Declaration.

I believe that the experimentation which falls outside the ethical framework of the Helsinki Declaration is the research work that would come under the definition of "therapeutic general" rather than "therapeutic individual", which is what we have adopted in this Bill. We are making a mistake in adopting such a narrow individual definition, but I can see that the Committee is going in a particular direction and I will not delay the discussion any further.

Further amendment on the amendment put and passed.

Amendment, as amended, put and passed.

Clause, as amended, put and passed.

Clause 15: The concept of the Code of Practice -

Mr WILSON: I move -

> Page 31, lines 21 to 25 - To delete subclause (4) and substitute the following subclause -
>
> (4) In any proceedings under this Act -
>
> (a) the Code, and any particular provision of the Code, shall be an admissible document; and
>
> (b) where it is alleged that a person has contravened this Act -
>
> (i) a failure to comply with the Rules may be relied on as establishing liability;
>
> (ii) a failure to have regard to the guidelines under the Code may be relied on as tending to establish liability; and
>
> (iii) proof of compliance with the guidelines may be relied on as tending to negative liability,
>
> but, notwithstanding that the failure on the part of a person to comply with the Code may not be the subject of any such proceedings, the licensing authority in considering any application may, at discretion, take into account any alleged tendency on the part of the applicant not to have regard to the guidelines.

This amendment may not sound simple, but it is intended simply to clarify the importance of the rules and guidelines of the code of practice in proceedings under the Act. It establishes, first, that the code and any of its provisions are relevant to any proceedings. If it is demonstrated that a person has broken a rule, that person will be liable, since that rule has been passed by Parliament. However, guidelines are not passed by Parliament but comprise the technical information based on ethical and medical principles that need to be followed. Since guidelines are not subordinate legislation, immediate liability cannot be established, but where it can be shown that compliance or non-compliance has occurred, an argument can be put as to the upholding or contravening of the rule.

Mr WIESE: I think we would probably accept what the Minister is saying, but I find it strange that where a person has not been proceeded against for any breach of the guidelines, we are still writing into the Bill, by this amendment, that the council, when looking at that person's application or reapplication for a licence, will take into account things which that person has not in fact been rapped over the knuckles for or found guilty of; that will still be used in assessing whether that person will be granted his licence or licence renewal. All that should be taken into account when assessing whether a person will be granted a licence is whether he is guilty or has acted outside the guidelines. We should not take into account any allegation that the person has not treated the guidelines in the way that the council may feel he should have, when that person has never been proceeded against or been found guilty of any breach of the guidelines.

Mr WILSON: We are talking about carefully considered guidelines as to propriety of practice. I do not think it is unusual or, in fact, undesirable in any way that there should be some reference to past compliance with guidelines. All that is being said here is that past compliance may be useful as guidance only for the licensing authority. The word that is used is "may", not "will". This is just a commonsense provision which will ensure that in further consideration, the council may use past compliance as a useful guide. That seems to me to be a sensible position.

Mr WIESE: It is a matter of natural justice. How are we to know whether the applicant will be notified of his alleged tendency not to have regard to the guidelines during the period of his licence, or will this come at the end when he submits his application? The council, in assessing his application, will say, "We believe you have a tendency not to comply." This situation is very strange. Who will assess whether this tendency exists?

Mr WILSON: It is not strange at all. It is obvious that should a practitioner not be complying with the guidelines, it would come to the council's attention, and the council would then draw the matter to the attention of the practitioner. There should be no doubt that any practitioner not complying with the guidelines will be made well and truly aware that this has been drawn to the council's attention. If that does not happen, the whole Act will be without point or meaning.

Amendment put and passed.

Mr WIESE: The code of practice is the heart of this legislation, because it will determine the whole operation and future of the legislation. Part 1 at lines 6 to 9 includes rules which will have the effect of subsidiary legislation. They provide for the conditions which may be imposed on a licensee. I refer members to subparagraph (i). We seem to be creating a strange situation. Regulations will have to be tabled in the Parliament and be subject to the review and scrutiny of Parliament and, if necessary, disallowance. As I understand it, the direction will be published in the *Government Gazette*. It may be that the direction must be given only to the licensee. If it were to come to a choice between regulations which are subject to tabling and disallowance, or directions to the licensee which are to be published in the *Government Gazette*, many of these things would be done by direction rather than regulation for administrative convenience. Why is there to be a choice between regulation and direction? What will be the effect on parliamentary scrutiny of that choice? Parliament should be able to scrutinise the operations of the Bill, how that code is working, and any changes made to that code.

Mr WILSON: Clause 31(2) of the Bill specifically provides that directions cannot override the code. In other words directions fill in any trivial or minor gaps between rules and regulations. However, the code remains the pre-eminent provision which will have the force of law.

Mr Wiese: There could be no modification of the code by way of directions?

Mr WILSON: There cannot be under the provisions of clause 31(2).

Clause, as amended, put and passed.

Clause 16: The implementation of the Code of Practice -

Mr WIESE: I move -

Page 32, lines 5 and 6 - To delete -

unless the regulations specifically otherwise provide

This amendment endeavours to tighten up the operation of this clause. This subclause appears unnecessary and we would be better off removing it because it raises a doubt about the implementation of the code.

Mr WILSON: While the way it has been presented by the member for Wagin makes it appear that what he wants to do would not be in any way harmful to the Bill, I think it will in fact be quite difficult; because while regulations ultimately have to be approved by the Parliament on the basis that they could be disallowed when they are laid before the Parliament, and while in the interim they have immediate effect, that in itself could be of vital importance if rules of the code were needed urgently; for instance, for some public health emergency when Parliament was not sitting. If we were to remove these words from this clause, we would take away that capacity to act in that way in a public health emergency.

A special provision for regulations to introduce rules into the code is really in the interests of clarity as only one text, the code, would need to be read for the rules. Clause 5(4) already gives the Minister power to make regulations in specific, critical situations, but the purpose of this clause is to clearly identify the code itself as potentially being expedited by regulations if needed in a public health emergency. Therefore, while regulations may need to apply immediately when Parliament is not sitting, once Parliament did sit the opportunity for the regulation to be disallowed would still exist. So we are only envisaging here the possibility of the need to act in an emergency for some public health consideration, and in that sense it is a wise and cautious provision to retain in the Bill.

Mr WIESE: I cannot accept what the Minister has said, because the requirement exists in clause 16(1) for a rule to be published in the *Gazette* and laid before each House of Parliament within six sitting days of such House next following that publication, and such rules shall be subject to disallowance. I understand that rules start to operate from the minute they are published, in the same way as a regulation does. Certainly regulations start to operate from the minute they are published in the *Gazette* and subsequently are able to be disallowed. A regulation could be gazetted next week when the House will not be sitting, and the House will not sit for another two and a half months. That regulation will operate as of the date on which it is gazetted and published; that is, it will start to operate from next week and it will eventually come before the House and be subject to disallowance. I can accept that the problem referred to by the Minister - that is, of needing to get something up and running very quickly in the case of a public health emergency - can happen, but that is already taken care of.

The effect of the words I am seeking to have deleted is to enable a regulation to include words which say it does not have to be tabled. I do not believe that is something that we as a Parliament should enable to be done by regulation. If the Act says a rule must be tabled and a regulation is brought in saying that we can write into that rule that it does not have to be tabled, we have, by regulation or by rule, taken away the power of the Parliament to examine that regulation and subject it to disallowance at some future stage. I do not believe we should be doing that. Quite specifically, the rule will be brought in and will be subject to disallowance in the future, and it will operate all the way through. I do not believe we should be able to completely take away the power of the Parliament to scrutinise that rule by bringing in a regulation which says it does not have to be tabled.

Mr MINSON: I support the member for Wagin's amendment. I believe a fairly important principle is involved, and what is in the Bill has ramifications simply because it creates a precedent, so far as I can see. My understanding is that the procedure by which these regulations are tabled and Parliament is allowed to examine them over a period - when they lie upon the Table of the House - and then, at its discretion, disallow those regulations, is a long established procedure and one which we should support. I do not believe there is good and sufficient reason to drop that principle and to build into a regulation an out clause which will allow anyone to bypass that procedure. It is a dangerous precedent and one which this Parliament should not support.

Mr WILSON: There is a fair bit of fog here; let me try to explain further. If members look at clause 16(3) they will see that the only rule which does not have effect is a rule required to be tabled. If these words remain, the rule does not have to be tabled and can come into immediate effect, but clause 5(4)(a) limits the power to urgent matters. Therefore I simply reiterate that the specific provision for regulations to introduce the rules into the code is

simply in the interests of clarity, as only one text - the code - would need to be read for the rules. Clause 16(1)(b) and (c) at the top of page 32 of the Bill states -

(b) that proposed Rule has been published in the *Gazette*; and

(c) that proposed Rule has, in accordance with subsection (2), been laid before each House of Parliament, within 6 sitting days of such House next following that publication and thereafter has come into operation,

I think members are not giving enough recognition to the word "and" at the end of line 1 on page 32. The member for Wagin has no reason to fear what he is saying he fears because it is provided for in the Bill. Really, this seems to be a storm in a teacup.

Amendment put and negatived.

Mr WIESE: I move -

Page 33, line 6 - To delete "endeavour to".

I seek to delete these words because if we leave them in, the Bill says that the executive officer shall endeavour to ensure that these rules are brought to the attention of licensees, and that shall be sufficient at some stage to show that he has complied with the requirements of the legislation.

It is not sufficient for the executive officer to say at some later stage that he endeavoured to provide notice. If notice were not given, it would be possible for him to say that he had complied with the Act and the licensee would be in the position of not receiving notice of the new guideline. Deleting the words "endeavour to" will result in the clause stating that the executive officer shall meet the requirements of the subclause, and ensure that notice is given. That is very definite. As a consequence, I also move -

Page 33, line 9 - To delete "notice is brought to the attention of" and substitute the following -

written notice is given to

I move this amendment for the same reasons regarding the removal of the words "endeavour to". As a result of this change of words, the executive officer must bring any change to the guidelines to the notice of the licensee in writing; this will ensure that no argument will be entered into at any future stage regarding whether or not the licensee was aware of the change. The current clause, with its "endeavour to" reference, could involve the executive officer telephoning the licensee. That is not sufficient; it must be clear that the executive officer has given notice to the licensee, and written proof of this should be provided. A telephone call could be answered by the licensee's employee and the information may not reach the licensee. That is not satisfactory bearing in mind the implications which could follow; that is, the licensee could be accused of not complying with the changed guidelines of which he had not received notice, and he could suffer dire consequences.

Mr WILSON: If the Government were to accede to this amendment to require that, with no possible exceptions, notice must be brought to the attention of the licensee in writing, that could be unreasonable in certain extraordinary circumstances. The licensee may not be the person responsible and may not need to know the information; for instance, such a person may be out of the country and it would be very difficult to serve notice to the appropriate person. Again, the provision deals with extraordinary circumstances. I refer the member to clause 40(3) which states that a person is protected from disciplinary action where it is proved he or she was not aware of certain relevant matters.

The provision which the member for Wagin seeks to amend deals with extraordinary circumstances and will not allow for a breach or a laxity of other considerations. On the contrary, it is an amendment which attempts to deal with extraordinary circumstances for a difficulty, or a virtual impossibility, that a licensing authority would have in attempting to comply with the Act.

Amendments put and negatived.

Clause put and passed.

Clause 17: Matters which shall be dealt with by the Code, subject to exception by way of regulations -

Mr KIERATH: I move -

Page 33, line 22 - To insert after "any" -

egg in the process of fertilisation or any

Amendment put and passed.

Mr WILSON: In order to tidy up the provision and in view of the previous amendment, I move -

Page 33, line 22 - To delete "for the purpose of its probable" and substitute -

with a view to its

Mr WIESE: We are tightening up an area which would have allowed for a very small amount of research work, or left a small area within which to operate. I am worried by the deletion of the word "probable" because the matter will become so specific that any opportunity will be removed for future use of that embryo, or egg in the process of fertilization, should circumstances change in any way. If an embryo has been developed for its "probable" future implantation into a woman, and if, for some reason, that embryo is not able to be implanted in the woman for whom it was developed, the ability to choose another option is not entirely restricted. However, by deleting the word "probable" the embryo has to be developed for the implantation into a particular woman and the option is closed for that egg to be implanted in any other woman. That is a mistake and could condemn many embryos to cease to exist - to disposal.

I forget the wording used later in the legislation, but the Minister's consequential amendment would ensure that if an embryo were not implanted in a certain woman it would not be able to be implanted in any other woman.

Amendment put and passed.

Mr KIERATH: I move -

Page 33, lines 24 and 25 - To delete the lines.

Mr WIESE: I oppose the deletion of those lines. What would happen to those embryos if they could not be implanted in the woman for whom they were developed? That situation would be ridiculous. At least those words provide the option of using the embryos for implantation in another woman if they could not be implanted in the woman for whom they have been developed. The amendment is contrary to what the member for Riverton has tried to say on many occasions previously. It is folly that the embryo can go nowhere else.

Mr KIERATH: I do not believe that is the case. The amendment on the Notice Paper in my name is different from the consequential amendment moved by the Minister. I accept that the Minister's view is probably more moderate than mine and accommodates both what is in the Bill and what I was trying to achieve. In the spirit of cooperation I am prepared to accept that and I do not think the matter goes as far as the member for Wagin says.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 18 and 19 put and passed.

Clause 20: Principles applicable to projects of research -

Mr WILSON: I move -

Page 36, line 4 - To delete "upon or with an embryo, whether or not a live embryo" and substitute -

contravening the condition referred to in subsection (3)

Mr WILSON: I move -

Page 36, line 11 - To insert after "fertilisation" -

, or an embryo whether or not live

Mr WIESE: During debate, members have expressed the view that research work should not be carried out on a live egg in the process of fertilisation or on an embryo. I accept that that is the thrust of the legislation. I find it difficult to accept, though, that if an embryo fails to

live - dies - research cannot be carried out on that embryo to determine why it died. I accept that many members do not want research carried out on a live embryo; that is the reason for the Bill. However, if an embryo dies, research work should be able to be carried out on that embryo to determine why it failed to live. Autopsies are conducted on human beings and on foetuses to determine the reason for death; why should research work not be carried out on an embryo to determine the reasons for its death? Only then will doctors be in a position to take action in the future to ensure that other embryos do not die for the same reasons.

Mr WILSON: I understand the good intention of the member in seeking the clarification. However, this is only a consequential amendment, not a first case amendment. After amendment, this clause would acknowledge that some therapeutic laboratory practices on embryos could be included in the approvals given by the council or the code. However, the approval would be required even for experiments on dead embryos. It is sometimes difficult enough for doctors and medical experts to reach decisions about the determination of death of adults, let alone any provision we may make in legislation for determinations to be made on the death of embryos. The whole point is the extreme difficulty of making decisions about the actual death of an embryo in the first instance. Where there is any doubt the onus should lie in the direction of the wellbeing of the embryo; that is the purpose of the Bill. All that is being done here by way of consequential amendment is to lock up that proviso of the Bill in these circumstances. Questions about the determination of death are very difficult issues, particularly when we are dealing with the determination of the death of embryos. Those are matters which delve almost into the realms of mystery. We are trying to make provision in ethical and scientific terms for the practice of in vitro fertilisation and to ensure that that practice is, in all respects, in the interests of the viability and wellbeing of an embryo.

Mr WIESE: I accept what the Minister has said, although I do not believe that he is correct. How will he determine the cause of death of an embryo in the future if research work is not permitted? The Minister is putting himself and those involved in the reproductive technology field into an impossible situation if they are not able to determine why an embryo failed to live.

Mr WILSON: I do not agree with the member for Wagin. I am not making any such determination; nor would any Minister make such a determination or be required to make such a determination under the provisions of this Bill. The primary principle and purpose of this Bill is to preserve the wellbeing of the embryo. In this instance the member is concerning himself with another matter - it is a legitimate concern - which I believe is a secondary concern.

Mr Wiese: Not if by doing research we can find out what caused the embryo to die and we are able to prevent problems arising in future.

Mr WILSON: This is a secondary concern to the principal concern of this Bill, which is the promotion in the ultimate of the wellbeing of the embryonic life. I consider that to be the primary principle of the Bill. The member for Wagin and I appear to be at odds in this regard because the Bill does not have a research agenda; it is quite admissible and desirable in some cases to have a research agenda, but it is not the primary concern of this Bill. That is probably what the member for Wagin is at odds with. I cannot interpret it in any other way; I accept that his concern is viable but I cannot deal with it in the way he wishes to have it dealt with.

Mr WIESE: I do not have a research agenda with regard to this issue; the Minister is misrepresenting my intention. My point is that once the embryo has died, it seems absolutely insane not to determine why it died. We do that with adults and babies and, as a result, we have been able to address and prevent many of the problems which arise and cause deaths in adults and babies. I accept the problems relating to determination of the death of the embryo but, without doubt, it must be possible for the people involved in the field to determine when an embryo is no longer alive. Once that has been done, we should allow work to be done to determine why the embryo died so that steps can be taken to prevent further deaths. My agenda in relation to this aspect is to ensure that the cause of the death of the embryo can be determined in order that steps can be taken to ensure that future embryos survive.

Mr MINSON: It seems to me that the issues of experimentation and post mortem are two different matters. If someone were to carry out work on a live three or four cell embryo, it

would in my opinion be defined as experimentation, but if the embryo were dead, then the procedure would be a post mortem. Therefore, the concerns of the member for Wagin would be dealt with in that way. If, on the other hand, the Minister's intent is that a post mortem be regarded as experimentation, my concerns are in line with those of the member for Wagin.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 21: The Code and directions, generally -

Mr WILSON: I move -

Page 37, lines 21 and 22 - To delete "diagnostic procedures involving gametes or an egg in the process of fertilisation" and substitute -

the diagnostic procedures involved

This is a consequential amendment.

Amendment put and passed.

Mr KIERATH: I move -

Page 37, line 30 - To delete the line and substitute -

implantation;

Amendment put and passed.

Mr WILSON: I move -

Page 38, line 15 - To insert after "constitute" -

an authorised diagnostic procedure in relation to any egg in the process of fertilisation or an embryo or

This is another consequential amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 22: Consents, generally -

Mr WILSON: I move -

Page 40, lines 14 to 25 - To delete subclause (2) and substitute the following subclause -

(2) Where a consent is given in general terms to the use or storage of gametes separately, whether eggs or sperm, that consent shall be taken to relate to the use or storage of any of those eggs or sperm, and also to any egg in the process of fertilisation or embryo derived from the use of the gametes, for any purpose, save that -

(a) any such consent may be given subject to specific conditions in its terms; and

(b) notwithstanding subsection (4) or that any egg in the process of fertilisation, or an embryo, may have developed which is derived from the use of gametes the subject of any particular consent, in so far as it relates to any egg or sperm that has not been used that consent may be varied or withdrawn,

but where an egg in the process of fertilisation, or an embryo, has been developed from any gametes the consent thereafter to be required is not a consent to the use of those gametes but a specific consent relating to that particular egg in the process of fertilisation or embryo only.

In general, the issue of consent is a difficult legal notion in this field, and this legislation attempts to cover all areas where effective consents are needed. Simply put, no use of gametes, eggs in the process of fertilisation or any embryo can occur without effective consents being given. Clause 22(8) specifies that these consents, to be effective, must be in

writing, and action must be in accord with those stated consents. Licensees shall ensure that each participant is provided with a suitable opportunity to receive proper counselling about the implications and ramifications of proposed actions, as set out in clause 22(7). In dealing with stored gametes - that is, eggs and sperm - consents may be either general or specific. If general, a person may consent to the use of his or her gametes for any purpose, be it diagnosis, research, or the creation of an egg in the process of fertilisation or an embryo. Obviously such use must be within the bounds of this Act. If specific, the consents would relate to a particular use. However, once gametes have been used to create an egg in the process of fertilisation or an embryo, the particular consents cannot be varied or withdrawn. Consents can only be varied or withdrawn for unused gametes, an egg in the process of fertilisation or an embryo before it is used for treatment. The reason I move the amendment is that there appeared to have been a printing error in line 17 of clause 22(2), and further scrutiny of the clause as a consequence of that consideration led to the view that the principles outlined in subclause (2) could be more succinctly stated.

Amendment put and passed.

Mr KIERATH: I move -

Page 40, lines 31 to 34 - To delete subclause (4) and substitute the following -

(4) The terms of any effective consent to the use of any gametes, egg in the process of fertilisation or embryo can not be varied and such consent can not be withdrawn, once the gametes have been used or that egg or embryo has been developed.

The definitive event in in vitro fertilisation is actually the fertilisation of an egg outside the body of a woman, and once fertilisation commences, a new human entity exists. This Bill gives that entity two labels: An egg in the process of fertilisation, and an embryo. This Bill currently allows eggs in the process of fertilisation and embryos to develop first, and a final decision is then made about whether they will be implanted into the body of a woman. However, such a decision should be made before fertilisation of a new life is brought about. The woman who will receive the embryo, her partner, and any donors involved should all be required to give final consents before the irrevocable step of creating an embryo takes place. Thus no human embryo will be created in vitro without its being given the opportunity to continue its natural development in a woman's body. Consents must be revokable at some stage. Presently that stage is when the embryo is used; that is, implanted. This amendment simply shifts the stage of final decision to the earlier stage of initiation of the fertilisation procedure.

Mr WILSON: This amendment simply seeks to change the word "used" to "developed". There may be a bit of a misunderstanding here because in the Bill, "used" actually incorporates "may donate", and if the word "used" were changed to "developed" it would mean that couples could not change their minds and donate an embryo which they no longer needed for implantation. For that reason, I cannot agree to the amendment.

Amendment put and negatived.

Clause, as amended, put and passed.

Clause 23 put and passed.

Clause 24: Storage -

Mr WIESE: I move -

Page 43, line 25 - To delete "3" and substitute "10".

This clause refers to the storage of an embryo. The Bill as it currently stands states that no egg in the process of fertilisation or embryo shall be stored for a period in excess of three years. I believe that a period of three years is not sufficient because the situation could arise where an embryo that was developed from a woman was developed in the knowledge that that woman would not be able to produce any further eggs and, therefore, embryos, as a result of some disease she might have, or for some other reason. It might then be advisable at the same time, very early in the process of that woman's undergoing fertility treatment, to remove and store for future use embryos produced by that woman. A 10 year time limit could allow the woman to produce and have stored several embryos with a view to future

implantation and with a view to her being able at some time in the future to produce further children if the initial implantation were usuccessful or to have another attempt if the implantation were unsuccessful.

Regardless of whether a woman desperately wants to have another child, an embryo which has been stored for three years will be disposed of. In that case, the woman will be deprived of a future opportunity to produce a child from her own embryo. That would be most unfair; indeed, it would be tragic for the woman or the couple. I see no reason why an embryo cannot be stored for longer than three years. Removing the figure "3" and substituting the figure "10" will ensure that an embryo will not remain in existence ad infinitum. The intent is to expand the storage time from three years to 10 years, and in that way increase the opportunity for a couple to try again if a woman is not able to produce further eggs. Much can be said for producing the necessary number of embryos at one given time and having them available for future use by a couple, rather than their needing to go through the process of producing further eggs and starting the process all over again later on. Such a procedure could be undertaken and the embryos could be stored for future implantation.

Mr MINSON: I understand the amendment and I sympathise with the member for Wagin. However, I propose to move an amendment along similar lines. Obviously I cannot support this amendment as well as my own, although in the event that my amendment is lost I would just as soon support the amendment under debate. The member can understand my difficulty. I understand the points of view of both the Minister and the member for Wagin, and that is the reason I propose to move a compromise amendment.

Initially, I believed some known limit on the storage of an embryo existed beyond which it was unsafe to keep such embryos. I understand now that it is believed there is no known limit, and that an embryo could remain frozen for a long time, be implanted, and survive. The process has not been in operation long enough to test that hypothesis, neither do we know at what point some change could take place. It may be that imperceptible changes could occur which would not show until the baby is born or later. For that reason, I would not like to see embryos stored for excessive periods. In normal circumstances, I would suggest that three years' storage is long enough. However, in many circumstances - one of which I will address during debate on the following amendment, if this amendment is not agreed to - it would be rather cruel of society to say to women that embryos cannot be stored beyond three years. Therefore, I am divided on this issue. I acknowledge what the Minister is trying to achieve but I also acknowledge the intent of the amendment moved by the member for Wagin. I do not support this amendment; however, I hope that the member for Wagin will support mine.

Mr WILSON: I note the comments of the members for Wagin and Greenough. A case can be made for allowing some freezing of embryos and for acknowledging that some freezing of embryos is beneficial for the wellbeing of the woman concerned as a result of a need for less intervention over time. However, our considered view is that three years is an appropriate time lag to allow couples to take up their options regarding any stored embryos. At the same time it reduces the potential for increasing problems associated with longer storage, such as the likelihood of embryos being unwanted, and the problems associated with the ever-increasing size of embryo banks, the increased costs of storage, or the legal disputes and potential for involved legal disputes over protracted times of storage. So again, while acknowledging the positive element in the amendment, I cannot accept it.

Mr KIERATH: Unfortunately, I cannot support the amendment. The problem created by the storage of frozen embryos must be faced. Such storage would only compound the problem; it makes it far easier to develop. We do not want a stockpile of frozen embryos. As the Minister said, the only need for frozen embryos would be to help the women concerned. If I had my way, embryos would not be frozen at all; they would be used only for implantation; frozen embryos would be kept only for the maximum term of one pregnancy. They would not be kept for use on an ongoing basis because therein lie many problems. This is the area where most problems occur with in vitro fertilisation. This argument can be upheld by the thrust of the Bill. The purpose of the Bill is to assist infertile couples to have children; the intent is not to set up a frozen embryo bank. A 10 year limit on such storage would make the situation worse.

Mr WIESE: The member for Riverton referred to developing a bank of embryos stored in a

frozen state. That is an emotional issue. The content of the Bill has not been taken into account. The member spoke of a situation in the past, prior to the introduction of this legislation, when we did not have such controls. As the legislation stands, embryos will be developed only for the specific purpose of implantation in specific women. That is what the legislation is all about. The relevant clause has been passed. The argument of the member for Riverton is not valid.

I accept that the Minister will not support this amendment but he must consider a situation where a woman must undergo a procedure which will leave her unable to produce eggs, and she has made a decision to develop a number of embryos - it might be half a dozen - to provide the opportunity of producing a family. One might be implanted and five others frozen for later use in the event that she either fails to conceive the first time or, if she succeeds, she may want another child at some future time. If this legislation restricts storage to three years, it will deny that family the opportunity of producing a second child somewhere down the line. That is neither fair nor sensible.

Mr Kierath: She can produce more eggs.

Mr WIESE: If she has had her ovaries removed she cannot produce eggs, and that may be the reason she is undergoing the production and storage of her own embryos. It would be grossly unfair in those circumstances to prevent that woman and her family having a child from their own genetic material.

Mr KIERATH: I cannot accept two comments made by the member for Wagin. First, that we are passing a series of rigid amendments. I cannot accept the interpretation that the member for Wagin is trying to put on my words. "With a view to" is a very general term. It would be far more rigid if the procedure were conducted only for the purpose of trying to help an infertile couple bear a child. One of the problems which is demonstrated by the member's own explanation is that the woman would produce multiple embryos, and that is the very practice I would like to stop; that would create alternative problems that we are dealing with now. I cannot support the amendment.

Amendment put and negatived.

Mr KIERATH: I move -

Page 43, line 25 - To delete "years" and substitute -

months, except as provided for by subsection (4)

This is one of the key issues of the Bill. A three month time limit would allow the use of cryopreservation for two main purposes: Firstly, to preserve the embryo when the woman who is to be implanted is not in a suitable condition for the procedure. It is important to acknowledge that there may be circumstances where the embryo cannot be implanted, and that is the only time where preservation should be allowed. Secondly, to enhance a successful implantation by waiting for a natural cycle when the effects of ovarian stimulation have lessened. This time frame would not allow the stockpiling of embryos, and if we could eliminate the bad practice of stockpiling embryos for possible use in the future we would not have the current problems. Either a three year or a 10 year limit would result in the steady accumulation of excess human embryos whose final destination would be the laboratory sink to be flushed away. The freezing of those embryos is a fairly hazardous procedure and over 50 per cent perish in the freeze-thaw process, which is neither therapeutic nor beneficial to the embryo. The authorisation of long term freezing of embryos would merely encourage the continued overproduction of human embryos and the use of hyperstimulation. The long term side effects of this process are causing concern among many women. The stimulants used appear to contribute to the poor success rate of IVF pregnancies. When we research the freezing of unfertilised eggs, especially in places where freezing of human embryos is discouraged or prohibited, we find that the first baby was born from frozen ova in 1986, just three years after the first baby was born after being frozen as an embryo. IVF clinics in Norfolk, Virginia, the University of Manchester, Hammersmith Hospital and other places have shown that comparative success rates can be achieved without the freezing of embryos. There are better alternatives to freezing; freezing of embryos is the lazy way out. The new technique of ultrasound guided ova collection lessens the stress associated with ova collection by laparoscopy. This legislation will set the parameters in which IVF practice in this State will operate. By prohibiting the storage of embryos the Bill could serve to

encourage the development of IVF practices that do not result in the wastage of substantial numbers of human embryos. Such practices may also prove more successful and less harmful to the participants. The exception provided by proposed subsection (4) allows for those embryos already in storage to be maintained until they are used in an implantation procedure in accordance with this Act.

Mr WILSON: I share some of the concerns expressed by the member for Riverton about the freezing of embryos. I have already indicated, in response to the proposed amendments by the member for Wagin, that we have restricted the period to three years in the light of those concerns and in trying to strike a reasonable balance between the positions taken in this debate by the members for Riverton and Wagin. But I cannot agree to this amendment by the member for Riverton because it is a matter of fact that restricting embryo freezing to three months is not a practical option, however much we may wish to rule out all the worst potential there may be in the general practice. When embryos are frozen for three months it will often be too early to require the choice of implantation or disposal. In seeking to find a term less than three years, three months does not allow time for that to occur. After a failed cycle, for instance, many women will not be psychologically ready to repeat the procedure as soon as three months later.

If the cycle is successful a three month limit would totally preclude the use of any frozen embryos for the purposes of adding to the family. Where the embryos are donated to another couple, in order to reduce the transfer of HIV and hepatitis B the current practice requires a six months' time lapse to ensure that the donors do not carry these viruses. That is by no means an easy consideration today.

Ultimately, egg freezing will be a better option. However, unfortunately it is currently not a safe or effective alternative to embryo freezing. All of those parties opposed to embryo freezing, IVF practitioners and patients, would prefer the successful development of the freezing of eggs, but no IVF unit in the world offers it as a viable alternative to embryo freezing. Even though two babies have been born following the freezing of ova, most IVF practitioners have been critical of this practice as all available evidence indicates that current freezing methods cause an unacceptably high proportion of genetic damage to the eggs and low success rates. Research on other processes - for instance, freezing at the early stage of ovum maturation - is progressing and egg freezing may be possible in the future. Alternatives will have to be examined at that time to solve problems associated with the freezing of embryos. While I understand and have some sympathy with the intentions behind this amendment, it is for those practical reasons that I must oppose it.

Mr KIERATH: The reason that a short time was specified in the amendment was to confine the cycle within one period of pregnancy. When we try to foresee what may happen in the future - and that is what we are doing when we freeze embryos - we are holding that process in suspension while time marches on. That is the key reason problems arise in this area. I acknowledge some of the queries raised by the member for Wagin. He wanted to know what would happen when a woman lost her womb. It would be exactly what would happen now. An event occurs, a pregnancy has begun and for some reason it does not continue. If a woman loses her ovaries, that is permanent. Storing an embryo causes problems as time passes. That is the reason we should confine the time an embryo is frozen to within the time of a normal pregnancy. The idea of collecting more than we need to cater for some possible future event will cause problems.

Amendment put and negatived.

Mr MINSON: The question of the length of time for which an embryo can and should be stored is a difficult one. It is for that reason I move this amendment. All of the matters to which I referred when discussing the amendment moved by the member for Wagin hold true in relation to this amendment. To all intents and purposes the period of three years specified in this clause is probably ample time; however, the member for Riverton is right when he says that freezing embryos creates problems. We must acknowledge, however, that conditions exist which would enable a woman with a perfectly functioning uterus, but who must have her ovaries removed, to become pregnant. A woman at the age of 20 years who has had her ovaries removed due to cysts or cancer should have the opportunity to have her own family. It is logical that the time limit of three years in this clause be extended to 10 years. Therefore, the time in which embryos can be frozen should be set at a limit of

three years with the option of extending that time to 10 years. That would mean, for example, that a 20 year old woman would have the opportunity to start her own family and would not have to have all of her children - if she wanted to have three children - in three years. It would be more acceptable to allow that woman to plan her family over 10 years. I understand that freezing embryos for 10 years would have no deleterious effects on the embryos. I do not envisage that a large number of people would be covered by this clause; however, it is an unnecessary impost on those people for this Parliament to say that they cannot have the opportunity to have more than one child, or not have the opportunity of planning their families. It is for those reasons that I move-

Page 43, line 25 - To add after the word "years" -

> unless in the opinion of the Council that good and sufficient reason be advanced by the proposed recipient to extend the period of storage but that the total time of storage must not exceed 10 years.

I now draw the attention of the Chamber to a preamble that I will move later on in which I will indicate that the practice of the storage of embryos be discouraged once a method of storage of ova is perfected. Obviously, the preferred option is to store the sperm and ova until the time they are required. The amendment is a compromise and allows for flexibility.

Mr WIESE: I support the amendment moved by the Deputy Leader of the Opposition. His amendment deals with the very situation that I was endeavouring to deal with in my amendment. Why does his amendment specify that good and sufficient reason must be advanced only by the proposed recipient?

Mr MINSON: I am not sure what the member for Wagin is concerned about. I am assuming that the recipient is also the donor and perhaps that is where I have made a mistake in my amendment.

Mr Wiese: It strikes me that there are two people involved in the production of an embryo.

Mr MINSON: I am happy for the member to move an amendment to insert the word "parents" in place of the word "recipient".

Mr Wiese: Why have you restricted the amendment to the recipient?

Mr MINSON: I have not restricted it for any reason; it is simply the way I have worded the amendment. The outcome is what motivated me to move the amendment and not that it would be the recipient who would lodge an appeal. I guess she would lodge an appeal on her behalf and on her partner's behalf. I would accept an amendment to my amendment if the member for Wagin wishes to move as I have suggested.

Mr WILSON: I oppose the amendment. In fact, this amendment is less acceptable than the amendment moved by the member for Wagin simply because it would require the involvement of the council in each case requesting more than three years. It would create quite a workload for the council. The Deputy Leader of the Opposition appears to be presuming a very high success rate in successful implantation of embryos. My information is that only one in every 10 is successful in being brought to full term. In fact with the number of embryos allowed to be stored we would not be able to measure up to those expectations. I do not want to repeat the reasons I gave when I opposed the amendment moved by the member for Wagin because they apply to this amendment also.

Mr KIERATH: I understand that the success rate for the implantation of embryos is about eight per cent. When my colleague suggested the two circumstances to justify a 10 year period he basically gave the situation of existing embryos in storage which is something that this Bill does not embrace. What will happen to the existing embryos once this Bill is enacted? My argument has been to shorten the period to stop some of the existing practices. If the 10 year period were to apply to embryos in storage when the legislation is enacted I would probably support it because it would allow a longer period to find a future for those embryos. The argument that it would deny a woman the opportunity to have another child has been used. The problem arises when we suggest that more embryos should be stored in case something happens in the future.

Mr MINSON: I am proposing the amendment for someone who wants an embryo stored for something that is about to happen. In other words, if a woman is told that her ovaries are to be removed it is possible to stimulate her ovaries, fertilise the ova, and thus collect embryos.

The success rate in IVF is probably known by someone, but I am sure it is not known by anyone in this Parliament. I have heard so many percentage success rates that probably the truth lies somewhere in between those figures. I have had people in the industry tell me that the success rate approaches that of the natural conceptions, but I do not believe that. Similarly, I have difficulty in believing that the success rate is eight per cent. If that is the case, we should not be introducing this legislation. At the outset I said we should not have an in vitro fertilisation program at all, but we acknowledge that in reality we do have it.

The second point the Minister raised concerned the workload of the council. I am happy to countenance some ethical body which would view these cases. I do not think there would be a queue a mile long because only a few people would be involved. The time period of 10 years is negotiable and on current evidence there is unlikely to be a deterioration of the embryo in storage in that time span. As I understand it the damage to the embryo is caused at the point of freezing or thawing and not during the process in between. Ten years is a sensible time and it overcomes the problem I referred to earlier. I might add that I have not been very fussed about many of the amendments to this legislation and I have not been particularly concerned about some that I have moved. They are simply tidying up the loose ends. However, this is a worthwhile amendment and I feel strongly about it and I am sorry that the Minister does not agree with it.

Mr WIESE: Regardless of whether the success rate of the in vitro fertilisation procedure is eight, 10, 15 or 16 per cent, is it not a condemnation of the fact that we are closing the doors on further research work which will enable the success rates to improve? For further improvement to the success rate for IVF procedures and reproductive technology in Western Australia we will have to depend on research work carried out interstate or overseas. We are creating a very sad situation. I support the amendment moved by the Deputy Leader of the Opposition because the time span of 10 years is realistic. Everyone involved in the IVF procedure admits that it is stressful, especially for the woman. This amendment will give her time to recuperate and to assess what she has gone through if the procedure has been unsuccessful. If she desperately wants a family this amendment will provide her with the opportunity to proceed with the IVF program a few years down the track.

Mr KIERATH: This gets to the heart of the question. People want to store embryos because of the low success rate of implantation. The philosophy that the hit rate of embryos is so low that we need to create plenty of them is precisely what creates the problem. If there were a high success rate one embryo could be used and the problem would be solved. The low success rate of eight to 15 per cent encourages the storage of embryos. It is the storage of embryos that is creating all the problems.

Amendment put and negatived.

Mr KIERATH: I move -

Page 44, lines 5 to 6 - To delete "allowed to succumb" and substitute -

made available for the purpose of providing treatment for a specific recipient

Mr Wilson: I accept the amendment.

Mr MINSON: I support the amendment as one of the intentions of this Bill is to give embryos created by the IVF program every opportunity for implantation and survival.

Amendment put and passed.

Mr KIERATH: I move -

Page 44, after line 10 - To insert the following subclause -

(4) Any egg in the process of fertilisation or embryo which is in storage at the commencement of this Act may be maintained in storage until it is used for a purpose authorised by this Act.

This is a consequential amendment to the three month freezing period and should not have been moved.

Mr MINSON: I am concerned as to what will happen to eggs and embryos already in storage. Does the three year period commence from the proclamation of the Bill or do we count backwards and destroy all embryos now stored that are older than three years?

Mr WILSON: As I understand it, the three year period will apply to all existing embryos from the date of proclamation of the Bill.

Mr Minson: So if they are five years old they will be destroyed?

Mr WILSON: Yes.

Mr KIERATH: This was one of the important elements of the Bill; that is, the differentiation between embryos in storage and those not in storage. I would not mind the 10 years applying to those in storage if a suitable use could be found for them.

Amendment, by leave, withdrawn.

Mr WIESE: I find it strange that the amendment was withdrawn as I believe it dealt with a difficult situation. Had the amendment been allowed to stand it would have dealt with the problem of embryos in storage. It would have allowed existing eggs to be used by infertile people. At no stage of the debate has any member indicated any doubt about the ability of frozen embryos to survive for 10 years or longer. The amendment would have made a worthwhile contribution to the Bill by allowing existing embryos to survive. However, they will now have to be disposed of after three years. The amendment would have allowed those embryos to be kept in storage and eventually be used for implantation at some stage in the future in people who, for whatever reason, were unable to produce embryos using their own gametes from either the father or the mother. My comments are unfortunately too late.

Mr Wilson: Would that require the consent of the parents?

Mr WIESE: It would, yes.

Mr Wilson: What if they did not consent?

Mr WIESE: The situation would be exactly where we are at the present moment. If, rather than keep them in storage - they have to succumb within three years - we gave the persons for whom those embryos had been created an opportunity to agree to their being implanted in some other person at some future date, 99 times out of 100 they would agree. I am surprised that instead of allowing them to be used in future we ensure that the embryos are destroyed at the end of a three year period.

Mr Wilson: Not destroyed; they can still be donated.

Mr KIERATH: I should explain to the member for Wagin that in the previous amendment we included, "except as provided for in subsection (4)." If we were to do what the member for Wagin is suggesting, or what the Deputy Leader of the Opposition is suggesting, we would need to insert there, "except as provided for in subsection (4)." That would allow an indefinite time period for those existing embryos to remain in storage. That was the point I was trying to make previously when I differentiated between those currently in storage and those which will be in storage when this Bill becomes an Act. That was important. We cannot now go back and insert those words, because my amendment was defeated. We do not have the opportunity now to bring this amendment in here.

Clause, as amended, put and passed.

Clause 25 put and passed.

Clause 26: Control, dealing and disposal in relation to an egg in the process of fertilisation or an embryo -

Mr KIERATH: I move -

Page 45, line 11 - To add after the word "embryo" -

that is outside the body of a woman

Mr Wilson: I agree to that amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 27 to 34 put and passed.

Clause 35: Notice and coming into operation of directions and conditions -

Mr WIESE: I move -

Page 59, line 15 - To delete "and".

Page 59, lines 20 and 21 - To delete "or to be served on the licensee." and substitute -

; and

(d) shall be served on each licensee.

The first amendment is necessary in order to accommodate the second amendment.

Point of Order

Mr WILSON: This matter relates to an amendment to clause 16 moved by the member for Wagin which was defeated. This amendment would have been consequential on the amendment to clause 16 succeeding. As that amendment did not succeed and it is no longer relevant, I cannot see how the Committee can spend time on this amendment because it is not consequential on anything now.

Mr WIESE: I do not believe this amendment is consequential on the previous amendment at all. It is an amendment which stands completely on its own. It refers to serving notice on licensees.

The CHAIRMAN: It is not the job of the Chair to rule whether an amendment is consequential. I shall simply observe it is up to the Chamber to decide that in debate on this amendment if the member plans to proceed with it.

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by Mr Wilson (Minister for Health).

[Continued on p 3035.]

[Questions without notice taken.]

Sitting suspended from 6.00 to 7.30 pm

TREASURER'S ADVANCE AUTHORIZATION BILL

Message - Appropriations

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

Second Reading

Debate resumed from 6 June.

MR MacKINNON (Jandakot - Leader of the Opposition) [7.34 pm]: Some time ago in this Parliament I said that this Government is a leopard that has not changed its spots. This Bill highlights just that. It did not surprise me when the member for Morley said, in his letter of resignation indicating that he would not stand for Parliament at the next election, that he did it because "present conventions by which the practice of politics is now conducted in Western Australia" prevented him from doing so.

Dr Lawrence: He might have been talking about your performance.

Mr MacKINNON: This Bill gives him an example of that. He is not resigning from the party that I represent.

Mr Lewis: He was talking about you and your administration.

Mr MacKINNON: Absolutely. I would not sit there smugly when two Independents from the Labor Party are sitting on the crossbenches, another member has resigned and has been replaced by the new member for Geraldton and with the member for Morley having resigned because he does not want to be part of this Government. The member for Morley should follow the lead of the member for Perth and sit as an Independent for the balance of his time.

What is this Bill about? I will quote from the first paragraph of the Treasurer's speech to give an indication. I will then explain why this Bill clearly relates to the type of Government that I have talked about and of which the member for Morley has such an abhorrence. The Treasurer said -

> The Treasurer's Advance Authorization Bill authorises the Treasurer to make withdrawals from the public bank account to provide advances for authorised

> purposes chargeable to the Treasurer's Advance Account within the monetary limit available for the financial year commencing 1 July 1991.

The key words are "to provide advances for authorised purposes chargeable to the Treasurer's Advance Account within the monetary limit available for the financial year commencing 1 July 1991." This is a straightforward and simple Bill; it is only four pages long. However, the Government could not even comply with that! The Auditor General pointed out that this Government contravened that legislative direction in both 1987 and 1988. In his report dated 28 October 1988 relating to the 1987 advance, he said -

> As disclosed in the Notes to Statement No. 13 - Treasurer's Advance Statement of Balances Unrecouped As At 30 June, 1988, total drawings against the Treasurer's Advance Account at June 30, 1988 exceeded the authorised limit of $210 000 000 by $1 369 273.

The same thing happened the following year. In the following year when that happened, the Auditor General again drew attention to that matter and in his report to this House, recommended -

> That the Treasurer implement procedures by which control can be exercised to ensure that State entities comply with the limits authorised by Parliament.

In each of those two years, clause 6 in the Treasurer's Advance Authorization Bill asked the Parliament to retrospectively increase the authority granted by the Bill. The 1989 Bill, in referring to the 1988 advance, said -

> Section 4 of the *Treasurer's Advance Authorisation Act 1990* is amended in subsection (1) by deleting "$200 000 000" and substituting the following -
>
> "$285 000 000".

That is because of the abuse of that advance account by the Government to fund WA Inc payments, and that is why we criticised that at the time.

Mr Lewis: Covert.

Mr MacKINNON: Exactly. Because it did not have to come to the Parliament; the Government could get away with it and seek retrospective endorsement for it through the legislation. The same thing happened in 1987. In both of those years, the Government did not use the proper procedures of the Parliament; in other words, it came to this place with the Budget Bill and sought a separate allocation. Members will recall that in the debate in the Parliament, the Leader of the National Party indicated - we agreed with him - that the National Party would no longer support any approach by a Government to this place with a special Budget Bill, as it did in an unusual circumstance like the WA Inc activities, so that we would debate that matter by itself and not as part of the Budget. In 1987 and 1988 the Government contravened the normal standards of Parliament by seeking in an ulterior way to allocate funds so that it did not have to come to Parliament. We know from evidence given at the Royal Commission that that is exactly what the former Premier, Brian Burke, did not want to do with regard to Northern Mining Corporation NL. There is no doubt that the same thing happened elsewhere; that is, that the Government deliberately took steps in relation to Northern Mining, Rothwells, the petrochemical project and other deals whereby it could allocate funds without seeking the approval of Parliament. Of course, that did not happen in 1989 with regard to the 1988 accounts because that was an election year and the Government did not want the people to know about it. That is how it was covered up. The Bill we are debating tonight seeks under clause 6 to do exactly the same as the Government did in 1988-89 with regard to the previous year's legislation. Clause 6 states -

> Section 4 of the *Treasurer's Advance Authorization Act 1990* is amended in subsection (1) by deleting "$180,000,000" and substituting the following -
>
> "$200 000 000".

We are asked to authorise that retrospectively, and what explanation are we given to justify it? The second reading speech states -

> Clause 6 of the Bill seeks an increase of $20 million in the monetary limit authorised in the financial year ending 30 June 1991. A number of unforeseen and unavoidable expenditures have already arisen during the year, particularly the need to supplement

the limit to provide funding for the new Department of State Development. This additional expenditure, in the order of $18 million, will be offset by savings in the Budget provisions of the agencies absorbed into the new department. The expenditure has been authorised in accordance with the Financial Administration and Audit Act and will be submitted to Parliament in the normal way via the 1991-92 Appropriation Bills.

My question is: What are the "number of unforeseen and unavoidable expenditures" which have already arisen during the year?

Dr Lawrence: It is described in the second reading speech.

Mr Lewis: Is that the only one?

Dr Lawrence: Yes, on the advice of Treasury, that is it.

Mr MacKINNON: I do not think the Treasurer is as intelligent as she makes out. Her second reading speech clearly refers to "a number of" and not to one. It refers to "expenditures" in the plural, that "have already arisen during the year, particularly the need to supplement the limit to provide funding for the new Department of State Development." That suggests there were others. How much relates to the new department, and how much is for other matters?

Dr Lawrence: My advice from Treasury is that it is for the Department of State Development. You will appreciate that that is a conglomeration of a number of smaller agencies and it was not provided for by line item in the Budget. That is the simple amendment the Government seeks. You might want to look for conspiracies, but there are none. I am happy to provide officers from the department to speak to you about this matter. I can understand why the Opposition wants to look for conspiracies everywhere, but this is a very straightforward matter.

Mr MacKINNON: I do not think it is straightforward to ask the Parliament to authorise retrospectively expenditure of this order when the only explanation given is that the Treasurer has been advised by Treasury. She is the Minister who presents the Bill to the Parliament and who, as Treasurer, is responsible for this legislation. It is not good enough for her to say that she has been advised; why has she not bothered to find out for herself? She states that she is advised that this is the only expenditure; I want to know what are the others. Does the expenditure relate only to the Department of State Development? Why is it necessary to authorise an additional $18 million for a new department that will supposedly save money?

Dr Lawrence: If you read the Bill carefully you will see that a number of departments - such as the Department of Regional Development and the North West and the Department of Resources Development - have been amalgamated and they have line items. The Bill states that it will be recouped.

Mr MacKINNON: Where does it say that?

Dr Lawrence: It states that the additional expenditure will be offset by savings in the Budget provisions of the agencies absorbed into the new department. The expenditure has been authorised in accordance with the Financial Administration and Audit Act and will be submitted to Parliament in the normal way via the Appropriation Bills. Savings will be identified in the Budget because those organisations no longer exist. It is a simple requirement to comply with the Act. If you want to see any other motive in this, you are welcome to do so, but you are wrong.

Mr MacKINNON: I want to see more accountability to the place that counts - the Parliament. I want some accountability for the answers given. The Treasurer referred in her second reading speech to a number of expenditures and not just one. I want to know why an amount of $18 million is required, and whether anything else is included in the $20 million. It may well be that the Treasurer's statements are correct and that a large proportion of the $18 million referred to applies to the Department of State Development. However, what does the other $180 million cover? It could well be that some other payment is included in that amount, such as the WA Inc payments that have previously been made. It could include some line items not accounted for in the Budget and we shall not know that until the Budget papers are brought down. It is not appropriate for this Government to seek support for this

legislation when not one skerrick of evidence is provided or information given to justify this retrospective approval. The Parliament has been provided with information about only one item of expenditure. The Premier has a responsibility, as Treasurer, to provide a better explanation than that provided to date as to why the Parliament should accept her explanation and endorse this Bill as it proceeds through the Parliament. It could be that a range of other expenditures would have led to a great deal of questioning in this Parliament had the Treasurer made available to this Parliament the information which she clearly is not willing to provide.

The Opposition will not oppose this legislation. The Government has involved itself in an unprecedented practice; it did not happen until the Labor Party took office. In 1988-89 the Auditor General highlighted this practice and asked the Treasurer to put the Government's house in order. He requested -

> That the Treasurer implement procedures by which control can be exercised to ensure that State entities comply with the limits authorised by Parliament.

Why cannot the Government do that? It apparently was done for years by previous Governments but the Labor Party Government cannot seem to manage it. The Treasurer's only answer to queries raised is that "I am advised". No details are provided. That is not appropriate. I am sick of hearing the explanations being dished up in this House. We are hearing the facts provided in the Royal Commission and not the fiction which is so often presented in this Parliament. We need more facts in this place. We should have a proper parliamentary process whereby the Government is accountable for its actions.

Mr Donovan: Which Government set up the Royal Commission? Which Treasurer put her professional reputation on accountability?

Mr MacKINNON: Perhaps the member interjecting could tell me what "present conventions by which the practice of politics is now conducted in WA" have forced him to the decision not to continue in this Parliament.

Mr Wilson: He has not decided not to continue.

Mr MacKINNON: The member has said he will not contest the next election.

Mr Donovan: You spent 12 to 18 months arguing for a Royal Commission. That is all you argued for and the reason you have a problem with your own party is that you have been unable to seek anything other than a Royal Commission.

Several members interjected.

Mr MacKINNON: The member for Morley spent 12 to 18 months defending the indefensible - defending that Government which refused, under successive Premiers, to have a Royal Commission; yet the member for Morley sits here now, trying to pontificate, but is not prepared to tell us the "present conventions by which the practice of politics is now conducted in WA" which forced him to the conclusion that he could not stay here any longer. I am not surprised that the member for Morley cannot stay in this House. If I had to sit next to the people whom the member for Morley has to sit next to in this House, I certainly would not want to stay here either! However, the member for Morley should reconsider his decision to resign because half of his colleagues will not be here after the next election - probably the worst half will have gone - and the member for Morley will be able to sit next to a bunch of reasonable people, even if their numbers have been depleted.

Mr Donovan: Let me tell you, because I would only say something like this when you are in the House, whereas you make references to me when I am not here, that those conventions include you and your party.

Mr MacKINNON: I do not know that I have ever done that. This is the first time that I have heard of a member of a Government who has been forced to resign from the Parliament. I think we are succeeding beyond our wildest dreams. We have not even had an election and we have won the seat of Morley!

The point I was making - and the member for Morley is trying desperately to divert attention from this fundamental issue - is that if we are to have a Parliament which does its job, with or without the member for Morley, we must have a Government that is accountable to the Parliament.

Several members interjected.

The SPEAKER: Order! If you keep baiting the member for Morley I cannot keep stopping him.

Mr MacKINNON: With or without the member for Morley, we cannot have accountability if the Government is not prepared to explain legislation that brings about retrospectivity. I hope we will hear in the debate tonight, firstly, some comment from the Treasurer about why we have not been given that explanation; and, secondly, some contribution from the member for Morley about the present conventions in his own party which forced him to resign, and about whether he supports the Treasurer.

MR COURT (Nedlands) [7.52 pm]: In recent years, as has been pointed out by the Leader of the Opposition -

Mr Donovan: There is your problem - he is on his feet now!

The SPEAKER: Order! You are my problem at the moment.

Mr COURT: I will remember his example when he is in your position, Mr Speaker, and I will abide by the same rules.

Mr Donovan: I know we can count on it.

Mr COURT: I know it has been a testy day for the member for Morley.

In recent years the Treasurer's Advance Account has been abused as a result of the WA Inc dealings, where from time to time the Government has found it necessary to slip in an extra $5 million, $10 million or $50 million here or there. As a result, after those events were over, we were given an assurance by the Government that when it required large sums of money for a major bail out operation, it would come to this Parliament with special legislation to seek approval for that expenditure. We should never let slip by in debate on this Bill the abuse of the Treasurer's Advance Account. I find it remarkable that the Treasurer's second reading speech gives no detail about the "unforeseen and unavoidable expenditures" to which the Treasurer referred. Part of the operations of the Treasurer's Advance Account is just for those reasons - it is for unforeseen and unavoidable expenditures.

Dr Lawrence: That is right; which are brought to the attention of the Parliament at the appropriate time.

Mr Lewis: After the fact.

Dr Lawrence: It is always retrospective, by definition, as the member for Nedlands would understand, because we are seeking an appropriation.

Mr COURT: The Appropriation (Consolidated Revenue Fund) Act for 1990-91 spells out the advances to the Treasurer for 1989-90, but in this case the Government is asking for an increase of $20 million. Part of the reason for that increase in unforeseen and unavoidable expenditures is the establishment of the new Department of State Development. It is remarkable that we have had six changes in six years in this portfolio. When the former Deputy Premier, Mr Bryce, started off -

Mr Lewis: What was it called then?

Mr COURT: I have completely lost track. A public servant has sent me a chart of the changes in the State development portfolio over the past six years. Mr Parker wanted to have a super department, so he amalgamated a number of departments, but that had been in operation for only a short time when the Government pulled them all apart again. The Government has now put them back together under the new Department of State Development. I cannot understand how there can be any unforeseen or unavoidable expenditures in the creation of the new Department of State Development.

Dr Lawrence: You have to look at the Budget for last year. Is there a line item which refers to the Department of State Development? The point I was trying to make to your leader was that there is no appropriation for the Department of State Development because it did not exist, and under the Financial Administration and Audit Act we need to appropriate the funds for the Department of State Development, which is a new entity. The funds which then are "saved" for the six months during which the other former individual departments do not exist then go back into the Consolidated Revenue Fund. It is not a complicated concept.

Mr COURT: It is not complicated, but perhaps the Treasurer can explain why we no longer have all these other departments operating -

Dr Lawrence: We could not appropriate funds for that purpose because the Parliament had not approved it. The entity did not exist.

Mr MacKinnon: The Government may have changed the name of the department so that it can make a saving in this year's Budget and will be able to balance the Budget, and it can cook the books by then retrospectively approving the Treasurer's Advance.

Dr Lawrence: Have a look at the FAA Act to see whether we can appropriate funds for a department without our going through a motion such as this.

Mr COURT: I will be watching very closely the expenditure of the new Department of State Development compared with the expenditure of the former individual departments.

Dr Lawrence: So you should.

Mr COURT: What concerns me the most is that even with all the hullaballoo after we have gone through another change, the new super Department of State Development is not working. The feedback we are getting through the Public Service and from the private sector is that what we were promised about a one stop shop, where if a person wanted to get a development off the ground, he could walk into the Department of State Development and instead of his having to deal with five different departments he could deal with only one department, which would steer through the project, is not working. About 400 people work in the Department of State Development. When the former member for Floreat, Hon Andrew Mensaros, was responsible for the same portfolio, he had only a handful of people - about 20 or 30.

Dr Lawrence: That was a very different department.

Mr COURT: I will tell the Treasurer what was different about it. That department was getting developments off the ground, and employing only a handful of people.

Dr Lawrence: I understand the member's argument. Has the legislative framework changed since then? Has the attitude of the Opposition not changed? Who is holding up the major projects, or attempting to - members of the Opposition! The member should look at his own members. What about Hepburn Heights? What is the Opposition doing there?

The SPEAKER: Order!

Mr COURT: The point I want to make is, not only does the Government have 370 people working on the project but also it has this new level of bureaucracy - whether it be in regard to problems with Aboriginal affairs or with the environment.

Dr Lawrence: As is reasonable to expect in the current economic climate, and as is reasonable to expect with the new department from which we expect efficiencies. When the public sector unions go to the Leader of the Opposition and ask the Opposition to kick the Government for reducing the size of the Government sector, can we expect the Opposition to support us and not them? The answer is, no.

Mr COURT: I am saying that with a handful of people, we got projects off the ground. With 370 people, plus another bureaucracy - that is, the environment and Aboriginal affairs - the Government is getting nothing off the ground. Is something wrong? The Deputy Premier said in this place that the new Department of State Development would be fast-tracking projects. We have not seen that. We have seen delays. The Marandoo project, which should represent the simplest approval ever in this State, has been held up nine months. The company involved cannot even put a survey peg in the ground.

Dr Lawrence: The Opposition encouraged the Aboriginal Legal Service, among others, in its fight against the brewery. It was good fun to see the Government kicked in the head; now that a private company is involved it protests - and rightly so. We tried to take action 12 months ago.

Mr COURT: The Government created the problems.

Dr Lawrence: The legislation has been in existence since 1972.

Mr COURT: The Treasurer is making excuses about not being able to get projects off the ground. The members for Northern Rivers, Ashburton and Pilbara know that projects such

as Marandoo are non-controversial. The Treasurer has been to those areas; she has looked at the land. Twenty one members of the Opposition have gone up there.

Dr Lawrence: The impediments are not governmental. You should talk to the company involved.

Mr COURT: The Treasurer and the Minister for State Development have the responsibility to get the projects off the ground. The Treasurer and the Minister have that responsibility - not the 370 public servants in the department where we have seen unavoidable and unforeseen expenditure.

Dr Lawrence: What is the obstacle?

Mr COURT: The obstacle for the Marandoo project is an Aboriginal problem - that is the monster the Government has created up there.

Dr Lawrence: That Act has been in existence since 1972.

Mr COURT: The Government encouraged certain groups. How do we get the project off the ground?

Dr Lawrence: Remember Noonkanbah?

Mr COURT: Yes. And remember Senator Peter Cook's former wife telling us how it was stage-managed. Do members remember the sacred sites at Noonkanbah? The truth came out eventually. At least people knew where they stood with us. The Government is saying that we have a recession, that we have high levels of unemployment; that things are not good, and that we must pull together. The Government has put out a glossy brochure to tell us how to live in a recession. The Government has created a pretty good climate in this State! The Treasurer goes to functions and glibly says that we need a strong mining industry. That is all the Treasurer says; she does nothing to help people. All the issues that come to this place are designed to make it more difficult to get projects off the ground. The Government cannot even get a simple iron ore project off the ground.

Mrs Buchanan: What about Marillana? That includes extensions.

Mr COURT: They are very small extensions. We are talking about the second generation of iron ore projects going ahead in this State. If Marandoo does not go ahead, Tom Price will have a limited life. I am sure the Treasurer will agree that when we have a one-stop shop, the Department of State Development - which is meant to be making it possible for companies to invest - we do not need to attract CRA to invest. That company wants to invest. The Government is not doing its part to ensure that the necessary approvals are made.

Mr Donovan: It is balancing other issues. Your father was never prepared to do that. Your father was prepared to stamp on people in this State.

Mr Kierath: We have heard more from the member for Morley tonight than during the last six months.

Mr COURT: That is right. Does the member believe that developments in the 1960s, the 1970s and the early 1980s did not take into account the environment and Aboriginal problems?

Mr Donovan: Many of those developments were important -

Mr COURT: One does not have to spend a year making up one's mind about the Marandoo project -

Mr Donovan: Is the member asking me, or is he trying to put my answer in his mouth? Some of those projects were valuable and important to the State. The Government led by the member's father had absolutely no understanding or sensitivity about environmental and social issues that from time to time may have been involved. Noonkanbah will go down in the history of this State as the epitome -

Mr COURT: Of leadership!

Mr Donovan: - of the jackboot.

Mr COURT: Government members sit back and say that the Liberal Government did not have any concern for the environment or Aboriginal issues. That is absolute nonsense. The member has tried to create the impression that if one belongs to the Liberal Party that person

does not give a damn about Aboriginal people. I put to the member for Morley that the plight of the Aboriginal people in this State is worse now than it was when his Government came to power eight years ago. The member could not go to Kalgoorlie, Fitzroy Crossing, Roebourne and other communities and tell me that the living conditions of Aboriginal people are better today than they were eight years ago. The Government has poured millions of dollars into the problem and only made it worse.

To return to the legislation under debate, the Department of State Development has grown in size. We have a huge bureaucracy; it is bigger and involves more people working on fast-tracking projects. However, the more people involved the longer it takes for approval.

Mr Donovan: Your father's Government said that Aboriginal people at Noonkanbah -

The SPEAKER: Order! If the member for Morley cannot come to order I suggest that he either go out and get a cup of tea or coffee or read Standing Order No 73.

Mr COURT: If the member for Morley wants to compare our track record on Aboriginal matters, as individuals or as a party, with the Government's record, we will willingly accommodate him. We will not accept members on that side of the Parliament saying that because we are in the Liberal Party we do not care about Aboriginal issues. Nothing could be further from the truth. The member for South Perth knows a lot about Aboriginal issues; he has spent a lifetime working with those people. He is appalled by the current situation in those communities.

If the Treasurer were to sit down with the Minister for State Development she would realise that the most recent reshuffling of that department has not worked. That department does not have the confidence of the private sector.

Mr Lewis: Should not they also sit down with the member for Morley and ask him why he has not got the courage of his convictions?

Mr P.J. Smith: What a snide thing to say; can't you do better than that?

Mr Lewis: The member for Morley has not got the courage of his convictions.

Mr Donovan: What do you know about convictions?

Mr Lewis: You are all talk.

The SPEAKER: Order! It may be a good tactic to get the member for Morley to keep interjecting, but if members implore him to interject I will not use Standing Order No 73. If he interjects on his own accord, I might.

Mr COURT: The State Development Authority is obliged to pay "unforeseen and unavoidable" expenditure resulting from the latest accord. Can the Treasurer tell us whether the additional costs involved in the payments to 370 people are part of the expenditure we are being asked to approve today?

Mr C.J. Barnett: If it is $60 million for a year, $18 million would just about cover the year.

Mr COURT: That would be across the board.

Mr MacKinnon: It is creative accounting. The Government creates a new department, whacks up the expenditure under a new division, and that gives it a $20 million or $30 million windfall in the Budget.

Mr COURT: The Treasurer referred to the Building Management Authority in her second reading speech. One of the areas of concern about the BMA is that in the current downturn the Government has cut back on its Capital Works Program; and because it is having difficulty keeping the work force at the BMA busy, the Government has started to try to win jobs from the private sector. We are getting feedback from many companies in the private sector that find themselves in direct competition with the BMA, which is undercutting them to pick up the limited amount of work available. Of course, the BMA is in a privileged position being close to the Government; it knows in advance what jobs are coming up. A year or so ago the BMA was involved in tendering for a few small jobs, now it is becoming involved in the larger projects coming through. For example, new prison facilities will be built or expanded. One is in Albany - I am not sure of the other location - and the Minister responsible has said that the BMA will build those new prisons. However, the Department of Corrective Services is saying that it does not want the BMA, it wants a professional in that

area to construct the projects. The Government is trying to justify the continuing operations of the BMA and is taking work away from the private sector. The Treasurer must realise that if these Government departments continue to deliberately take work off the private sector, it will only transfer the problem to the private sector. We firmly believe that the Government is not getting the best value for its dollar if the work is carried out by the BMA, rather than the Government's going into a competitive marketplace. That problem is now showing up in a number of departments.

Dr Lawrence: What would you propose in relation to the BMA? Are you suggesting that it should be privatised?

Mr COURT: This is what I said -

Mr MacKinnon: You missed what he said; you were not here.

Dr Lawrence: I had to go out briefly to get some material, but the relevant question needs to be put, and the answer must be given to the unions involved. Would you propose that it be privatised - that that side of its operations go entirely to the private sector?

Mr COURT: If the Treasurer had listened, I said that in the current downturn her Government has delayed capital works; it has run out of money.

Dr Lawrence: On the contrary.

Mr COURT: There is not the same level of activity, so to keep the BMA and other Government departments at the same staffing level, work that was previously carried out by the private sector is now being carried out by government authorities such as the BMA and the Main Roads Department. In the Kimberley the private sector was geared up to do a certain amount of work every year for the Main Roads Department. Now it is finding that the contracts -

Dr Lawrence: Our expenditure on roads has been well above inflation each year; it goes over 10 per cent each year.

Mr COURT: The Main Roads Department is tendering for contracts and it is winning more of these jobs as it is able to tender at a lower price because it does not have to justify the same cost recoveries as the private sector.

Dr Lawrence: Yes, it does.

Mr COURT: I am told that the private sector does the same amount of work for 60 per cent of the cost of the Main Roads Department.

Dr Lawrence: What is your remedy?

Mr COURT: When there is a downturn and a cutback in the amount of activity, the Government tries to justify keeping those departments operating. The Treasurer must realise that when she takes work from the private sector she causes a lot of pain in that section of the economy.

Dr Lawrence: If the member for Nedlands is saying that the work force of the Main Roads Department is 40 per cent less efficient than that of the private sector, is he suggesting that it be abandoned? Presumably that would be the same in good or bad times. It is a very important question.

Mr COURT: It is important. If the private sector can do the work more efficiently it makes sense for it to do the work.

Dr Lawrence: Would you get rid of the day labour force?

Mr COURT: The Minister for Services said he would get rid of the day labour force.

Dr Lawrence: Is that what you are recommending?

Mr COURT: The Treasurer is trying to get me to say something else, but I am saying there would be a role for a limited day labour force.

Dr Lawrence: You cannot take them on and off; they are either on or off.

Mr COURT: The Minister for Services is running around all the different departments saying, "Quick, take work off the private sector; give us some work." He is asking departments whether they want any jobs done in areas that do not require capital expenditure because he has men and women looking for something to do.

Mr Strickland: Don't let the schools hear that.

Mr COURT: That is right, because they cannot get the most basic maintenance work carried out.

Dr Lawrence: During the building boom it was not possible to get the private sector to do school and road maintenance. As a former Minister for Education, I know that.

Mr COURT: When things are buoyant, they work nine days a week.

Dr Lawrence: Are you recommending the abolition of the day labour work force? You are not prepared to say whether you are because you are trying to get cosy with some of the public sector unions.

Mr COURT: The Treasurer's own Minister wants to get rid of the day labour force. He said if there was no work -

Dr Lawrence: He said they should be more efficient.

Mr C.J. Barnett: He gave them six months.

Mr COURT: The Minister has said it publicly.

Mr McGinty: No, I have not.

Mr COURT: The Minister said if they cannot find work he could not keep them.

Mr McGinty: That is not right at all.

Mr COURT: What did the Minister say?

Mr McGinty: I said that they must become more efficient and that is the big difference between your approach and ours. We would put the emphasis on making the public sector more efficient rather than simply handing the work over to the private sector.

Dr Lawrence: Which is what the member for Nedlands is proposing, but he is not prepared to put it on the parliamentary record.

Mr COURT: In the eight years in which I have been a member of this House, I have often heard that excuse.

Mr MacKinnon: What about Stateships?

Mr COURT: Yes, every year the Government promises that Stateships will become profitable the next year, but losses have kept building up. That is the point I want to make about the State Development Authority. The Government has revamped that body for six out of eight years and there has been no improvement in the performance of that body. Projects are not being approved and new capital investment is not being attracted to this State. The Treasurer knows only too well that we will do everything to assist her and her Ministers in attracting new investments to this State.

Dr Lawrence: Only when it suits you. You will support this project and not support that project and stop regional development when it suits you. There is no consistency in your approach.

Mr COURT: I conclude by repeating the comment I made at the beginning of my contribution; that is, that in recent years the operation of the Treasurer's Advance Authorization Bill has been abused by members opposite. Fortunately, after a few years of that abuse we were able to receive a commitment from the Government to ensure that major and extraordinary items, such as bail-outs of corporations, should be approved by the Parliament in separate legislation instead of using this Bill as a means of handing out the money and having that action approved later on. The purpose of this account in the first place was to provide funds for extraordinary expenses, such as paying for the damage caused by earthquakes or when the Treasurer needs funds immediately. This legislation is an important part of the operations of this Parliament. However, it has been abused in the past and we want the Government to take a different attitude to its operations. I agree entirely with the Leader of the Opposition when he said that instead of just glibly saying, as was stated in the second reading speech, that a number of unforeseen and unavoidable expenditures have already arisen during the year, it would be proper for the Government to outline those expenditures to the Parliament.

The SPEAKER: Before putting the question, and in case other members wish to speak on this matter, I draw members' attention to my failure to do my job as well as I should. Standing Order No 133 indicates that this Bill is not similar to the Supply or loan legislation and, therefore, debate cannot be as wide ranging on this Bill as it would be on those two pieces of legislation. Having said that, at least two speakers have already ranged widely in debate on this Bill and some subjects may have been touched on to which members may like to reply. However, if that forms the basis of a member's speech I will ask him or her to desist. Any member who speaks on this Bill from now on must address his or her remarks to the Bill.

Points of Order

Mr COURT: Mr Speaker, I seek an explanation. I appreciate your ruling that a wide ranging debate on public affairs cannot take place on this Bill. However, we are attempting to authorise the expenditure of large sums of money and we do not know on what those sums of money were specifically expended. It is all very well to say during the second reading debate that there have been unforeseen and unavoidable expenditures when asking for money to go towards those expenditures. However, the Government cannot have it both ways. Should members simply say that the Government can have $20 million even though they do not know what it is being spent on?

The SPEAKER: Is the member asking for an explanation or making a point of order?

Mr COURT: I am seeking an explanation. I appreciate that we have been given some idea in the second reading speech about what the money is to be spent on. However, I find it difficult to agree to approve the allocation of this money without knowing what specifically it is for.

The SPEAKER: It is my view that the bulk of the member for Nedlands' speech would have been acceptable under normal circumstances. I am not as convinced about the contribution made by the member who spoke before the member for Nedlands. I hope that explanation will be of some benefit. I do not want to restrict the debate but I do not want the debate to be as wide ranging as it is on the loan legislation.

Mr BLAIKIE: Standing Order No 133 states -

> No Member shall digress from the subject matter of any question under discussion: Provided that on the motion for the second reading of an Appropriation, Loan or Supply Bill, for expenditure for the ordinary annual services of the Government, matters relating to public affairs may be debated.

I understand the ruling that you, Mr Speaker, have made. I understand the circumstances in which the House has been placed in previous years, but I draw your attention, Mr Speaker, to clause 5 of the Bill which relates to the authorised purposes of Treasurer's advances and which states that the Treasurer can -

> make payments of an extraordinary or unforeseen nature chargeable against -
>
> (i) the Consolidated Revenue Fund; or
>
> (ii) the General Loan and Capital Works Fund.

Should the Government desire to move down that path that would open a Pandora's box. I am concerned about what has happened previously.

Mr Pearce: This is rubbish. We have this Bill every year and you know it is not general debate.

The SPEAKER: Could the member come to the point quickly.

Mr BLAIKIE: In previous years the Government has been involved in formal matters relating to the Swan Building Society, the Teachers Credit Society and Rothwells in which it has expended taxpayers' money. The allocation of that money was done without the knowledge and intention of the Parliament. The Government should explain the purposes for which that money was expended. Therefore, Standing Order No 133 should permit wider debate by some members of this House at least. The Government should be obliged to give a more reasoned explanation of what were its real intentions when it expended that money. If not, the Government will get away with blue murder as it has done in the past.

The SPEAKER: Standing Order No 133 does not allow for wide ranging debate on this Bill. If members feel that it should, they can refer it to the Standing Orders Committee. I do not intend to restrict the debate on this Bill. I am simply referring members to Standing Order No 133 and suggesting that debate should not be as wide ranging as it is for Appropriation, loan or Supply Bills. In fact, I am not suggesting, I am telling members there should not be a wide ranging debate on this Bill. That does not mean I will be restrictive, but remarks should be related to the Bill which has not been the case so far in the debate.

Debate Resumed

MR DONOVAN (Morley) [8.30 pm]: Mr Speaker, I thank you for your advice in respect of the Standing Orders as they apply to the Treasurer's Advance Authorization Bill and I assure you that in the few minutes I will take I will not stray from this Bill. Indeed, I will point out to the House that it is a great pity the Opposition took advantage of your generosity.

Clause 5 of the Bill says it all. As the Leader of the House said by way of response during the point of order this Bill is, in fact, a routine Bill. It is a Bill that comes before the House every year and that has certainly been the case in the four years I have been in this place. I do not know what happened prior to that. What is unusual is that the Leader of the Opposition and his contender, the member for Nedlands, should use this Bill as a means to score a range of political points against members on both the front and back benches on this side of the House. Therefore Mr Speaker, I appreciate your ruling even more so.

The member for Nedlands attempted valiantly and, with your approval by way of your ruling, Mr Speaker, to include reference to the way in which a preceding Liberal Government handled a similar matter in respect of the Noonkanbah situation. One can only assume that he and his leader saw a similarity between that event and the way in which the then Government approached matters of financial interest to the State, and this event and the way this Government approaches matters of financial interest to the State. I can think of no greater gulf between the Liberal Opposition and the Government on the question of finance, be it the Treasurer's Advance Authorization Bill or other money Bills and the question of the way in which the Liberal Party, when in Government, went about forcing its will on a community in the north of this State; in this case, the Aboriginal community at Noonkanbah station.

Mr Speaker, you are quite right and I applaud your ruling that that kind of debate bears no relevance to this type of Bill. One must observe that whether it be statements made by people like me about my political future or statements made by people like the Treasurer about Budget matters, this Opposition will exploit any opportunity to make irrelevant, damaging, destructive, and totally useless contributions in this place. This Bill is routine and it has been exploited by the Leader of the Opposition in defence of his position in the Liberal Party, just as it has been exploited by the member for Nedlands who contests that position in the Liberal Party. I would have thought that there would be a little more morality on the part of members on the other side of the House than their having to exploit a routine annual Bill to make points as to who should lead the Opposition in this State.

Mr Nicholls: Come out and tell the truth about the Government's spending of money.

Several members interjected.

The SPEAKER: Order! The member for Morley heard members opposite in relative silence.

Mr DONOVAN: Thank you, Mr Speaker, for your accurate and timely observation. It is a fragile Opposition indeed that requires the device of the Treasurer's Advance Authorization Bill to mount its internal struggles for leadership. That is the purpose to which members opposite directed their comments to this Bill. No doubt members opposite will be appreciated in the Press Gallery in the same way as they are in the State for their incompetence. The Bill, as a routine Bill, should have the support of the House.

MR COWAN (Merredin - Leader of the National Party) [8.36 pm]: While the Treasurer's Advance Authorization Bill may be routine there are some questions about it that intrigue me. If members look at some of the previous Treasurer's Advance Authorization Bills, or Acts as they are now, it is quite noticeable that they contain two major clauses. The first is the clause that advances a certain amount of money for the year; in this case clause 4, and it indicates that the amount to be advanced is not to exceed $200 million. If members look at

clause 6 of the Bill they will see that the Treasurer's Advance Authorization Act of the previous year is amended by deleting the figure of $180 million and substituting the figure $200 million.

Mr Pearce: That is still $50 million less than was authorised in the previous financial year.

Mr COWAN: Maths may not have been my best subject at school, but I acknowledge that the Leader of the House is correct. The point I am trying to make is that in each of the years, with the exception of last year, the Treasurer's Advance Authorization Bill was for two purposes: First, it advanced a sum of money and, second, it amended the Act of the previous year by altering the sum of money which this Parliament allowed the Treasurer to spend. The interesting thing is that when one looks at the Appropriation Bills and at the schedules attached thereto to find out how much money has been expended in certain years it becomes a little complicated. In 1988 an amount of $200 million was advanced and the figure in the 1987 Act was amended to $210 million, but only $160 million was spent. In 1989 the Parliament advanced $250 million and it amended the 1988 Act from $200 million to $285 million, but only $233 million was expended.

Mr Pearce: You are shooting down the argument of the member for Nedlands.

Mr COWAN: I do not want to shoot down anyone's argument. I am trying to build my own argument and members can draw whatever conclusion they like.

We amended the 1988-89 Act which mentioned a figure of $250 million. We actually spent something like $98 million in 1988-89. In 1990 we advanced $180 million. As far as I can see there was no amendment to the 1989 Treasurer's Advance Authorization Act.

Dr Lawrence: How do you mean? To take it backwards?

Mr COWAN: There was no amendment to the Act. In previous years a certain amount of money was advanced for the year and the Act from the previous year was amended to a different figure. That was done for two years. That was not done in 1990 when an amount of $180 million was advanced and it was obviously decided that the $250 million advance for the previous year would cover whatever appeared in the schedule of the Appropriation Bill.

Dr Lawrence: That should not follow, because it is a financial year Bill from 1 July to 30 June. It is my understanding that one cannot say, "We have a bit left over so we will take it to the next financial year." That is why the Bill has to pass the Parliament at this stage.

Mr COWAN: This Bill, when it becomes an Act, advances $200 million. With the exception of 1990, previously a Bill has come before this place and amended the Act by changing the amount mentioned. I would like the Treasurer to explain the purpose of this legislation if invariably we amend retrospectively the amount that can be appropriated through the Treasurer's Advance Authorization Bill? As I have pointed out, in one year the amount increased from $200 million to $285 million. In another year it was decided not to amend the previous year's Act. However, this year we are amending the previous year's Act again. If one looks at the Bill before us one sees that we are amending last year's Treasurer's Advance Authorization Act. Under clause 4 the Bill will advance $200 million.

Dr Lawrence: For the coming financial year?

Mr COWAN: Yes.

Dr Lawrence: Yes.

Mr COWAN: Clause 6, the one I am talking about, relates to the previous year. In the previous year we gave the Treasurer authorisation to spend $180 million through the Treasurer's Advance Authorization Act. We are now giving the Treasurer authorisation retrospectively to spend a further $20 million. Most people in this place would be aware of the National Party's attitude to retrospective legislation. People would be even more concerned about passing legislation through these Treasurer's Advance Authorization Bills allowing for the expenditure of money. When one looks at the actual amount spent in a year, which appears in the schedule of the Appropriation Bill, one finds that the amount does not exceed the original amount set aside in the Treasurer's Advance Authorization Bill. Why is it that last year the Treasurer's Advance Authorization Act of the previous year was not amended? History shows through the schedules of the Appropriation Bills that money in

excess of that originally authorised was not expended. Can the Treasurer tell me why the Treasurer's Advance Authorization Act of the previous year is amended in most cases when this Bill comes forward. I would be delighted to know the answer to that because in the time available to me to look at Appropriation Bills of previous years I have found on examining the schedules dealing with the Treasurer's Advance Authorization Bills that the Government has not spent any more than the amount first authorised. I would like an explanation of that because when I first noticed it we were, as a Parliament, giving approval to retrospective legislation authorising the expenditure of money that the Government had already spent. That concerned me. I then found tacked on to the end of the Treasurer's Advance Authorization Bill an additional clause amending the amount authorised to be paid out in the previous Act. It would be proper for the Government to get its sum right in the first instance.

Dr Lawrence: It is like predicting the weather. On talking to Treasury officials they tell me it is an attempt to estimate the amount.

Mr COWAN: Then let us acknowledge that.

Dr Lawrence: They acknowledge that they were wrong in their estimates of what would be required.

Mr COWAN: The point is that they were right the first time. The schedule to the Appropriation Bill demonstrates that. However, the Treasurer comes here and asks us to approve an additional advance that is not used. I acknowledge there has been no misappropriation of funds and no funny business, but it seems that we should not enter into the practice of seeking to amend the previous year's Treasurer's Advance Authorization Act in this session. It would be far more appropriate if we got the figure right the first time.

Mr Court: I support the Leader of the National Party and point out that in 1989 the Government wanted an additional $85 million for the R & I Bank for the costs associated with the Teachers Credit Society. I think that additional amount should have been a separate item coming before this Parliament.

Dr Lawrence: I agree with that. I have said so before.

Mr Court: In the same Bill the Government was working backwards and justifying money going into the PICL project at the same time. We do not think that was its purpose.

Dr Lawrence: I do not disagree with you.

Mr COWAN: I do not remember whether money was advanced from the Treasurer's Advance Authorization Bill to either the R & I Bank or the PICL project.

Mr Court: The 1989 Bill did that.

Mr COWAN: In 1990 there was no clause 6 in the Bill. In every other year there has been an additional clause amending the Treasurer's Advance Authorization Act for the previous year by a sum of between $20 million and $50 million. In each case I find from quick examination of the schedules to the Appropriation Bills that those additional moneys granted through the amendment to the previous year's Act were unnecessary. This practice should end. I see no reason for it to continue. It would be far better if the Treasurer introduced a Bill setting the figure at an amount unlikely to require amendment in the following year. That is a matter of concern to me.

It has just been brought to my attention by my deputy leader that something like $120 million was made available for payment to the Teachers Credit Society by payment to WA Government Holdings Ltd.

Mr Court interjected

Mr COWAN: That was the year that the amendment was made, and it was quite a substantial amount. It was an additional $85 million. It might also be noted that in that year $233 million was spent, so there was an increase of $33.6 million over and above the amount advanced when the Bill first went through. That was an exceptional situation, and we would not like to see it repeated.

Dr Lawrence: Some members opposite are urging us to do the same thing again with Western Women Financial Services Pty Ltd. I am not suggesting it is the Leader of the National Party who is suggesting that.

Mr COWAN: I do not know that I have heard any member of the House urge that on the Government.

Dr Lawrence: Perhaps the Leader of the National Party might look back on last week's debate.

Mr COWAN: The Treasurer has more research officers than I have. I suggest she get someone to highlight that debate.

Dr Lawrence: I happen to agree with you.

Mr COWAN: That makes the point. I understand that we must have a Treasurer's Advance Authorization Bill brought before this Parliament to make sure that the moneys of the State are properly accounted for. I think we might be a little more tidy. The practice of amending the previous year's Act, in some instances by substantial amounts of money, is a practice which should be dispensed with. We should advance a certain sum of money, and that amount of money should be set. We should not follow the practice of adding to that sum in the following year. I do not think any member would regard that as being good accounting practice. Members might regard it as a mechanism to make retrospective authorisation for payments which have to be made, as was the case in the Teachers Credit Society and WA Government Holdings Ltd. We should not continue to pursue that practice. The Treasurer should make it clear to her staff that in future years this account should have appropriated under this Bill a certain amount of money, and that amount will not be amended.

MR BLAIKIE (Vasse) [8.53 pm]: Although this has been considered a machinery Bill, in recent years it has been discovered some months later that it was not a simple machinery Bill. I say that because the Treasurer's Advance Authorization Account is supposed to advance money for unforeseen circumstances, but in recent years it has made an appropriation of money over and above what was allowed for in the Budget. Some of those unforeseen circumstances have been alluded to already by the Leader of the National Party. In previous years the Treasurer's Advance Authorization Bill has funded part of a payment to the Swan Building Society; it has been used as part of a guarantee to Rothwells when the Government said financial guarantees were never supposed to have been put in place. The argument was that the guarantee was not a guarantee but a letter of comfort; there was no financial commitment of the State. Eventually, as a result of this piece of legislation, the Government underhandedly made part of its payment to the Teachers Credit Society, the petrochemical project, WA Government Holdings Ltd and a host of other bodies.

While the traditional second reading speech sets out the purpose of the Bill, having seen what has happened in past years, it is very long on rhetoric but very short on fact. The Treasurer is asking for some $200 million, and the reason for that is contained basically in one line. The second reading speech states that clause 6 of the Bill seeks an increase of $20 million in the monetary limit authorised in the financial year ending 30 June. The monetary limit will be increased by $180 million to $200 million. This is the reason, according to the Treasurer's speech. It says that a number of unforeseen and unavoidable expenditures have arisen during the year. The second reading speech goes on to talk about the proposed new Department of State Development. When the Treasurer says that a number of unforeseen and unavoidable expenditures have already arisen during the year, she has an obligation to explain to the Parliament what they are. This is 11 June. The Treasurer knows what are the expenditures; she knows what are the unavoidable circumstances and the unforeseen expenditures; she must explain them to the Parliament.

Dr Lawrence interjected.

Mr BLAIKIE: The Treasurer will have ample time to explain her case. I want to get this on the record. What will happen is what has traditionally happened: Parliament will approve of this $200 million, which, when we consider the way the Government handles money, is a mere bagatelle. In October when the Budget comes in we will see where the money has been spent, by which time it will be too late for the Parliament to make any criticism, comment or meaningful argument about it. On the one hand the Government has imposed a series of strict Budget cuts and financial constraints on the people of Western Australia. We have already seen dramatic cuts in school maintenance, school programs, police hours, and hospital services. There has been a $105 million cut in the housing program, and a mere $100 million cut in the Capital Works Program. Significant cuts have been made, but the

Government still wants an extra $200 million. Of the moneys the Treasurer is seeking, are any to pay for the $12 a week she has granted the Public Service, contrary to the Industrial Relations Commission award? Is part of the money to pay for the losses made by statutory authorities such as the Fremantle Port Authority and Stateships? If so, why not include it in the actual items? We should have the opportunity for a parliamentary debate to see where and how the money has been lost, and whether it has been lost as a result of mismanagement. We do not know. In a single line the Treasurer expects us to agree to an allocation of $200 million. She simply says it is due to a number of unavoidable and unforeseen expenditures. We did not come down in the last shower. There has always been a degree of trust in Government, but no longer can people expect to trust this Government. Is this money going to cover any of the legal costs of the Royal Commission, or those of people involved in the Royal Commission? What is the money for?

This will be virtually the last time that a Government will be able to get away with a request in a Treasurer's Advance Authorization Bill in such a bland way. I will campaign very strongly to ensure that there will be an obligation for future Treasurers to indicate what the expenditure is for, and what are the unforeseen circumstances and unavoidable expenditures, because the Parliament has a right to know. It is now 11 June and the financial year closes on 30 June. The Government will then know exactly what those unforeseen circumstances and unavoidable expenditures are. When the Budget is finally brought down next October all will be revealed in the Budget papers, but at that time we will not be able to argue, debate or question the expenditure by Government because the horse will have bolted. This Government has operated under this process for the last five or six years. It is not good enough and I believe that the Treasurer should be obliged to explain to the Parliament those unforeseen circumstances and detail the unavoidable expenditures indicated.

DR LAWRENCE (Glendalough - Treasurer) [9.01 pm]: Mr Speaker, I can understand that members may have wanted to take the opportunity, with your largesse, to canvass a whole range of issues, some of them entirely unrelated to the Bill. I can understand, too, that some members do not appear to understand what the Treasurer's Advance Authorization Bill is about. The Leader of the National Party clearly does understand it and I think he made the only sensible contribution to the debate, if I can be a little unkind.

The point is that this Bill is precisely to provide advance on the Treasurer's account. There is no mystery about it; it is a very straightforward matter and if members read the second reading speech they will see precisely what it authorises: It authorises me as Treasurer to make those withdrawals from the public bank account to provide advances. Why do we need to do that? It is because payments may be made in respect of a new item. In the course of a financial year a Government will sometimes undertake new initiatives for which expenditure has not been approved in the previous Budget. An example is the Department of State Development, about which one member was critical. We can have a debate about that at some other time.

Mr Court: What is the difference between the Treasurer's Advance Authorization Bill and the Supply Bill.

Dr LAWRENCE: The Supply Bill provides the Supply until the Budget comes down.

Mr Court: What does this Bill do?

Dr LAWRENCE: The Treasurer's Advance Authorization Bill is for items for which there has been no appropriation.

Mr Court: But the Supply Bill is not specific to expenditure.

Dr LAWRENCE: No, it certainly is not; but this is a short term account that says we do not have an item in the Budget to which to put Supply, as in the case of the Department of State Development.

Mr Court: The Supply Bill is exactly the same.

Dr LAWRENCE: No, the member for Nedlands should listen. We cannot supply items that do not exist; we must use the Treasurer's Advance Account until such time as that expenditure is regularised. In other cases there is supplementation in the short term for those areas of Government expenditure which, for various reasons, are greater than was anticipated in the Budget. That will occur from time to time. I receive requests from departments, and I

will give as an example the State Taxation Department, which made a request because of unavoidable recoups that it had to make to taxpayers as a result of a High Court challenge. That was not something we had budgeted for or that it had in its accounts; therefore a supplementary allocation had to be made to that department. That will in due course be explained to the Parliament. In that case I think the amount was in the order of $3 million. So we are talking about payments in respect of new items or supplementation of existing items, from either the Consolidated Revenue Fund, as in the example I have just used, or from the General Loan and Capital Works Fund. They then have to be appropriated against the item concerned, reported to the Parliament, and audited by the Auditor General.

The Leader of the National Party gave an indication that he thought we should get the figure right. The problem about that is that one cannot know in advance. The State Taxation Department had no knowledge that a High Court challenge would succeed which would force it to return revenue to taxpayers. It had already put the funds it had raised from that tax into the Consolidated Revenue Fund, and it then had to find $3 million in order to pay back to a certain number of taxpayers who were successful in a challenge to the High Court. That is precisely the type of thing we are talking about. It is very difficult to estimate that.

Mr Court: It is for a temporary funding purpose.

Dr LAWRENCE: That is what we are talking about here - a temporary funding purpose. It is for no other purpose.

Mr MacKinnon interjected.

Dr LAWRENCE: If the Leader of the Opposition had been listening, as the Leader of the National Party pointed out, and, in my view too, it is unfortunately a typically common practice. I would much prefer Treasury officials to say to me, "We expect that we will need $180 million, $200 million, or $250 million for the year." They do give me a broad outline, but that is all it can ever be because we do not know where these things will necessarily come from. I would rather they got it right, but the only way they could get it "right" is to consistently overestimate it. Then we would never have to come back to the Parliament for that purpose, but then members opposite would rightly ask, "Why are you inflating that amount of money? Why are you asking for more than you subsequently spend?", which is what occurred in one of the years the Leader of the National Party referred to.

So sometimes the estimate is too low and sometimes it is greater than is required; it is as simple as that. It is an estimate of what will be required to ensure those extraordinary expenditures and the day to day expenditures. For instance, another area of which members would be aware is where the Building Management Authority has a capital works program against, say, the Ministry of Education. It is initially financed by way of the Treasurer's Advance Account and subsequently recouped against the ministry at the appropriate time of completion. That is in order to have a smooth operation of our capital program rather than a stopstart arrangement, and eventually it is charged against the department or the statutory authority, whether it be the Water Authority of Western Australia or the State Energy Commission, for whom the service was performed. That is all in accord with the Financial Administration and Audit Act; it is audited by the Auditor General and presented to Parliament.

The member for Nedlands raised a couple of previous occasions, and I think the Leader of the Opposition did too, where he thought the Treasurer's Advance Account was inappropriately used, and the Auditor General made the same comment. I agree, but in this case we are not talking about anything of that kind, and we actually tried on this occasion to say what the increase is designed to achieve. I have checked with Treasury officials in order that I not be seen to be dismissing the Parliament, and some $18 million of the $20 million is for the purpose of the Department of State Development allocation, which they had not estimated in the Budget last year because it was not known to Treasury that we intended this amalgamation. So that $18 million is precisely for that purpose.

Mr MacKinnon: But what makes up the other $180 million?

Dr LAWRENCE: The other $180 million goes for all those purposes which have arisen from time to time, such as capital works. They will then be charged against the departments at the end of the financial year. In other cases there have been increases in their funding. Fortunately, on balance we will come in ahead of our expenditure estimates. We will

actually show when these accounts are brought to finality in the second week in July, when they are closed off and the official notification is given, that Government expenditure is below the projected level; but in some departments it is higher than projected. We cannot simply move expenditure from the Department of State Services to the Department of State Development. That is quite improper. The Department of State Development, if it needs additional revenue, must have that appropriated. We then bring the savings into the Consolidated Revenue Fund and, at the appropriate time, with the approval of the Parliament, we account for those funds. We cannot simply move it across. That is quite improper, as members would appreciate.

Mr Court: I appreciate that. Our sensitivity stems from the fact that, in the nine years I have been here, for the first six years we never had much of a debate on the Treasurer's Advance Authorization Bill. It was regarded to be used for exactly what you are saying; that is, for temporary services. The reason we get a little edgy now is particularly because of the PICL project, when we were told it was for temporary financing purposes.

Dr LAWRENCE: That is why I have specifically tried to indicate to you the one large ticket item that makes this greater.

Mr Court: We were not happy at the time because we did not believe what we were being told about the PICL project; so I think you can understand our sensitivity now. I do not think we would be doing our job if we did not ask you a few questions about whether you see any abnormal items coming through. During the Committee stage I will raise what might be an abnormal item in relation to this Bill which I want you to explain.

Dr LAWRENCE: I am happy to do that if I am able, with the material I have with me. The important point is that this is unexceptional. The reason there is an amendment to the Bill of some $20 million is not that I dreamed it up but that Treasury officials came to me and said, "We have not made sufficient allowance for the creation of a new department." When the Budget figures come in members opposite will see that those department expenditures cut out on 31 December and there will be no expenditure for the second half of the year. They will appear as savings against the departments, which will account for them accordingly and use them to fund the new department. No sleight of hand is involved; it is a straightforward exceptional expenditure for things such as the State Taxation Department. In another example, a department committed itself to the purchase of new computer equipment, and the cost was more than was budgeted for. I was not pleased about that; however, we could not go to the private company providing the equipment and say that we would not pay for the equipment. I had to provide for the overexpenditure. When the Budget figures come in, the expenditure will be below estimates precisely because our revenue was below estimates; as members know, the economy has turned down. However, this will not involve cuts anything like those referred to by members opposite. We have had to manage the economy very carefully.

Mr Blaikie: When this matter comes into the Parliament in future, could a general shopping list not be provided?

Dr LAWRENCE: The only way to do that is by knowing in advance where the items will fall. It is not always possible to do that. If the money is eventually spent for some other purpose than that identified, the Parliament would be annoyed. We are discussing an amount of $200 million in a total Budget of $5 billion; therefore, it is a relatively small amount to be accounted for in detail. It would involve providing an estimate of what is required in the entire financial year to accommodate extraordinary circumstances; nevertheless, this must be fully accounted for in due course. I am not criticising members opposite for being sensitive about this, but we are not seeking a large increase. The magnitude of this authorisation is similar to those of previous years; also, it is not one which I have dreamed up, it is one I am told by Treasury is needed to complete the financial year, and it applies particularly to the Department of State Development.

It may be that when the books, department by department, are finally closed, a shortfall may be involved. The books will not be closed off until the end of the financial year, and a capacity exists for errors to appear in these figures - after all, it is an estimate of appropriation. We try to make it as accurate as possible from Treasury's point of view, but it is not possible to be precise. If a figure of $3 million were forecast, and we did not come back for a second advance, members opposite would rightly question the additional increase.

It should be used as a cushion for official Treasury projections. I am somewhat sympathetic with members' concerns, particularly given the Auditor General's reports. However, this is strictly in accordance with the Auditor General's recommendations in compliance with the Financial Administration and Audit Act. It is also on the recommendation of Treasury to increase its expenditure by $20 million principally to accommodate the Department of State Development. I would hope that the $200 million estimate for next year will be more accurate than the $180 million provided this year. I have been assured that this figure is the best possible in the circumstances. I checked out the payment and compared it to other States. In relation to the overall Budget, the increase is small in comparison to the amounts sought in other jurisdictions. Members need to be cognisant of that, and recognise that this Bill is a means by which the State's finances can be run in an orderly fashion.

Question put and passed.

Bill read a second time.

Committee

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

Clauses 1 and 2 put and passed.

Clause 3: Interpretation -

Mr HOUSE: Line 11 of this clause states in the definition for public authorities the following -

> . . . and public statutory bodies, corporate or unincorporate established by or under a law of the State;

Can the Treasurer provide an example of the appropriations to such bodies? In that case, I will have some idea of the bodies to which the Bill refers. Would this legislation cover bodies incorporated by this Parliament after this legislation was passed in this financial year? In other words, legislation is before us on the Notice Paper to corporatise particular bodies -

Dr Lawrence: I am not sure whether that has a legal meaning in relation to this Act. Corporatisation is a phrase which captures the structure of the organisation, and that is not necessarily a corporate or an unincorporate body established by the law of the State. However, I will check that for the member.

Mr HOUSE: Can the Treasurer provide examples of public statutory bodies referred to in this clause?

Dr LAWRENCE: I am more than happy to enumerate these. This is meant to cover any body to which either Consolidated Revenue Fund funds are made available, or statutory authorities for which loan funds are made available from time to time. This would cover such instrumentalities as Westrail, Transperth, the Water Authority, the port authorities and others. In the latter cases, this would apply only in relation to the General Loan and Capital Works Fund. CRF departments and agencies would be involved, or even those funded indirectly from CRF. For example, if the Fremantle Port Authority made a loss, it may be one of the items for which, sadly, we may seek to appropriate funds. This applies to all bodies established in Government which seek funds from CRF or the General Loan and Capital Works Fund.

Mr HOUSE: For some time the National Party has believed, as a matter of principle, that statutory bodies should be incorporated into the Budget, to allow members to discuss their financial affairs. That has not been done because those statutory bodies have no appropriations in the Budget. Under the new Estimates Committee system we had much argument as to whether we could discuss particular aspects regarding bodies such as the State Energy Commission of Western Australia and the Western Australian Water Authority. These agencies are involved with large sums of public money, but they are not as accountable to the Parliament as they were when a figure was included in the Budget papers -

Dr Lawrence: I cannot remember that; when was that true for SECWA?

Mr HOUSE: It was true with the Water Authority.

Dr Lawrence: Was that with the Country Areas Water Authority?

Mr HOUSE: It was only last year.

Mr Pearce: Not while you have been in the Parliament, my friend.

Mr HOUSE: That is not correct; we were not able to debate any aspect of the Water Authority appropriation during the Committee stage because there was no appropriation. However, they appropriate through the Treasurer's Advance Account.

Mr C.J. Barnett: Nor was Homeswest, for the same reason.

Mr HOUSE: The point is that we have established a system whereby many major authorities are not able to be questioned during the Committee stages of the Budget. I raise that issue again here because it is an important public issue. We should be able to discuss their affairs and appropriations at the Budget stage. I request that in the Budget year a small nominal fee of, perhaps $100 be allocated to each statutory authority which would enable members of Parliament to discuss the affairs of those authorities during the Committee stages of the Budget.

Dr LAWRENCE: I understand the point the deputy Leader of the National Party is making. However, the funds for those authorities are appropriated from the Consolidated Revenue Fund and form the basis for discussion at that stage. Opportunity is available to talk about those authorities because global borrowings are designed to provide funds for them also. Therefore, the opportunity arises to talk about their operations when borrowings are being allocated. I am not against those organisations being under scrutiny, but one must recognise the policy is not a sudden change undertaken by the Labor Government. It has evolved over a long time and is typical of other jurisdictions. There has been a movement towards a full reporting of Budget which looks at the whole State's financial position, particularly its net financing requirement. Western Australia has been fairly slow, principally as a result of fairly conservative Treasurers predating this Government, to move to that form of reporting. The supplementary Budget papers compare Western Australia's budgeting position with other States who use this inner or outer Budget notion where the bottom line is a net financing requirement. The Government will be moving to have that form the basis of its report to the Parliament. I will examine whether it is possible, in a strictly legal sense, to see whether that debate can occur. I would not wish to offer it, if I could not meet my word in a statutory sense. If I were agreeing to certain analyses that I could not agree to as Treasurer, I would be misleading the Parliament. I am happy to examine the matter very carefully and to talk to relevant legal and financial advisers in Government and provide the member with that information. However, there is nothing to stop members looking at those operations through at least the borrowing programs discussed in Parliament. I have noticed that members in Parliament are never slow to take advantage of any opportunity provided to them. I am not saying I do not think it is a good idea; I am not sure whether, legally, it is possible.

Clause put and passed.

Clause 4: Treasurer's Advance Authorization for 1991-92

Mr COWAN: The Treasury must get the figures right in the first instance and not amend the figure the following year. This clause states that the sum is not to exceed $200 million. As can be seen in clause 6 of the Bill, the previous year's figure is increased by $20 million. I will be interested to talk about that matter when we discuss clause 6 and get some indication from the Treasurer as to whether we will exceed the figure. I am interested to know whether Treasury officials, in establishing that figure, examine agencies which have been the recipient of advances from this account and whether it can be shown that they have been regularly spending more than the amount allocated. No doubt if I were to examine the schedules in the appropriation Bills for the past four or five years I could find that out myself. The task is not difficult, but it may not be a bad thing if, in the Treasurer's Budget framing, which is probably taking place about now -

Dr Lawrence: It is nearly finished.

Mr COWAN: - someone examined those items which may be appearing on a regular basis. The people responsible for those sections should be required to exercise a little more financial restraint or be given a slightly larger allocation in the Budget. It should not be a recurrent expenditure under the Treasurer's Advance Authorization Act. I can understand that the Building Management Authority would need advances to meet its requirements when it must deal with two functions; one to handle faults and the other to handle construction

jobs. Unfortunately it is given far too many. The first thing that should be done about the BMA is to remove its responsibility for construction projects and leave it to deal with urgent faults. I can assure the Treasurer it would then not need quite so much money from this source of funding. It is important Treasury officials get the allocation right. To ensure it is correct, Treasury can first examine expenditure incurred through the Treasurer's Advance Account and where a body or agency is regularly the recipient of an advance of this nature, Treasury must do something about it. This is supposed to be a supplementary funding scheme and should not be applied on a regular basis other than to accounts like the BMA which cannot be precisely budgeted for. I am sure a number of Government departments or agencies could budget more precisely, for example Parliament.

Dr Lawrence: One of the principal offenders requesting supplementary funding is Parliament.

Mr COWAN: In the short time I have been examining the schedules for the past three years' appropriation Bills the question has arisen of why we cannot budget for Parliament accurately rather than relying on the Treasurer's Advance Account for supplementary funding. However, I am not suggesting the Treasurer be any tougher on the expenditure of Parliament than on any other body.

Dr Lawrence: Parliament's budgeting is difficult - I do not mean to be critical of the presiding officers - because of parliamentary committees which have not been budgeted for. They require considerable expenditure including travel which necessarily invites either a saving from the organisation or supplementary expenditure. The hours Parliament sits and the length of time we insist Hansard reporters work are other reasons for increases. Budgets are worked out on an average and we do not wish to give Parliament more than a reasonable appropriation but, from time to time and sadly -

Mr COWAN: I am not referring only to Parliament. However, in the past three to four years the committee system of Parliament has operated in a manner which a little more accurately reflects the original intentions of that system. In the past, Governments have said that the last thing they want is a committee system. The committee system has been frowned upon.

Dr Lawrence: We are adjusting to that.

Mr COWAN: Yes, the whole of the Parliament is. As the Government is responsible for the purse strings, it must make the greatest adjustment. I agree that the Government is creating an opportunity for committees within the parliamentary system. However, I advocate a much greater use of the committee system, particularly in the case of complicated legislation. Instead of Committees of the Whole dealing with legislation, I would prefer that Select Committees examine legislation in detail and report back to the Parliament. If the Treasurer accepts that concept, she could budget for it and not need to take it out of the Treasurer's Advance Account. If this figure must be adjusted next year, someone somewhere is being a little tired.

Dr Lawrence: I will sack him.

Mr COWAN: No, the Treasurer will not because there are many rules that will prevent her from doing that.

Dr Lawrence: The Leader of the Opposition does not know about them; he thinks the Treasurer can sack people.

Mr COWAN: He might but she cannot, although it might not be a bad idea. If this figure must be amended, it indicates that someone is not doing his or her work and examining the schedules of the appropriation Bills that contain the advances made under this Bill and saying, "These are recurring constantly; we either must budget a greater amount in the appropriation for this item or they are going to have to exercise greater economic restraint". I mentioned the Parliament; I am sure there are others. That is one way of dealing with it. It would be easy to extend the amount so that the Government never need come back. I would not like to see that because that is a lazy way of doing it.

Dr Lawrence: When I referred to the Parliament I said precisely that. We could do the easy thing and explode the figure so that we would never be wrong again. People would then say, "Why do you always underspend?" It should be more accurate.

Mr COWAN: On only one occasion in recent years has the amount that was actually

advanced through this account been greater than the original amount proposed. Therefore, even when the Government comes back to the Parliament as it is with this Bill to increase the amount the Treasurer can advance in total, she is still doing it as a precautionary measure. It is now June; surely Treasury officials will have a reasonably accurate assessment of what the figure is at this time.

Dr Lawrence: You are talking about $20 million. It sounds like a lot of money, and it is. Treasury officials are extremely conscientious. Of all of the officials I have had to deal with, they are by far and away the most reliable.

Mr COWAN: I understand they weep every time a dollar passes across their desks. I make two points: Firstly, where it can be shown that a department, an agency or authority constantly appears in the schedule for advances under this account, their budgets need to be examined either for pruning or for the purpose of giving them a greater amount in the Budget. Then the Government can keep this amount down. I would be much more appreciative of any effort by the Treasurer and her officers to ensure that the amount is kept down rather than say, "Here is a global figure; we will never go beyond it, no matter what happens."

Dr LAWRENCE: I addressed the points raised by the Leader of the National Party in his absence. When I became Treasurer, I said I did not want to see overspending occur at all. Realistically, I have had to accept that it occurs from time to time. I refer to the example of the State Taxation Department and the Department for Community Services which has asked for funds that are demand driven for families and others who need emergency relief.

Mr Cowan: Or the Government is giving in to wage demands.

Dr LAWRENCE: No, we have not sought additional appropriations for that because we made provision for an amount somewhat greater than the amount which we ended up spending. Therefore, it does not fit into that category. It is a nice political point, but not accurate in terms of the Budget. The additional $1 million that we provided to the Department for Community Services for emergency relief had not been budgeted for. Equally, somebody mentioned the Royal Commission for which we had not made provision in the Budget. The expense of setting that up and its expenses for the financial year also have that character. That is a new item of expenditure that was not anticipated.

As the Leader of the National Party said, the discipline is to try to get the Estimates as correct as possible and, as he said also, to ensure that those departments that regularly go over have it drawn to their attention and are penalised for it. Many of them have developed the habit of coming back to the Treasury and saying that they have overspent. I have told them that they may have, but they still have three months of the financial year left and they must go back and find the savings in their department. Ministers have told me that they have done that quite painfully, but quite properly. All departments have travel budgets and advertising budgets. They can work on those margins. Looking at the rate of expenditure in some of those areas, I know that they can work on those margins. Therefore, when they come to me for a supplementary allocation in March or April on the basis that, by the end of the financial year, they will have spent all that they have been allocated, I say, "You have not yet; go back and have another go." That is a very important discipline for us to insist on for Government departments, particularly in these difficult economic times. Many of them have the habit of coming back to the Treasury and saying, "Please sign the authorisation." Treasury officials have been sending them back on my behalf and saying, "No" except in extraordinary circumstances. The departments do not care for it very much, but it is an appropriate discipline.

Clause put and passed.

Clause 5: Authorized purposes of Treasurer's advances -

Mr COURT: Will the Treasurer indicate the trend for this year? She has told us that revenues are down in many areas which has meant that the Government has had to change its expenditure program. Has the downturn in revenue trend been consistent throughout the year? Is the Department of Treasury reporting to the Treasurer on a monthly or weekly basis on what is occurring against the Budget?

Dr Lawrence: Daily at the moment.

Mr COURT: How has Treasury been able to cut back the expenditure so that the Government ends up with a balanced Budget at the end of the year or will it have a surplus depending on how successful it is at cutting back?

Dr Lawrence: If I come back with a surplus, will you canonise me?

Mr COURT: It depends on how the Government gets it. In the past there has been a lot of creative accounting tricks.

The CHAIRMAN: Order! Clause 6 deals with this year's appropriation. Clause 5 deals with next year's appropriation.

Mr COURT: I appreciate the Treasurer's comments. I basically want to know what trends have become apparent, whether the Treasurer thinks she can produce a balanced Budget and, more importantly, how the Government has been able to cut back expenditure. Has it delayed any expenditures projected in the Budget this year?

Dr LAWRENCE: As the member will be well aware, we are very close to the end of the financial year. A report will be made on the end of year accounts in early July. The revenues were projected to be low this year. A revenue growth of 4.8 per cent was projected, but that figure has turned out to be unduly optimistic. I do not have the latest Treasury figures in my head, because they change from day to day, but the trend from November has been down. Every month we have lost revenue, principally from payroll tax and stamp duty, but also from the Commonwealth Government because we receive grants which are linked to the rate of inflation. Fortunately, the rate of inflation is lower than projected, but that means our revenue from Commonwealth sources is reduced. I recommend to the member the Niemeyer accounts which give a month by month breakdown of Government expenditure and revenue. From that one can see, in comparison with previous years and months, what has been spent and received. I know that journalists use that information and I am surprised that members of the Opposition do not. It is a very helpful statement.

Mr Court: Of course, you must be careful about looking at figures month by month.

Dr LAWRENCE: It does become very lumpy and it depends on when the revenue is brought to account. The Government has tried to do it in a steady fashion during the year so it has not used as much as might otherwise have been necessary, although it is seeking an advance on the Treasurer's Advance Authorization. The Government has tried to bring in the cash as it was spent. I cannot - nor will I for my own purposes - give an estimate of the Budget outcome because I want to announce that when the final figures are available. We have tried to restrain departmental expenditure by a variety of means. There has been no secret about that. Where positions have not needed to be filled, they have not been filled. Where advertising was not necessary, it has not been done. I scrutinise every overseas travel proposal by Ministers and officers and do not always approve of them. That does not apply to members of Parliament because, sadly, I have no say about that. We have looked at consumables, and cut down in areas where we intended to spend money on computing and consulting. We have deferred that expenditure until we are able to afford it, just as businesses and households would do. In some capital works we have slowed down the rate of expenditure. We have not changed the total figure and, in fact, we spent more of our borrowings than anticipated on capital works. However, we have tried not to accelerate the Consolidated Revenue Fund based Capital Works Programs. We have accelerated them in General Loan and Capital Works where we do not have the same problems of Budget balance. How successful those means have been, will be evident in a few weeks' time.

Mr Court: You seem to be under pressure from the land sales.

Dr LAWRENCE: The Government has retarded land sales because of the economic climate.

Mr Court: What about the Asset Management Taskforce?

Dr LAWRENCE: The Budget estimate was in the order of $54 million and it will be considerably below that - probably 60 per cent of that figure. In some cases the Government has delayed sales because the market is so poor that it would be conducting a fire sale. The Government is not prepared to do that. Even though it would be attractive to have the funds in, and it would help balance the Budget, we would get less for the taxpayer than we should, so we are prepared to wear that lower revenue rather than lose the advantage of waiting a few months.

Clause put and passed.

Clause 6: Section 4 of *Treasurer's Advance Authorization Act 1990* amended -

Mr COWAN: I find this issue somewhat irksome. We are now in the middle of June and I assume that when this Bill was being prepared that figures up to the middle of May, at the earliest, would have been available to Treasury officials. Those officials have indicated that they need the previous Act amended to extend the limit by a further $20 million. In all the preceding years, on only one occasion did the final amount exceed the amount originally estimated in section 4 of the Act.

Dr Lawrence: Very cautious officials.

Mr COWAN: Yes, or officials who are putting down a figure which indicates they are totally wrong and are not cautious at all. They have been wrong on every occasion, except one, in the past four years. The only time the figure exceeded the original estimated figure was in 1988-89 when it was exceeded by a substantial amount because of the additional $120 million set aside for WA Government Holdings Ltd and Teachers Credit Society. If it is necessary to extend the limit by $20 million, it would appear that someone has had access to some fairly fine tuning and knows precisely what the amount will be. Notwithstanding, it is still a good bet that when the Budget is brought down - I assume that will be in early or mid September and that the Treasurer will still be in office - this figure may be below the original figure. Therefore, what is the purpose of this clause?

Dr Lawrence: Like you, I will ask the same question, but a good deal more vigorously.

Mr COWAN: I am encouraged.

Mr COURT: With regard to taxes and charges, I appreciate that, with the inflation rate changing quite a bit, we are moving to a lower level of inflation and hopefully we shall be able to maintain that level. In the past 10 to 20 years we have moved into a 10 per cent mentality; that is, everything goes up by 10 per cent. Of course, that is an endless process that becomes self-fuelling. It is important that we get out of our minds the figure of 10 per cent and work on the assumption that the rate of inflation will be closer to zero. The Government should set the example in this area. The Treasurer has already stated that much of Commonwealth revenue is tied to the inflation rate, but I would appreciate it if the Treasurer could explain whether taxes and charges - and I am particularly interested in charges for water and electricity - will be kept to virtually a nil increase if inflation is down to three per cent or four per cent?

Dr Lawrence: Do you mean no real increase or no nominal increase?

Mr COURT: No real increase.

Last week, in answer to a Dorothy Dix question, the Treasurer criticised some figures I had used in comparing the increase in taxes and charges from 1984 to 1991. I obtained my figures from the Australian Bureau of Statistics, and compared the population figures for those years with the inflation rate so that I was referring to per capita figures, because it is only proper that I compare taxes and charges per head and not as a total because we are obviously catering for a much larger population now than we were then. I thought that was the fairest comparison I could make. I said that there has been an increase of approximately 20 per cent in the taxes and charges that individuals are paying, and as far as I am concerned that is a reality. I am interested to know how the Government plans to assist the community to smash the 10 per cent inflation rate mentality, and how it plans to try to get down to a nil inflation level. I am sure the Treasurer will appreciate that the accord is an important factor in wage determination, because I understand that under the latest agreement, the Government has agreed to two pay increases of 2.5 per cent for State Government employees.

Dr Lawrence: No; a $12 flat payment, a superannuation component of three per cent, which is to be negotiated, and productivity increases, which may or may not flow, depending on whether they are achieved. The alternative was a 2.5 per cent increase, which for the public sector would have been considerably more than the $12 increase because we have more higher paid workers, so from our point of view the $12 package was cheaper than the 2.5 per cent package. That is why I was able to say that we have set aside funds for wage increases which in fact we will not fully expend.

Mr C.J. Barnett: But you have now created an expectation that the full accord Mark 6 will apply to the public sector.

Dr Lawrence: It will depend upon the productivity response of the public sector. It must be accompanied by productivity increases, and there are a number of tangible ways of measuring that. Part of the agreement is that they be measurable.

Mr COURT: Whenever we talk about public servants' wages, members opposite say we do not support any increase.

Mr Graham: You don't.

Mr COURT: I am glad the member for Pilbara has come back into the Chamber. When we have a recession, the problem we have to face up to - and it is not a problem in the member's area because people in the north are not facing the same set of problems which unemployed people are facing here - is that if pay increases are granted during a recession, it will become more difficult to keep people in employment. The name of the game in tough times is to try to spread the burden equally throughout the community. I remember one of the discussions we had at home when I was a young boy. It had to do with nurses, who were demanding more money, and it is the sort of matter which the Treasurer must face every day of the week when a group of employees demand more money. I can remember that the answer was, "Well, we will give them what they want, on the condition that we are given the names of the 300 nurses who will be giving notice". In other words, there are only X dollars to go around, and that money must be spread around.

Mr Wilson: They keep repeating that experience to me!

Mr COURT: I am sorry. We would like to think that we will be able to provide a more buoyant economy, where there are more opportunities, and where wages and the standard of living can go up. There is no doubt that during the last decade, the wages and the standard of living of working Australians have declined. I do not think that is something of which we should be proud. I would appreciate the Treasurer's giving me an answer about how the Government will keep down the expectation about inflation in the coming year.

Dr LAWRENCE: The member would see, if he were to look at the average weekly earnings wage growth over the last decade, and with this latest wage round, that it is considerably below the rate of inflation, so whatever contribution wage growth has been making, I think it is fair to say that any independent analysis will show that it is not by any means the principal contributor. I agree we can do better, but the State Government would have looked extremely dishonest if, after we had supported the accord, we had turned around and said it was not convenient for us to support it now. I am keen to ensure that we get productivity improvements from the public sector, and to be honest I do not think we have to date.

Mr C.J. Barnett: The Industrial Relations Commission rejected the accord.

Dr LAWRENCE: We supported the accord and we followed through that support. The industrial relations reality, as I am sure the member for Cottesloe would understand, is that that would have been the outcome, given the behaviour of the Federal Government and the Australian Council of Trade Unions. We could have stuck our heads in the sand, but the member will know that no other State has done that either, and that all States are moving towards the same schedule; Tasmania has made a slightly different agreement with its work force. The message that we need to get across to some members of our public sector unions is that in general terms - I am not talking about this particular pay rise - Government expenditure can only go so far before it has an impact on the private sector.

Mr MacKinnon: We get a bit cynical over here when you have had functional reviews for many years, and reorganisations to improve productivity, yet you say there is no productivity.

Dr LAWRENCE: I am not talking about functional reviews. I am talking about the individual worker's productivity. The member for Nedlands and I were having an interesting debate, and if the Leader of the Opposition wants to contribute helpfully, I am more than happy to accommodate him. It is important and incumbent on us to keep our taxes and charges as low as possible, and in the next few days I will be announcing those taxes and charges, and members opposite will see how we compare with other areas of Government and non-Government expenditure. I believe that comparison will be very favourable. We are not taking the view that because the March to March inflation rate was 6.7 per cent, that is the benchmark against which we will measure the bids for charges made by Government trading enterprises such as the State Energy Commission and the Water Authority. The

situation is quite the reverse. We have said that although that is the inflation figure, and although that is the figure that is feeding into their costs, in the current climate that is not all we need to do. We need to do more.

The member will see that our charges have decreased; we have done extremely well. We have made it our task to look at the private sector and at the private householders to keep the impact to a minimum. That means, when it comes to the public sector, that expenditure must be prudent. We must spread the dollars across a wide range of services. I hope that members opposite will accommodate that philosophy - because it is apparently something that they embrace - and not send every interest group which has been offended by the curtailment of projects to the Government with complaints. I appreciate what the member says and I am basically in agreement with it, but whether he will agree with what we have done is another matter. The figures are turnover based. There are so many dollars of tax paid per capita. I do not disagree that is one way to look at taxes paid, but many of the figures are based on turnover and reflect a standard of living. If more is being earned because more people are employed, more property is being acquired, more business undertaken, and more assets sales undertaken, we will have a higher per capita taxation but we will also have a higher per capita income.

Mr Court: It should be lower, if that is the case.

Dr LAWRENCE: As an example, if in a group of people one house is purchased, a certain rate of stamp duty will be paid. With the same number of people, two houses may be purchased, and we will see double the per capita taxation rate. If we have $10 and then we have $20 - if we have two houses, we will have twice the amount of tax, but not twice the tax burden.

Mr Court interjected.

Dr LAWRENCE: We cannot look at it like that. It depends on the other factors. If the member talked to the member for Cottesloe, he would agree that it is not fair simply to look at the per capita rate -

Mr Court: He thinks my figures are spot on.

Dr LAWRENCE: They are not dishonest in the sense that they come from the Australian Bureau of Statistics. The member is looking embarrassed. They are dishonest in that they do not take account of economic activity, particularly using the year 1984-85 as a starting point - which was not a high point of economic activity - and comparing that with 1989-90. In that case, we are bound to have the effect of the kind I have described.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Dr Lawrence (Treasurer), and transmitted to the Council.

SELECT COMMITTEE ON LAND CONSERVATION

Third Discussion Paper on Pastoral Region Tabling

MR HOUSE (Stirling) [10.07 pm]: I have for tabling the Land Conservation Select Committee's third discussion paper on the pastoral region of Western Australia. I move -

That the paper be printed.

As Chairman of the Land Conservation Select Committee I am pleased to present to the House, on behalf of the members of the Select Committee, a discussion paper on the pastoral region of Western Australia. As with previous papers dealing with the south west and agricultural regions, I strongly reiterate that this discussion paper is a compilation of the comments of groups, individuals, Government departments and agencies about land conservation issues in Western Australia. The committee makes no apology for including all

these comments in this paper as it is the prime objective of the committee to draw further comment and discussion from those people of Western Australia who are concerned about land degradation problems facing our State. It should be clearly understood that the points of view within the discussion paper are not those of the committee and that the committee feels its comments and conclusions should be reserved for the final report. The committee's recommendations will be based on the discussion papers, oral evidence taken in hearings, material and information gathered as a result of its investigative tours, and supplementary background material which the committee has consulted.

It is heartening to have continued to receive an overwhelmingly positive reaction to the committee's discussion papers. For the first time in Western Australian history the land conservation issues and concerns of Western Australians have been consolidated into these publications. It has been brought to the attention of the committee that the papers have been used as references for the preparation of land conservation strategies. Undoubtedly the committee feels that it has contributed to public awareness of the need for land conservation to continue to grow in the 1990s, and it is now more than ever obvious that commitment to rehabilitate degraded land and to develop and improve sustainable land management practices should not be, or be allowed to become, a political fashion. That may decline in time. The end result must be to establish permanent sustainable land care. Many individual farmers and pastoralists have pioneered modern land conservation techniques. The soil conservation committees established in the early 1980s were the first formal cooperative land conservation strategies driven by local communities, and not a centralised bureaucracy. This approach has been immensely successful.

With the rapidly growing public awareness about land degradation, Governments have been willing to devote more public resources to combating the land degradation problem and developing and improving sustainable farm and station practices. One of the main purposes in my moving for the establishment of the Select Committee was to ensure that the increased political interest in land conservation did not result in any shift away from the strategy of community-based decision making and policy development. The community-driven groups have achieved results ranging from good to excellent on the limited funding that has been made available so far. With the prospect of substantially increased funding in the immediate future, the committee is investigating ways of ensuring that the State's land conservation strategy remains community-driven, but that it is sufficiently well coordinated to maximise the effectiveness of this increased funding.

The Committee is carrying out its inquiry in three parts: The subject of this interim report is the pastoral region; the first interim report which dealt with the south west region and the second interim report which dealt with the agricultural region were presented during 1990; and a supplementary paper on investigative tour notes was tabled earlier this year.

Interested persons or organisations are invited to comment on the committee's approach to its task and the general direction that the inquiry is following. Comments on this discussion paper should be forwarded to the clerk of the committee, and will be considered along with submissions and oral evidence when the committee is deliberating on its final report scheduled for presentation to the House not later than 12 July 1991. As the committee is inquiring into ways of maintaining and improving community involvement in land conservation, both in terms of practical applications and policy development, it has endeavoured to ensure maximum public input into the inquiry. This has meant that the committee has needed to meet and talk with many more people than is usually the case with Select Committee inquiries.

I place on the record my appreciation of the amount of work contributed by my fellow committee members, and in particular for their commitment which is well and truly above and beyond the call of duty. I also record my appreciation for the support staff that have been serving this committee so well, particularly, Roni Oma, our research officer who is seconded from the Department of Agriculture; Gerda Slany and Catherine Leach who have dutifully typed and retyped drafts of this paper, and Pat Roach who has supervised and assisted with the typing of the paper; the staff of *Hansard* who recorded and transcribed the oral evidence; and finally John Mandy, the clerk to the committee, and Victor Moate, the assistant clerk to the committee who have both attended to the administrative details necessary to make the committee's work proceed efficiently.

[See paper No 364.]

HUMAN REPRODUCTIVE TECHNOLOGY BILL 1990

Committee

Resumed from an earlier stage of the sitting. The Deputy Chairman of Committees (Mr Donovan) in the Chair; Mr Wilson (Minister for Health) in charge of the Bill.

Clause 35: Notice and coming into operation of directions and conditions -

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

Page 59, line 15 - To delete "and".

Page 59, lines 20 and 21 - To delete "or to be served on the licensee." and substitute -

; and

(d) shall be served on each licensee.

Mr WIESE: The Minister has agreed to the inclusion of the amendments which are clearly directed at ensuring that the licensees who are given notice have them served upon them. The penalties that can be imposed on a licensee who has not received notification can be quite horrific and we must ensure that the notices are served upon those licensees and these amendments will achieve that.

Amendments put and passed.

Clause, as amended, put and passed.

Clause 36 put and passed.

Clause 37: Summary determinations -

Mr WIESE: This clause deals with the suspension, cancellation and disciplinary actions that can be applied to licensees. Some of the provisions in this clause and subsequent clauses are absolutely mind boggling. The commissioner may make a summary determination as to whether a licensee is liable to a penalty without reference to anybody. Those powers are quite extraordinary. Subsection (2) provides that notices of the determination of the penalty imposed shall be given in writing by the commissioner, and it says that if that is not practicable it may be done by publication in the *Government Gazette*. That power is beyond anything I have ever come across in previous legislation and the Chamber must have an explanation from the Minister for its inclusion in this clause.

Mr WILSON: In spite of what the member for Wagin apprehends about clause 37, the penalties for which are outlined in clause 40(1), it relates to relatively minor matters such as reprimands, warnings, variation of conditions and so on. The more serious measures are dealt with under clause 38.

Mr House: Is the principle of how they are dealt with the same?

Mr WILSON: This clause refers to minor matters only and it simply allows the commissioner to deal with minor matters in this way. Formal disciplinary action is outlined in clause 38 of the Bill. Clause 37 deals with minor amendments like reprimands and cases where there has been a variation of conditions without authorisation in an informal way without proceeding to the sort of heavy action outlined in clause 38.

Mr WIESE: I do not believe that what the Minister said is true. Clause 38 states that where the licensee or other person liable to a warning or penalty does not consent to a summary determination he shall go before the council. The Commissioner of Health can impose these penalties quite summarily. Clause 38, to which the Minister referred, deals with offences in which the licensee or the person liable to this penalty does not consent to the summary determination. My comments about clause 37 are correct and the commissioner does have the power to make this type of determination and to impose a penalty.

Mr WILSON: The advice I have from Parliamentary Counsel is that the penalty can only be for minor offences which are spelt out in clause 40(1). Clause 37(2) does not deal with the imposition of the penalty, but with the notice of intention to impose the penalty if, under subclause (3)(a) the licensee agrees. Under subclause (3)(b) the licensee may give an explanation to the commissioner and accept his decision, or he may request his case be referred to a committee of inquiry. Therefore, a penalty cannot be imposed summarily unless the licensee consents. In other words, it gives the licensee the opportunity to say, "Yes, there

has been a minor breach and I want the matter dealt with in this way." It does not have to proceed to the sort of heavy action that is proposed in the later clause of the Bill. It gives the licensee the opportunity to opt for this form of dealing with a minor situation. It would be in his interests to have the situation rectified in this more simple manner.

Clause put and passed.

Clause 38: Disciplinary action -

Mr WIESE: If a person does not accept the summary determination, subclause (1) provides for him to ask that he goes before a committee of inquiry to have the matter resolved. The clause does not outline who will serve on that committee and I ask the Minister whether it will comprise experts in the in vitro fertilisation technology field or laymen off the street. It may even comprise members of the council. What will be the role of the committee? Subclause (1)(a) provides that the committee shall consider submissions or hear evidence and make findings on the balance of probabilities, and I find that strange. If the committee can conduct a hearing of this nature it should make its determination on the basis of the direct evidence before it. It should not make a judgment on the basis of the balance of probabilities. The committee of inquiry may conduct its hearings on the basis of written submissions unless the person otherwise requires.

Subclause (2)(b) refers to the way in which the hearing will be conducted. Subparagraph (i) states that a person shall be afforded reasonable opportunity to call or give evidence and I am sure that members would not have any quarrel with that. Subparagraph (ii) states that a person may be assisted by a legal practitioner appointed by the council. Subparagraph (iii) states that the committee shall permit that person to be represented by a legal practitioner or otherwise? How does subparagraph (iii) of subclause (2)(b) relate to subparagraph (ii)? It appears that subparagraph (ii) allows a person to be represented by a legal practitioner provided he is appointed by the council. I find that rather strange.

If a person is to have a legal practitioner representing him in a matter of this nature surely it should be a legal practitioner of his choice. Clause 38(2)(b)(iv) likewise requires clarification. I understand it to say that if a person does not appear, the whole of the hearing may be conducted in his absence. We are talking about a disciplinary action, a hearing where penalties can be imposed. If a hearing is dealing with serious charges it would be a grave miscarriage of justice if an accused person was not present at that hearing. The person should and must be present at that hearing. Clause 38(3) goes beyond what is normally accepted in a court of law. This subclause requires a person to answer any questions put to him by the committee of inquiry even if those questions and answers may incriminate him. My understanding of natural justice and the requirements of the law is that a person is not required under the laws of this country to give evidence that may incriminate him, yet this legislation overrides those normal requirements requiring an accused person to answer questions even if those answers may incriminate him. That is quite untenable in any legislation and more untenable in this case where the hearing is not even in a court of law. In addition horrific penalties of up to $5 000 can be imposed for contravention of this legislation, so substantial penalties are involved. Clause 38 (4) appears to require a person to divulge information and material that is confidential. The clause states -

> A person who discloses to a committee of inquiry under this section information that would otherwise be confidential shall not be taken to have committed thereby any breach of a principle of professional ethics and shall not be liable in respect of any breach of a contractual obligation as to confidentiality.

When one reads that subclause in conjunction with the previous subclause requiring a person to answer any question put to him it seems to be requiring a person undergoing a hearing under this clause to divulge confidential information that could require the person to breach principles of professional ethics. That is untenable in any legislation and should not be acceptable in this legislation, or be approved by this committee. Clause 38(5) enables the committee of inquiry to receive transcripts of evidence and to receive and admit evidence given by affidavit or statutory declaration, or otherwise in a manner the person presiding determines to be appropriate. In paragraphs (a) and (b) of this subclause relating to evidence given by transcript or declaration the person, on undergoing this hearing before the committee of inquiry, is able to question any evidence given by way of transcript or statutory declaration. One must bear in mind that that evidence could have a substantial effect on that

person's future or could contribute to a large degree to the severity of the fine imposed on him by the committee of inquiry.

Clause 38(6)(d) relates to a person who misbehaves before the committee of inquiry or who wilfully insults the committee of inquiry, or interrupts the proceedings of the committee committing an offence. As an offender a person could, at worst, be subject to a penalty of $5 000. Who makes the judgment that there was misbehaviour, an insult or an interruption? Again, heavy penalties can be imposed for what appears to be a minor infringement. Clause 38(6)(e) states -

> fails without reasonable excuse (proof of which lies upon that person) -

And this part is very pertinent -

> to swear or affirm, or to answer any question, when required to do so by a committee of inquiry,
>
> commits an offence.

The words "to answer any question" are extremely pertinent because they could relate to any question on confidential matters. There are strong requirements on the person who is the subject of a hearing to maybe divulge confidential information or to answer questions that may incriminate him in the knowledge that substantial penalties apply for any breach of the legislation. Will the Minister explain why such strong penalties appear in the legislation and why this clause seems to override the usual requirements of our legal system as I understand them?

Mr WILSON: I shall do my best to respond to those requests from the member for Wagin for elucidation. We started at the beginning of clause 38, where the member was concerned about the membership of a committee of inquiry. I refer him to clause 10, in which is set out the power of the council to establish committees. If he looks further under clause 10, on line 21 the approval of the Minister is also required. While that clause does not spell out in detail the actual membership of the committee, it places the responsibility for the establishment and the composition of the committee in the hands of the council, subject to the approval of the Minister.

Mr Wiese: My point is that the committee hearing matters of this nature should be composed of experts in this field rather than of laymen. There is no requirement for certain qualifications for membership of that committee.

Mr WILSON: As I have said, clause 10 places that responsibility on the council, which itself is composed of high level representatives of the main interests and levels of expertise associated with the practice of in vitro fertilisation.

Mr Wiese: Council members will not be part of the committee?

Mr WILSON: No, but they are required to appoint the committee. They are the people best placed to make a decision about what expertise and what qualities are required in a committee of inquiry, subject to the approval of the Minister. I do not know what more I can say about that, other than what is set out in fairly strong terms in clause 10 of the Bill. I think the next point was with respect to -

Mr Wiese: It was with respect to the balance of probabilities rather than the basis of fact.

Mr WILSON: This refers to the fact that this is a civil test as distinct from a criminal test. Subclause (2)(a) provides that it can all be done by written submissions if the licensee agrees. Of course that is a practical connotation, because costs would no doubt be involved. It should be understood overall that in referring to committees of inquiry, we envisage a situation where these matters are being resolved, as it were, in a domestic context rather than by referral to the court system. We make provision here for a special type of inquiry; it is an internal type of inquiry rather than a referral of these matters to a formal court.

Mr Wiese: I raise the point because subsequently the decision of this committee can be appealed to the Supreme Court. If you make a finding on the basis of probability rather than evidence, it would seem to me that you are getting yourself into a very difficult situation if the Supreme Court subsequently finds that the basis of probability was not evidence and was not a basis of fact.

Mr WILSON: I am advised that the evidence would still have to be given on oath. The evidence is no different; it is more the weight given to the evidence rather than that no evidence is required. Evidence is still required.

Mr Wiese: So the evidence would be given under oath?

Mr WILSON: The evidence would be given under oath, yes.

Mr Wiese: The next matter I raised was in relation to the appointment of a legal practitioner by the council; whether the accused must accept the legal practitioner appointed by the council, or whether he can use a practitioner of his own choice.

Mr WILSON: Under subclause (2)(b)(ii) a legal practitioner is appointed to assist the council. Under subparagraph (iii) the person to be charged may appoint his own solicitor, or his own legal adviser, whoever he wishes to represent him before the committee of inquiry. The one case refers to the legal practitioner who will assist the committee of inquiry, and the second refers to the person charged being able to appoint his own solicitor to represent him and his interests before the committee.

Mr Wiese: The other point I raised was in relation to the ability to hold a hearing in the absence of the person. It seemed quite extraordinary, in view of the penalty which could be imposed.

Mr WILSON: That has been included with a definite intent, because it is to cover the instance where a person may abscond and not attend a hearing. It is to ensure that in such a case he or she should not be allowed by that means to defeat the proceedings or to try to prevent the proceedings from going forward; it is with specific intent. That may be an unlikely event in most people's minds but it is something that could occur, and it could be a device to interfere with such proceedings being held indefinitely.

Mr Wiese: I accept the recommendation but I am not convinced. I believe it is extraordinary that a hearing of that nature could be held without the person being there. However, I know what the Minister is saying.

Mr WILSON: But we are dealing with the part of the Bill which must envisage and take on board ways and means that people may seek to use to avoid penalties for offences committed. If the member for Wagin reads that in conjunction with clause 38(2)(b)(i) he will see that such a person shall be afforded reasonable opportunity; so it is not an unreasonable provision. It is within the context of being afforded reasonable opportunity.

Mr Wiese: With due respect, I believe a reasonable opportunity to call, give evidence, and prosecute and examine witnesses makes a presumption that the person is present at the hearing.

Mr WILSON: Yes, it does make a presumption that the person is present, but if that person does not appear there is a provision for that eventuality and that is what clause 38(4) is all about. One might envisage that his lawyer appears but he does not, and that could well happen. It happens on many occasions. The member for Wagin then referred to clause 38(3) and was concerned about a person's incriminating himself.

Mr Wiese: Yes, and being required to answer questions even in the knowledge that the answers would incriminate him. I believe that contravenes all of the requirements of our legal system.

Mr WILSON: This is in the sense that these are penalties for offences only because of the special nature of this legislation, and only under this legislation do they apply, and deliberately, but only for the limited purposes of the disciplinary procedures. Again, these are not criminal proceedings but special proceedings provided for under this legislation. It is all to do with ensuring that the information that will be required to get to the bottom of any charge and any offence that is alleged to have occurred can be obtained.

Mr WIESE: I seek the indulgence of the Committee to allow the Minister to continue answering the points I raised in my questioning. Clause 38(3) is very important because I believe it is writing in a legal requirement that a person shall have to give evidence even in the knowledge that that evidence shall incriminate him. I believe that goes far beyond the requirements of our legal system and really does not allow justice to be seen to be done. I do not believe we should accept a clause of that nature. I will let the Minister deal with it

because it is very relevant also in relation to the other point I made; that is, that this subclause could require a person to divulge confidential information.

Mr WILSON: We must go back to the special provisions of this legislation and the special circumstances with which it is attempting to deal. Many of the matters under investigation will be matters that are within the knowledge only of the practitioner concerned, and therefore it has been considered that these measures will be absolutely necessary to get to the bottom of any complaint and any possible offence that has been committed. These are very special areas of concern, and very highly specialised areas, and it is not in any sense a normal court situation. It is very much an internal inquiry into matters which will be largely within the special knowledge of the practitioner concerned.

It is the same with the member for Wagin's concerns about clause 38(4). He has indicated a concern about disciplinary procedures, and particularly the provision about a special case in which a person discloses to a committee of inquiry information that would otherwise be confidential. Within this form of internal inquiry there must be a safeguard from potential disciplinary procedures, for instance, that could arise from that divulgence of confidence under the Medical Act, and from subsequent civil penalties. Again, if there is not this sort of provision, any committee of inquiry is not likely ever to get down to the sort of information that is required to be dealt with if a committee of inquiry is to do its work under the provisions of the legislation. We must try to divorce in our minds this special kind of internal, domestic-type inquiry from court proceedings, because we are dealing with a very special area of inquiry; and not only a special area of inquiry, but knowledge which will be specially confined to the practitioner concerned. I do not see how such a committee of inquiry could carry out its functions otherwise.

Mr WIESE: Is the Minister saying that the code does not have the power of law? I do not believe that the Minister and I will agree on this matter. The Minister appears to be telling the Chamber that this is an internal matter regarding in vitro fertilisation and its relationship to the code; that is, that it has no legally binding effect. That is not the case at all, because the ultimate procedure is that if a person believed that he had been wrongly convicted, or a judgment handed down by the council was not correct, he has the power to go to the Supreme Court which would rule on the matter. These matters have all the powers of law. The code is very much part of the legislation and is legally binding on all practitioners. If it is not, what on earth are we doing in this place? The code is binding and a person, and this Chamber, should be able to expect that a hearing of that nature should be conducted along the lines of a judicial hearing. The Minister has indicated that people giving evidence to such an inquiry would do so under oath; that leads me to believe that it is legally binding.

I query the requirement written into the clause that a person can be required to give evidence that will be incriminating against himself. That is something contrary to my understanding of a sense of justice and the workings of our legal system. The Minister has not dealt with the requirement in this clause for a person to breach confidentiality, nor the conflict which exists in this legislation arising from the substantial requirements of clause 49 in which strong prohibitions are involved. This is a strong disciplinary clause that requires that if a person is asked, he must give evidence which is a breach of the confidentiality requirement incorporated into the Bill at a later stage in clause 49. That flies in the face of all natural justice. The clause goes far beyond what this Parliament can possibly accept. The Chamber must bear in mind that we are not talking about a minor disciplinary action; it involves imposing a fine of $5 000. It is unfortunate that the Minister has not dealt with the confidentiality requirements. He should indicate whether he believes that the code is a legal document, and whether it should be treated in that way.

Mr WILSON: I genuinely will attempt to respond to the member in the best way I can, but I do so without any guarantee of a hope to satisfy his request. I thought I made it clear earlier that the code comprised three parts: The rules, the guidelines and the general information or notices. The rules have the power of law - although not criminal law - and the guidelines and notices do not. The rules are to do with ethics and medical matters and disciplinary procedures regarding ethical and medical matters. Offences under the Act are dealt with by the ordinary court; however, clear distinction exists between ethical and medical matters and disciplinary procedures dealt with under the rules and offences for consideration by an ordinary court in which ordinary criminal law is dealt with. That is quite clearly spelt out in the Bill.

I have already referred to breaches of confidentiality. If any person involved in a hearing before such a committee of inquiry breached confidentiality as to the matters learnt in the inquiry, that person could go to prison. This is contained in clause 50. The purposes of the committee of inquiry in setting aside normal requirements to comply with restricting confidential information are prescribed in this clause. They cannot be transmitted out of the context in which the inquiry is held. That is a provision which allows for the full divulgence of information pertinent to what is necessary to allow that committee of inquiry to do its job. If my comments do not satisfy the member's concerns, I do not believe I am able to do so.

Clause put and passed.

Clause 39 put and passed.

Clause 40: Penalties -

Mr WIESE: The Minister referred me to this clause earlier in the debate. He sought to assure me that the imposition of a penalty which we were talking about earlier was safeguarded by this clause. Subclause (1)(j) refers to the cancellation of a licence or revocation of an exemption. Therefore, it is not relative to the other offences. It is relevant only to the cancellation of a licence and all the other penalties that are able to be imposed are still able to be imposed regardless of this clause. Why is the licensing authority able only to exercise this power in relation to subclause (1)(j)?

Mr WILSON: It is mandatory with respect to the cancellation of a licence. However, because it is mandatory in that respect, it is necessarily persuasive in all other respects.

Mr WIESE: The point I tried to make previously was that a person may not know that a penalty was able to be imposed. If that person did not know that an offence was being committed, he would not know that a penalty could be imposed. This clause applies only to the cancellation of a licence and not to other penalties.

Mr WILSON: It is mandatory with respect to the cancellation of a licence which is a fairly crucial provision in relation to the continuing operation of a clinic. However, in other respects, it is substantially a mitigation in respect of any superior court issuing a serious penalty. It is a mitigating consideration and it is unlikely that the Supreme Court would impose a severe penalty under those circumstances.

Clause put and passed.

Clauses 41 to 45 put and passed.

Clause 46: Access to information -

Mr WIESE: This clause will allow all of those people who are in any way involved in any of the procedures to have access to information. Does that refer also to the sperm donor, the ovum donor or anybody who is involved with that embryo, whether it be the husband or the wife for whom the embryo has been created?

Mr WILSON: The parents can find out about themselves under this clause, but the child is not a participant to it. The child cannot use this provision.

Mr Wiese: Therefore, the parents of the embryo or of the child born of that embryo are able to obtain information in relation to the gametes, the sperm or the ovum. Likewise, the sperm donor or the ovum donor is able to obtain information on the identity of the child born from the in vitro fertilisation procedure.

Mr WILSON: I reiterate that this clause refers to the parents who are able to inquire only about their own treatment. It gives them access to their own medical records.

Clause put and passed.

Clause 47 put and passed.

Clause 48: Exchange of information -

Mr WIESE: This clause allows the commissioner to disclose, or authorise the disclosure of, information about reproductive technology to other States and Territories. Is it a reciprocal arrangement and will Western Australia be able to access information from other States and Territories? Paragraph (b) provides for the Commissioner of Health to disclose, or authorise the disclosure of, information gained in the course of the administration of this legislation to

any other bodies that may require the information for the purpose of discharging duties of a public nature. Why is this paragraph so broad?

Mr WILSON: It is a discretion, not a requirement. Health Ministers, as late as their meeting in March this year, agreed that information about donors be made available to children born of in vitro fertilisation technology. While it is not a formal process, that agreement will allow for it to occur.

Mr Wiese: Is it identifying information?

Mr WILSON: Yes.

Clause put and passed.

Clause 49: Confidentiality -

Mr WIESE: Subclause (2)(b) states that information outlined in subclause (1) may be divulged or communicated with the consent of each donor, participant or a child. Therefore, the consent of each of those people is required to allow identifying information to be disclosed. The paragraph refers to "or a child" and I presume that the consent of the child can be given only when he turns 18 years of age. Is that the age at which a child can give consent for identifying information to be disclosed?

Mr WILSON: This paragraph refers to each person whose identity may be disclosed. If any of those persons feels that his or her identity is at risk it will require his or her consent. It is envisaged that the age of consent for a child would be when he turns 18 years of age. In any case, a child in that situation would need to be of such an age that his informed consent would stand firm if it were challenged in a court. Any court would consider the age of 18 to be the normal age of consent. Certainly the age that has been considered in matters of informed consent in respect of adoptions is 18 years.

Clause put and passed.

Clause 50 put and passed.

Clause 51: Supervision -

Mr WIESE: My query relates to subclause (6). It appears that this gives the Minister or the Commissioner of Health power to dictate to the licensee who he may employ. It includes a requirement for the licensee to notify the Commissioner of Health of the person he proposes to appoint or employ and the Commissioner of Health has the power, within seven days after receiving the notice of the proposed appointment or employment, to notify that the person does not have the approval of the licensing authority. Under what circumstances would the commissioner employ those powers?

Mr WILSON: That refers, of course, as is set out on page 82 of the Bill, to the person responsible, and it requires that person to be a person who is fit and proper. It is very unlikely that anybody would have been granted a licence in the first instance if he had not been adjudged a fit and proper person.

Mr Wiese: I am not talking about the licensee, but about his employees.

Mr WILSON: That is right, but it relates to the person who is carrying on the licence. That person continues to need to be a fit and proper person. That is a very important point, and it refers to the person who is practising the technology. I refer also to clause 33, on page 56, relating to the conditions applicable to all licences and exemptions, which states that the person must be a fit and proper person.

Clause put and passed.

Clause 52 put and passed.

Clause 53: Offences by bodies corporate and partnerships -

Mr WILSON: I move -

> Page 85, lines 20 and 21 - To delete "section 5 (1) of the *Companies (Western Australia) Code*" and substitute -
>
> section 9 of the Corporations Law

This reflects the December 1990/January 1991 replacement of the Companies (Western Australia) Code with a uniform national corporate law.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 54: Powers of authorized officers -

Mr WIESE: My query relates to subclause (1)(b)(i). Can an authorised officer question employees, without the authorisation of the licensee or the person in charge? I would have thought that was a power well beyond those accepted in any other legislation. The same query relates to paragraph (c) on page 87 whereby an officer carrying out an inspection of premises can require any person having possession of records relevant to the practice to produce those records of the activities within the licensed premises. Could the officer do that without any formal approach to or authorisation from the principal or without the principal being present? If it can be done in the absence of the principal, it would again appear to go beyond those powers.

My third query refers to subclause (2)(d), which allows an authorised officer to take possession of and retain records. Information relating to the premises may be stored on a hard disc which contains other information not relevant to the inquiries being conducted by the officer. It appears that he will have the power to take possession of that disc which contains that information.

My last query relates to subclause (4), which again provides the extraordinary power that a person who has been asked to comply with the requirement to give information can in no way refuse to do so on the ground that it may incriminate the person or make him liable to a penalty. In this case at least we are referring not only to the code, but to all the powers within this legislation. I reiterate that that goes beyond all the requirements of our legal system and far beyond what I believe is natural justice.

Mr WILSON: Subclause (1)(b)(i) and (ii) certainly does extend to consultants and, for instance, people working in a pathology or chemical laboratory who would certainly have some of the special information needed to pursue the enforcement of the legislation. I can only return to what I said previously: This refers to the special nature of this legislation and the special matters with which it is attempting to deal. It is a highly specialised area in which it will be necessary when pursuing enforcement to have highly technical and specified information, otherwise the pursuit of the enforcement will fail.

We have discussed during a previous debate on this Bill that its policing with be a difficult matter. We are attempting to deal with those difficult matters and set out in detail the lengths to which it will be necessary to go to achieve maximum enforcement in a difficult and specialised area. In response to the query relating to clause 54(1)(c) the member said that these powers will extend to taking possession of material on a hard disc. I cannot see how we can take a hard disc on the basis that a bit of it may contain information relevant to an inquiry. Obviously, if there are good grounds to believe that relevant information is contained on a hard disc it will have to be possible to take possession of the record contained on that disc to allow pursuit of the inquiry into an alleged offence. I cannot say much more about the member's queries relating to clause 54(4). I have tried to deal with his concern there previously and was unable to satisfy him then, so I doubt that I can satisfy him now.

Clause put and passed.

Clauses 55 to 63 put and passed.

Schedule -

Mr WIESE: Clause 6 of the schedule outlines requirements relating to personal or pecuniary interests. If a person on the council believes he has a personal or pecuniary interest he shall be ineligible to vote on a matter. I understand that council members may have deputies to take their place. If a person bars himself because of a personal or pecuniary interest can his deputy vote in his place?

Mr WILSON: I refer the member to clause 6 (3) which states, in part -

> A disclosure under subclause (2) shall be recorded in the minutes of the meeting of the Council or the committee concerned, as the case requires, and the person having the interest shall not, unless the Minister otherwise directs or the Council or that committee, as the case may be, otherwise determines . . .

Mr WIESE: I am aware of what the Minister is saying, but provision exists for a deputy to take the place of a council member. If a council member is barred from or unable to take his place on the council because he has a pecuniary interest, is his deputy able to replace him for the council's deliberations? This is relevant because the council is comprised in a specific way and has representatives from various organisations on it. Let us assume that the representative who declares a pecuniary interest is a practitioner under the Act. If he disqualifies himself because a matter relating to his practice is being discussed but it relates to the whole matter of in vitro fertilisation procedures, can he, having disqualified himself because of a pecuniary interest, still be represented by a deputy, presuming that deputy has an intimate knowledge of in vitro fertilisation? Another example is if the Australian Medical Association member debars himself. Would that mean the AMA would not be represented for the purposes of that discussion or could it be represented by that member's deputy?

Mr WILSON: I refer the member to clause 2 of the schedule which provides that a deputy can be appointed on the nomination of the body or person nominated. Therefore, deputies can be appointed when a member cannot attend. In clause 2(3) provision exists for the deputy to be deemed to be a member in an instance when a member cannot attend and take part in a meeting. Clause 2(5) provides that the Minister may appoint a person who in the opinion of the Minister is representative of the same interests as that member to act in place of that member, and while so acting the appointee shall be deemed to be the deputy of the member; so when the member cannot act, a deputy may be appointed, and where a person is appointed as a deputy, the person so appointed is deemed to be a member.

Mr Wiese: I think you are saying that he can.

Mr WILSON: I am pointing out what is in the legislation.

Schedule put and passed.

Preamble -

Mr MINSON: I move -

Page 1, before line 1 - To insert the following preamble -

WHEREAS:

A. In enacting this legislation Parliament is seeking to give help and encouragement to those eligible couples who are unable to conceive children naturally or whose children may be affected by a genetic disease.

B. Parliament considers that the primary purpose and only justification for the creation of a human egg in the process of fertilisation or embryo in vitro is to so assist these couples to have children, and that this legislation should respect the life created by this process by giving an egg in the process of fertilisation or an embryo all reasonable opportunities for implanting.

C. Although Parliament recognises that research has enabled the development of current procedures and that certain non harmful research and diagnostic procedures upon an egg in the process of fertilisation or an embryo may be licit, it does not approve the creation of a human egg in the process of fertilisation or an embryo for a purpose other than the implantation in the body of a woman.

D. Parliament considers the freezing and storage of a human egg in the process of fertilisation or an embryo to be acceptable only:

(i) as a step in the process of implanting; and

(ii) only in extraordinary circumstances once the freezing and storage of eggs can be carried out successfully.

The objects of the Bill state in broad terms what the Bill will do, but they do not set out what the Bill is trying to achieve. The council which will administer this legislation, and the courts, will at some time or another have to decide what this Parliament was trying to achieve when it passed this 100-odd pages of legislation. The members of the council may

not have legal training, and this preamble will guide them when they try to ascertain exactly what this Parliament was trying to achieve. This is now about the fourth draft of the preamble, and it was arrived at with a fair bit of behind the Chair consultation. I believe it sets out what just about everyone involved in this debate is trying to achieve.

Preamble put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

House adjourned at 11.59 pm

APPENDIX A

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Table I

Number of MLCs returned by a region	Number of districts in the region
3	5
5	8 or 9
7	11 or 12
9	14, 15 or 16

Table II

Present structure of representation in Parliament

	Council			Assembly	
Region	No of MLCs	Average enrolment Region	Per MLC	No of MLAs	Average district enrolments
Mining and Pastoral	5	63400	12680	6	
Agricultural	5	85103	17021	7	23 of 11316*
South West	7	111770	15967	10	
Metropolitan Region Scheme Boundary set by Parliament					
East Metro	5	206672	41334	10	
South Metro	5	212948	42590	10	34 of 21087*
North Metro	7	297329	42476	14	
	34			57	

* At present, enrolments in the metro and non-metro areas are set within a range from 15% below to 15% above the average district enrolment in each area.

Enrolments at 28th March 1991 are the basis for estimates.

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Table III

Possible structure of representation in Parliament under the proposal

	Council			Assembly	
Region	No of MLCs	Average enrolment# Region	Per MLC	No of MLAs	Average district enrolment
Mining and Pastoral	3	85720	28573	5	
Agricultural	3	85720	28573	5	
South West	3	85720	28573	5	
Metro boundary set by Commissioners					57 of 17144
North Metro	9	257160	28573	15	
East Metro	9	257160	28573	15	
South Metro	7	205728	29390	12	
	34	977222		57	

Note: This structure is not necessarily the one that would be set by the Commissioners but it is one equitable arrangement based on the existing six regions. The number of MLCs and districts in each region would be decided by the Commissioners following the proposed Table I.

\# Table III suggests regional enrolments on the theoretical basis that the enrolment in every district is equal to the average district enrolment. However, at a redistribution the discretion available to the Commissioners in the ±10% margin of allowance on district enrolments, and in the composition of regions from Table I would lead to variations from these theoretical figures.

QUESTIONS ON NOTICE

IRON ORE INDUSTRY - MEMBER FOR SWAN HILLS' STUDY
Overseas Travel

532. Mr MacKINNON to the Premier:

(1) Will the Premier advise whether the member for Swan Hills' study of the iron ore industry involves him in any overseas travel or tours?

(2) If so, will the Premier assure the Parliament that

(a) the purpose of the travel is made public;

(b) the full details of the travel expenditure is made public?

(3) If not, why not?

Dr LAWRENCE replied:

(1) Yes.

(2) A full report on the study of the iron ore industry will be presented to the Deputy Premier on completion of the study. This report will include details of any travel undertaken as part of the study.

(3) Not applicable.

HOSPITALS - TEACHING AND NON-TEACHING HOSPITALS
Engineering Services Expenditure 1989-90

604. Mr MINSON to the Minister for Health:

Further to question 1991 of 1990, what was expenditure in the 1989-90 financial year on external contractors used for engineering services in both teaching and non-teaching hospitals respectively?

Mr WILSON replied:

(a)	Teaching hospitals -	$2 207 000	
(b)	Non-teaching hospitals -	$597 000	(Metropolitan)
		$700 576	(Country)

JUSTICES OF THE PEACE - CONNELL, MR LAURIE

744. Mrs EDWARDES to the Minister representing the Attorney General:

(1) Referring to question 453 of 1991, why did the application by Hon John Williams on behalf of Lawrence Robert Connell take 17 months and eight days for approval?

(2) (a) Was this application refused or deferred;

(b) if so, for what reason during this period of time?

Mr D.L. SMITH replied:

(1) The time taken was in the general range applying to JP applications.

(2) Details of JP applications and their processing have always been dealt with in confidence.

TOTALISATOR AGENCY BOARD - STAFF RETIREMENT FUND
Shortfall - Government Guarantee

754. Mr TRENORDEN to the Minister for Racing and Gaming:

(1) Has the Government given any commitment that it will meet or guarantee the $497 000 shortfall in the TAB's staff retirement fund?

(2) On what date did the Government first know that there was a significant shortfall?

Mrs BEGGS replied:

(1) No.

(2) The Totalisator Agency Board annual report of 1987-88 showed that there was a shortfall in the fund. I was first advised of the shortfall of $497 000 in March 1991.

TOTALISATOR AGENCY BOARD - STAFF RETIREMENT FUND
Establishment Minute Tabling

759. Mr TRENORDEN to the Minister for Racing and Gaming:

(1) Will the Minister table the minute that established the Totalisator Agency Board staff retirement fund?

(2) Was the minute presented to the Minister before the fund was established?

(3) If yes to (2), did the Minister approve or authorise it?

Mrs BEGGS replied:

(1) The Totalisator Agency Board superannuation fund was established by a trust deed properly executed by the Totalisator Agency Board. I refer the member to question on notice 760.

(2) No.

(3) Not applicable.

TOTALISATOR AGENCY BOARD - STAFF RETIREMENT FUND
Level of Benefits and Contributions Decision

760. Mr TRENORDEN to the Minister for Racing and Gaming:

(1) Who decided -

(a) the level of benefits paid by the Totalisator Agency Board staff retirement fund;

(b) the level of employer's contribution;

(c) the level of the employee's contribution;

(d) that the employer's contribution would be made even if the employee made no contribution?

(2) Will the Minister table the minute for each of the decisions referred to in (1)?

(3) In each case, was the minute presented to the Minister for approval and did the Minister approve it?

Mrs BEGGS replied:

(1) The trustees.

(2) If the member would like a briefing on this matter I will arrange it.

(3) No.

TOTALISATOR AGENCY BOARD - STAFF RETIREMENT FUND
Former General Manager - Overpayment of Benefits Minute

761. Mr TRENORDEN to the Minister for Racing and Gaming:

(1) Will the Minister table the minute that authorised the overpayment of benefits to the former general manager of the Totalisator Agency Board staff retirement fund?

(2) (a) Was the minute presented to the Minister for approval;

(b) did the Minister approve it?

Mrs BEGGS replied:

(1) The former General Manager of the Totalisator Agency Board was paid the benefit prescribed to him in the trust deed. I refer the member to my answer to question 760.

(2) (a) No.
(b) Not applicable.

TOTALISATOR AGENCY BOARD - STAFF RETIREMENT FUND
Deficit - Actuarial Report Tabling

765. Mr TRENORDEN to the Minister for Racing and Gaming:

Will the Minister table the actuarial report that identified a deficit of $497 000 in the Totalisator Agency Board staff retirement fund at 31 July 1990.

Mrs BEGGS replied:

I refer the member to my answer to question 760.

TOTALISATOR AGENCY BOARD - STAFF RETIREMENT FUND
Former General Manager - Lump Sum Payment

766. Mr TRENORDEN to the Minister for Racing and Gaming:

(1) With reference to the lump sum identified in the Auditor General's Report on page 26 as having been paid in advance to provide the additional $171 000 payment to the retiring general manager of the Totalisator Agency Board, when was the lump sum paid?

(2) On whose authority was it paid?

(3) Will the Minister table the minute authorising the lump sum payment?

(4) Did the Minister approve the lump sum payment before it was made?

(5) (a) Does the payment of the lump sum commit the TAB to a monthly payment of $14 900 for a given period of time;

(b) if yes, for how long?

Mrs BEGGS replied:

(1) July 1990.

(2) The Totalisator Agency Board.

(3) I refer the member to my answer to question 760.

(4) No.

(5) (a) The board had already agreed to pay $14 900 per month for 60 months to eliminate the deficit. The lump sum payment referred to has been offset against this commitment.

(b) The final payment of $14 900 is due in December 1993, unless the board decides to eliminate the shortfall in the interim.

TOTALISATOR AGENCY BOARD - STAFF RETIREMENT FUND
Trustees

768. Mr TRENORDEN to the Minister for Racing and Gaming:

(1) Who are the current trustees of the Totalisator Agency Board staff requirement fund?

(2) Who selected them and when were they appointed?

(3) (a) Who are the former trustees of the fund;

(b) who selected them;

(c) what were their periods of service?

(4) Which of the current and former trustees are, were or will also be beneficiaries of the fund?

Mrs BEGGS replied:

(1)-(3)

The Totalisator Agency Board members are trustees of the Totalisator Agency Board staff retirement fund. Board members are appointed under the Totalisator Agency Board Betting Act. A list of these members can be found in the annual report which is tabled in Parliament.

(4) No current board member/trustee is also a beneficiary of the fund. Previously the only board member who has also been a beneficiary of the fund was the Totalisator Agency Board general manager.

SCHOOLS - HIGH WYCOMBE PRIMARY SCHOOL
Upgrading

776. Mr TUBBY to the Minister representing the Minister for Education:

(1) Are facilities at the High Wycombe Primary School of a satisfactory standard?

(2) How many transportable and demountable rooms are utilised at this school?

(3) When is it planned to upgrade the facilities at this school?

Dr GALLOP replied:

(1) The classrooms and playing fields are in good order and a covered assembly area has been provided recently. Improvements are needed to the administration area and library resource centre.

(2) Three.

(3) Improvements have been listed as part of the 1991-92 budget process pending a consideration of priorities for funding.

SCHOOLS - JURIEN DISTRICT HIGH SCHOOL
Stage 2 Commencement Date

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

When will construction of stage 2 of the Jurien secondary school commence?

Dr GALLOP replied:

Stage 1 of Jurien District High School is currently under construction. The construction of stage 2 will be undertaken from a future budget. Enrolment growth at the school will be a factor in determining commencement of the stage 2 works.

PRISONS - GREENOUGH PRISON
Security Upgrade - Home Release Policy, Geraldton Implementation

874. Mr BLOFFWITCH to the Minister representing the Attorney General:

(1) Is it the intention of the Minister to implement the Minister's home release policy in Geraldton and make room for more hardened criminals in the Greenough regional prison?

(2) Was this policy the reason for the recent upgrade of security at the Greenough prison?

(3) If not, why has it been upgraded and to what stage?

Mr D.L. SMITH replied:

(1) The home detention program will be phased in throughout the State on the basis of experience with the initial program in the metropolitan area. With or without a local home detention program, no offenders will be placed at Greenough Prison unless they come within its existing security status.

(2) No.

(3) Greenough was upgraded to medium security status to accommodate prisoners at that security rating, including locally based prisoners.

HOMESWEST - PENSIONERS
Rental Increase

875. Mr BLOFFWITCH to the Minister for Housing:

(1) Are rental increases to pensioners living in Homeswest rental flats and houses placing the pensioners in an impossible situation due to the magnitude of the rent increases which in some cases are up to 90 per cent?

(2) Will the Minister inform on what basis these increases are based and why is it causing such hardship?

(3) Will the Minister give an undertaking in the future not to undermine the small gains these pensioners obtain with rises in pension payments which, they are told, are for increases in prescription fees and cost of living adjustment?

Mr McGINTY replied:

(1) No, Homeswest rents are not going up 90 per cent.

(2) Homeswest rents are being restructured -

- To improve equity between Homeswest tenants; that is, those with and without dependants.
- To improve equity between those in Homeswest housing and those in private rental and those on Homeswest waiting lists. These people have to pay up to 40 per cent of their income in rent.
- The only way to redress this situation is to ensure that rents are equitable and correctly set.
- Because of the lag in assessing incomes for rent, from May 1991 pensioners on the base pension will effectively be paying 19.6 per cent of their current gross income on rent.

(3) The restructuring of Homeswest rents is in three stages. Prior to these three stages the previous rent assessment was in November 1989 based on July 1989 income. In stage 1, July 1990 income was assessed at 20 per cent for the rent increase in November 1990. In stage 2, January 1991 income was assessed at 21 per cent for the rent increase in May 1991. In stage 3, July 1991 income will be assessed at 22.5 per cent for the rent increase in November 1991.

The two rent increases in the last 18 months have cost an extra $105 for a single pensioner. However, the full pension increases in the same period gave single pensioners an extra $942.50. After the current schedule of rent increases are completed this November, the total of extra rents single pensioners would have paid in the two years will be $310, while the extra pension income will be $1 500. For a pensioner couple, the total increase in rents in the two years will amount to $500, compared with the increase in pension income of $2 500.

From November 1991, those Homeswest tenants in receipt of a rental subsidy will have their rents calculated at 22.5 per cent of their assessed income for those on the base pension or benefit. The income assessed will not include their pension/benefit increase to be received in September 1991. Homeswest does not assess the pharmaceutical benefits as income for rent purposes.

CROWN LAW DEPARTMENT - ADMINISTRATION AND COURT SERVICES REVIEW

Costs

878. Mrs EDWARDES to the Minister representing the Attorney General:

(1) Can the Minister advise the following in respect to the cost to the taxpayer for the review/restructure of the Crown Law administration, and courts -

(a) cost of preparation and conducting of the review process;

(b) cost of implementing recommendations (other than new positions);

(c) cost of new positions;

(d) cost of reclassifications;

(e) cost involved in processing applications for new positions;

(f) cost involved in the provision of accommodation for new positions (inclusive of furniture, telephones, library?

(2) What cost benefit analysis was undertaken by the Crown Law Department to ensure taxpayers will benefit from the total expenditure spent on the administration/court review?

(3) Can the Minister outline how the Crown Law Department intends to fund the cost associated with the review?

Mr D.L. SMITH replied:

(1) (a) Not applicable. The review was conducted by departmental and Public Service Commission staff.

(b)-(d)

The question appears to be based on the premise that some positions in the court were reclassified. This is not the case as the former organisational structure was abolished and replaced with a new structure. Comparisons therefore cannot be made. In essence, the review's recommendations comprised two elements -

major organisational and functional changes; and

the provision of additional resources.

Additional resources of 19.6 FTEs are to be provided for Magistrates' Courts Statewide and 6.9 FTEs for the Children's Court. These are in addition to the transfer from temporary to permanent status of 20 FTEs appointed between 1988 and 1990. A number of positions are yet to be filled, but the department estimates the full year cost of implementation at $1 614 000. The cost will be met from the Consolidated Revenue Fund.

(e) Not applicable. The processing of applications is a function managed within existing resources.

(f) The department will meet all operating costs from within its existing budget allocation.

(2) In respect of costs see (1)(a) and (b). In respect of benefits, it is pointed out that the reviews were initiated in response to major concerns expressed by judicial officers, court users, and the legal profession. The problems of inadequate service, work backlogs and staffing difficulties have been addressed. Implementation of the review recommendations when completed will ensure a more efficient and effective court service.

(3) See (1)(c).

STAMP DUTY - RURAL REFINANCING
Mortgage Transfer Refund - Bank Fees and Charges

885. Mr HOUSE to the Treasurer:

(1) Under the Government's proposal to refund stamp duty on the transfer of mortgages for rural refinancing, will the bank fees and charges which are imposed at the time of the transfer still have to be met?

(2) Will the Treasurer undertake to contact the financial institutions and suggest that in the interests of fairness and assisting their clients at a difficult financial time, they look at waiving or refunding their own fees and charges?

Dr LAWRENCE replied:

(1) This is a matter for determination between banks and their customers.

(2) The State Government has no influence over bank fees and charges which are a matter of commercial consideration. An approach by Government would therefore be inappropriate although I would hope that the banks would adopt a sympathetic approach, given the current economic circumstances.

POLICE STATIONS - MEDINA POLICE STATION
Manpower

886. Mr MacKINNON to the Minister representing the Minister for Police:

(1) How many police officers are stationed at the Medina Police Station?

(2) During what hours of the day does the station operate?

(3) Where is the nearest 24-hour manned police station?

(4) What are the crime statistics registered at the Medina Police Station for each of the last five years?

Mr GORDON HILL replied:

(1) Thirteen police officers; one Aboriginal police aide and one cadet are stationed at the police station in Medina which is called the Kwinana Police Station.

(2) The Kwinana Police Station is open to the public between the hours of 8.00 am and 4.00 pm with constant mobile patrols conducted until 6.00 am seven days per week.

(3) Rockingham Police Station is the nearest 24 hour manned station.

(4) Offences reported to the Kwinana Police Station for each of the past five years are -

1987	1 562
1988	1 807
1989	2 265
1990	2 548
1991	1 231 (to 1.00 pm 6.6.91)

PRISONS - BARTON'S MILL PRISON
Future Use

888. Mr MacKINNON to the Minister representing the Minister for Corrective Services:

(1) What is the former Barton's Mill prison currently being used for?

(2) What plans does the Government have for its future use?

Mr D.L. SMITH replied:

(1) Barton's Mill Prison is currently vacant on a care and maintenance basis.

(2) The future use of the prison has not yet been determined.

SCHOOLS - YEALERING SCHOOL
Enrolments - Closure

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

(1) How many students are currently enrolled at the Yealering School?

(2) Are there plans for the school to be closed?

(3) If so, when is the school to be closed?

Dr GALLOP replied:

(1) Twelve preprimary and 42 primary students - semester 1, 1991 census.

(2) No.

(3) Not applicable.

STAMP ACT 1921 - REVIEW

891. Mr MacKINNON to the Treasurer:

(1) Has the Government completed its review of the Stamp Act 1921 in respect of both the imposition of duty and the administration of its collection?

(2) If so, when was the review completed?

(3) Will the result of the review be made public?

(4) If not, why not?

(5) If the report has not been completed, when is it anticipated it will be finalised?

Dr LAWRENCE replied:

(1)-(2)
No.

(3)-(4)
Yes.

(5) A draft report is expected to be finalised and circulated for comment within the next month.

RAILWAYS - ELECTRIFICATION
Railcars - Vibration Problem

896. Mr McNEE to the Minister for Transport:

(1) Has the vibration been eliminated from the new railcars?

(2) What was the cause of the vibration?

(3) What modifications were necessary to rectify the problem?

(4) Will the railcars carry an unconditional guarantee?

Mrs BEGGS replied:

(1) As indicated in the answer to question 681 Westrail and the contractors are now working together to resolve this problem.

(2) Resonance in the primary suspension system of the bogies.

(3) Refer to answer (1).

(4) Assuming the member is referring to guarantees on the modifications to the cars, this is currently being negotiated.

ABORIGINES - MARTU PEOPLE, RUDALL RIVER NATIONAL PARK
Balgo Transfer

899. Mr GRAYDEN to the Minister for Aboriginal Affairs:

(1) Have both communities of Martu people who were occupying the Rudall River National Park now left the park and are living at Balgo?

(2) If so -

(a) when did the communities leave the national park;

(b) what was the reason for leaving the national park?

Dr WATSON replied:

(1) No. Martu people are still located at Punmu and Pangurr.

(2) Not applicable.

SHIPPING - KWINANA GRAIN TERMINAL
Grain Cargoes - Vessel Waiting Times

907. Mr McNEE to the Minister for Transport:

(1) How many vessels have loaded full grain cargoes (excluding top-ups) at the Kwinana grain terminal over the two month period April-May 1991?

(2) What were the average and cumulative waiting times for these vessels?

(3) How do these waiting times compare to the same period in 1990 and 1989?

(4) What was the amount of demurrage paid to the waiting ships over this April-May 1991 period?

(5) How many shifts were worked at the Kwinana grain terminal over this same two month period?

(6) How many shifts were worked on Saturdays and Sundays?

(7) How many vessels called for top up only during these two months?

(8) What total tonnages of the various commodities were loaded during this period -

(a) to full loading vessels;

(b) to top-up vessels?

Mrs BEGGS replied:

The information sought under (1) to (3) and (5) to (8) is held by Co-operative Bulk Handling. In respect of (4) the Australian Wheat Board holds the information. I have been supplied with the following by these organisations -

(1) 22.

(2) Average 5.32 days cumulative 117 days.

(3) 1990 - average 3.82 days cumulative 42 days.
1989 - average 11.7 days cumulative 222 days.

(4) The Australian Wheat Board calculates demurrage paid to waiting ships in Melbourne and the information is not currently available in the Perth office. The Grain Pool of WA did not pay demurrage to waiting ships for the period April to May 1991.

(5) 86.

(6) Saturday three, Sunday six.

(7) Nine.

(8)

(a)	April	-	Wheat	322 435.35
	May	-	Wheat	403 882.97
(b)	April	-	Oats	1 405.00
			Lupins	4 009.64
			Wheat	45 574.33
	May	-	Oats	1 754.00
			Barley	10 023.71
			Lupins	13 399.00
			Wheat	51 770.10

DAWESVILLE CUT - WANNANUP DEVELOPMENT PTY LTD
Land Purchase - Completion Date

910. Mr BRADSHAW to the Minister for Transport:

(1) With regard to the Dawesville channel, has the Wannanup Developments' land been purchased for the proposed Dawesville channel?

(2) If not, has Wannanup Development Pty Ltd allowed the Department of Marine and Harbours to quarry its land?

(3) Has all the land required for the proposed Dawesville Cut been purchased?

(4) If not to (3), how much land is still to be purchased and when will the Government do so?

(5) What is the expected completion date of the Dawesville Cut?

Mrs BEGGS replied:

(1) No.

(2) No. Wannanup Development Pty Ltd has entered into separate arrangements for the quarrying of their land.

(3) No.

(4) About 28.6 hectares of land along the alignment of the channel remains to be purchased. Land purchase arrangements are currently being considered by Government.

(5) Provided quarrying operations proceed on schedule and an appropriate guided land development scheme can be negotiated, the channel could be completed in 1996.

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

912. Mr MacKINNON to the Deputy Premier:

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

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

Mr TAYLOR replied:

See reply to question 728.

QUESTIONS WITHOUT NOTICE

TURNBULL AND PARTNERS - STATE GOVERNMENT INSURANCE COMMISSION
Fees Disclosure Decision

225. Mr COURT to the Minister assisting the Treasurer:

(1) Is the Minister aware that in *The West Australian* of 7 June 1991 it was reported that "on the question of disclosing Mr Turnbull's fees, Mr Michell said that was a matter for the Minister responsible for the SGIC, Geoff Gallop", and that last week the Minister informed this House that he would be discussing this matter with the State Government Insurance Commission.

(2) Just who will make the final decision on whether these fees will be made public and when?

Dr GALLOP replied:

(1)-(2)

The Minister will make the final decision, but I indicate to the House that in making that decision I will be consulting with those who are out there in the marketplace dealing with these issues from day to day; that is, the State Government Insurance Commission. Secondly, I have also asked the SGIC to make contact with Mr Turnbull to ascertain his point of view on the subject, and I hope to be in a position very soon to answer whether I will be releasing that information.

Mr MacKinnon: When is that? Tomorrow or the next day?

Dr GALLOP: I believe it is incumbent upon me as a responsible Minister in this State to go about this in the right way. Just because the Opposition asked for that information does not mean the information should be given. I have a responsibility to the SGIC and to the people who enter into contractual arrangements with it, and I will be making a decision very soon on that matter.

WOMEN'S INFORMATION AND REFERRAL EXCHANGE - WESTERN WOMEN FINANCIAL SERVICES PTY LTD
Public Service Commission Inquiry - Reports Tabling

226. Dr EDWARDS to the Minister assisting the Minister for Women's Interests:

Can the Minister now inform the House about the findings of a Public Service Commission review of the Women's Information and Referral Exchange in its dealings with the Western Women group?

Dr WATSON replied:

I am pleased to inform the House that the independent review of the Women's Information and Referral Exchange has cleared public servants of any impropriety in relation to their dealings with the Western Women group. Indeed, it seems that several of the public servants were themselves victims of Robin Greenburg's confidence tricks. None of them benefited; in fact, they have lost at least $17 000 of their own money. The Public Service Commission said it appeared that WIRE's official policy of referring clients was complied with, and that people who sought investment advice were referred to at least three agencies. However, it is apparent that, over the past seven years, WIRE has experienced an explosion of demand for a range of these services. Consequently I have accepted all the Public Service Commission's recommendations, including that the financial referral services be cancelled and that the legal services be suspended. Because the inquiries into Western Women began with the Corporate Affairs Department, copies of this report will be sent to the Australian Securities Commission in case it can be of assistance. I table the reports.

Mr MacKinnon: Is that both reports?

Dr WATSON: Yes.

[See papers Nos 361 and 362.]

STATEMENT BY THE SPEAKER - ROYAL COMMISSIONERS
Subpoena, Parliament House - Breach of Parliamentary Privilege

227. Mr HOUSE to the Premier:

I refer to the statement to the Legislative Assembly by the Speaker at the start of today's sitting indicating that a breach of parliamentary privilege had been committed by officers of the Royal Commission. What action does the Premier intend to take with regard to this matter, and if the answer is none, why is that?

Dr LAWRENCE replied:

I might ask the same question of the deputy leader of the National Party or, indeed, members opposite. I thought it would be appropriate, given the Speaker's statement to us today and his indication that he had written a letter to the Royal Commissioners drawing their attention to the breach and asking for an explanation, that the courteous thing to do would be to wait for the reply from the commissioners.

TREASURY DEPARTMENT - FUNDS
Misuse by Staff Allegations

228. Mr KOBELKE to the Premier:

(1) Is the Premier aware of claims made by a former Liberal member of Parliament on "The 7.30 Report" last Friday about an alleged misuse of Treasury funds by Treasury staff?

(2) If so, are the allegations correct?

Dr LAWRENCE replied:

(1)-(2)

I stand in this Parliament not so much to have a go at the former member, Mr Lightfoot - although his allegations were really ridiculous - but to defend Treasury officials and others from the very clear implication in his allegations that criminal activity may have occurred. The former member chose to make public, as I understand it, claims made to him by a person in Geraldton prison who has since been deported. That, in my view, puts him in the same league as the Leader of the Opposition and the member for Nedlands, who also seem to have a habit of touting as if they were in fact the views of people who have been in prison for various offences. The former member has made some

really outrageous allegations, from a spurious source in this case, and if we look at what he claimed in relation to the Treasury it simply could not occur. For it to be given any credibility, either by members opposite - and I hope it has not - or by the media, is quite extraordinary. The former member claims that cheques drawn on the public bank account to pay creditors were effectively hijacked, as he put it, over the weekends, with the interest being skimmed off, allegedly to politicians and senior public servants. That is an extraordinary allegation to make on the basis of a report of a prisoner, but it is an extraordinary one to make in any case; because under his alleged scheme the cheques were then said to be returned and passed on to the creditors on the following Monday. That obviously implicates Treasury officials but it also implicates the Auditor General, for God's sake. It is clear that the Auditor General will have been through the accounts very carefully. It also overlooks the fact that cheques drawn on the public bank account are crossed not negotiable, and anyone with any knowledge of the banking system would understand that the alleged arrangement is totally unworkable. It simply could not occur in the way the former member insists. It disappointed me, not so much that the member made the allegations - because we have come to expect that of him - but that they were taken seriously by certain sections of the media -

Mr MacKinnon: Which member?

Dr LAWRENCE: Mr Lightfoot.

Mr MacKinnon: He is a former member.

Dr LAWRENCE: I said a former member; I am sorry if I did not repeat it. I made that very clear.

Mr Pearce: I bet members opposite are glad he is a former member!

Several members interjected.

A member: He might get Floreat.

Dr LAWRENCE: Yes, he could be in the running there; he has tried on at least one occasion to make a comeback. However, it seems extraordinary to me that this would be given any credibility at all. The Under Treasurer, who is rightly very offended on behalf of himself and his staff, advises me that he believes such a scheme would be impossible under the strictly controlled accounting procedures used by Treasury from the public bank account. Those transactions are the subject of very close scrutiny, too, by the Auditor General.

I suppose it is not surprising to have that sort of allegation made by the former member, in that he has at the same time, as part of the same interview, alleged that his motor vehicle was bombed outside the Parliament. Members opposite seem to have a bit of an obsession with their cars; maybe that deserves some analysis. I remember, Mr Speaker, that at the time you commented on that very event and I understand that at the request of the police, obviously following a complaint from the former member, you made evidence available to them which very clearly suggested that, far from there being a bomb, the first noise that was heard was the former member screaming, "Help! Help!" because his very expensive motor car had a small electrical fire under the bonnet, which he was assisted to extinguish. It is the same kind of allegation in relation to Treasury, and one with which public officials rightly find offence.

FISHERIES DEPARTMENT - OFFICE, MARINE TERRACE, FREMANTLE
Sale

229. Mr LEWIS to the Premier:

I have given some notice of this question.

(1) Has the Government sold the Fisheries Department office in Marine Terrace, Fremantle?

(2) If yes to (1) -

(a) to whom was the property sold;

(b) what was the selling price or consideration of the sale?

(3) If yes to (1), was the property sold by tender; and if not, why not?

(4) If yes to (1), why did the Government dispose of this property?

Dr LAWRENCE replied:

(1)-(4)

As the member for Applecross indicated, he has given some notice of this question but not sufficient to enable me to provide the detailed information required. I will do that; however, I understand that the Government sold the property some years ago, which is why I cannot give the member an immediate answer, and the Fisheries Department is a tenant of that building, so it has not been in Government ownership for some time. The information requested about the price and so on will be provided to the member and I am happy to do that in the form of follow up, either in questions without notice or in questions on the Notice Paper.

Mr Lewis: How long does it take you to find out?

Dr LAWRENCE: Obviously officers are going through the records. All that they could establish was that it was sold some time ago. There is no reason why that information would not be made available expeditiously. Obviously they were unable to provide it in the time available.

TOTALISATOR AGENCY BOARD - AUDITOR GENERAL'S REPORT
Public Service Commissioner's Report - Commissioner of Police Inquiry

230. Mrs WATKINS to the Minister for Racing and Gaming:

Will the Minister advise the House what action has been taken in relation to the Auditor General's and Public Service Commissioner's reports, and the Commissioner of Police's inquiry, on matters relating to the Totalisator Agency Board?

Mrs BEGGS replied:

I thank the member for Wanneroo for the question. Members will have read this morning's *The West Australian* which reported that, as a result of the Auditor General's report, the board of the Totalisator Agency Board has resolved to investigate the feasibility of the TAB's selling its one-third shareholding in Fairplay Print, thus also ending its indirect ownership in Dynamic Business Resources Pty Ltd. I support that decision of the board to aim to divest itself of involvement in associated or subsidiary organisations which may involve a potential conflict of interest. Further, all staff members currently employed by the TAB are now subject to a code of conduct as specified by the Public Service Commission in the Public Service notice of 5 June 1991, which was recently tabled in Parliament. A special board meeting of the TAB was held yesterday which addressed the 24 recommendations of the Public Service Commission report. I do not intend to list the resolutions concerning these recommendations; however, Mr Speaker, with your permission I would like to table the Public Service Commission report and review of the management practices of the TAB.

[See paper No 363.]

Mr Clarko: Very belatedly.

Mrs BEGGS: It is hardly belated.

Mr Clarko: You set it up in June 1990; it has nearly taken 12 months!

Mrs BEGGS: The member should realise that it was impossible to table that report because it was connected to the report of the Auditor General, and the two inquiries were working together.

Mr Lewis: The Auditor General's report was made to the Parliament; not to you.

Mrs BEGGS: That is right, and that report was tabled in this House.

It was appropriate that the recently appointed new board of the TAB should have an opportunity to access the recommendations and to take action on the Public Service Commission report. As a matter of fact, I am not obliged to table the Public Service Commission report in the Parliament at all. I have done so out of courtesy to members opposite. I advise members that any media comment on this matter should be constructive.

Several members interjected.

Mrs BEGGS: Members opposite may laugh all they like; the member for Marmion released the Liberal Party policy on racing and gaming the other day. He had a Dorothy Dix-type interview at 6WF at which people said they were pleased with his policy. It was a one line policy which stated that turnover tax would be reduced. It is interesting that the Opposition will reduce taxes everywhere - the State will grind to a halt. How will the Opposition build schools, roads and everything else?

Mr Clarko: Racing was at its peak when this Government came into office, and now it is in the dregs.

Mrs BEGGS: Rubbish! Punters bet when they have confidence, and confidence cannot be restored if constant criticisms are made.

I offer members opposite the opportunity to be briefed on the Public Service Commission report.

An Opposition member: She is as slow on her answer as she is in releasing her reports.

Mrs BEGGS: Members opposite asked me whether I would table the report, and I said that I would do so after the board had examined it and taken action. Now that I have tabled the report, I have received a barrage of criticism. The next time I am asked such a question, I will say no. Following a letter to the Commissioner of Police on 15 August 1990, I have received this afternoon an interim report from the commissioner. At this stage it is not my intention to table this report as this may prejudice further investigations. However, the interim report from the Commissioner of Police advises that his officers have completed their investigations as far as possible in Australia. The report recommends that police officers travel overseas to conclude their investigations. To this end, I will support the police in their further investigations, and this may mean that the TAB will be required to fund the overseas investigations.

Mr House: Have you read the report yet?

Mrs BEGGS: I have briefly seen the interim report. I have not read it closely as I received it only this afternoon.

Mr House: You could have read it at half time.

Mrs BEGGS: I could not do so; I was too busy barracking for a great Western Australian victory! I was pleased to represent the Premier at that football game.

This is a matter of great concern and must be dealt with quickly and efficiently so that the future of the TAB is not jeopardised. I thank the Auditor General, the Public Service Commissioner and the Commissioner of Police for the professional manner in which they, and their officers, have dealt with sensitive and delicate issues.

RACING AND GAMING, OFFICE OF - RESPONSIBLE OFFICER
Royal Commission - Burswood Resort Casino Term of Reference

231. Mr SHAVE to the Minister for Racing and Gaming:

I have given the Minister some notice of this question.

(1) Who is the Government officer in charge of the Office of Racing and Gaming?

(2) Who is the Office of Racing and Gaming's officer charged with providing documents for the Royal Commission in relation to the Burswood Island Casino terms of reference?

(3) Has the Royal Commission called for documents relating to the casino's application, development and operation, and has the Minister ensured that all relevant papers have been supplied?

(4) If not, why not?

Mrs BEGGS replied:

I thank the member for some notice of the question -

(1)-(2)

The relevant officer is the Executive Director of the Office of Racing and Gaming, Mr Rodney Chapman.

(3) Yes.

(4) Not applicable.

WOMEN - PARLIAMENTARY REPRESENTATION
Bussell, Mr Alf - Liberal Party Funding

232. Mr P.J. SMITH to the Leader of the House:

Further to question 204 of Wednesday, 5 June concerning representation for women in Parliament -

(1) Is he aware of claims by Mr Alf Bussell in the *South West Times* today that he will raise $1 million from his wealthy relatives for the Liberal Party if he is the candidate for the seat of Floreat?

(2) Does the Government support representation in Parliament on the basis of a candidate's capacity to raise funds?

Mr PEARCE replied:

(1)-(2)

I was very sorry to learn that after my expressions of support for Dr Constable in the Parliament, and following my urging the Leader of the Opposition to give support to that outstanding woman, she slipped behind in the betting in the preselection for the seat of Floreat. It appears that Mr Huston now has the numbers and Dr Constable has disappeared from the betting. I hope that this situation was as a result of the Leader of the Opposition's intercession and not my own! I felt guilty about that matter because I supported the member for Kingsley in her move to become the Deputy Leader of the Liberal Party last year and I organised a campaign of support; I was sorry that she received only two votes. I felt a personal responsibility, although I understand that she is having another shot at the position without my assistance - I wish her the best of luck.

I was amazed to read an article in the *South West Times* headed "Bussell: Endorse me or be warned"! Mr Bussell advised the Liberal Party to select him for the seat of Floreat on two bases: Firstly, he would raise $1 million for the Liberal Party through his wealthy relatives, which, under present circumstances, may lead to the Liberals being able to afford an office boy or, indeed, a party president at headquarters.

Dr Turnbull: I think you should be very careful; if the Liberal Party rejects it, he may offer it to you people.

Mr PEARCE: The member should be careful or I will come down and campaign for her at the next election. With my track record, the member will be in a great deal of trouble!

The second basis was that if the Liberal Party does not take Mr Bussell on

board and accept the $1 million, he will campaign against the party as an Independent for the seat of Bunbury at the next election. Mr Bussell is a bit of a joke come election time; nevertheless, I understand that it is a serious criminal offence to buy one's seat in the Parliament in this way. I urge the Leader of the Opposition not to waiver in his support for Dr Constable in the preselection, and not to cast his mind to Mr Bussell's offer and the temptation to take the money. The Leader of the Opposition should take the opportunity to get some capable women in Parliament on his side.

Several members interjected.

The SPEAKER: Order! Is everyone ready for dinner or is it just that everyone is being rude? If members give me an indication, I will be happy to go to dinner. We will make another attempt to continue question time.

POWER STATIONS - MUJA POWER STATION
Award Restructuring - Workplace Reform Program

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

Regarding award restructuring and the workplace reform program at the Muja power station, what progress has been achieved in the consultative process since the committees were established on 13 May, apart from the appointment of Helen Handmer of Worksense as a facilitator?

Dr GALLOP replied:

When one considers the framework of award restructuring, two issues must be considered by the State Energy Commission, with the assistance of the Department of Productivity and Labour Relations, and the various unions involved in the electricity industry. One set of issues concerns who will be involved at the peak level in ensuring that restructuring works properly and who will be on the ground facilitating that process. The member referred to a Miss Helen Handmer who has been employed as a facilitator. The second substantive question is: What are the issues concerning that restructuring process and when will they be addressed? A number of discussions have taken place between management and the unions. One meeting about those matters occurred between me, the Minister for Productivity and Labour Relations and the various unions. The parties are now very close to reaching a common position on those matters. I am not sure whether the final agreement has yet been compiled, but I am hopeful that an agreement will be ready soon so that restructuring can proceed at full steam ahead.

One thing that has been agreed is that the work practices in the power stations and award restructuring therein will be the first item on the agenda. The union movement has said it will proceed with its agreement to implement reforms to enable the Government to meet its commitment to reduce the price of electricity in this State. In other words, more progress has been made on the organisational and substantive issues. I am not sure whether they have been completely wrapped up yet, but the Government will address the power stations first and foremost so that it can bring down electricity prices for the people of this State.

CONCESSIONS - PUBLIC INFORMATION

234. Mr READ to the Minister for Community Services:

What is the Government doing to inform people of welfare support and concessions which are available in these times of economic hardship?

Mr RIPPER replied:

I thank the member for his question of which I received some notice. It is important that people have information about the considerable Government support through concessions and financial assistance available to them. A substantial amount of support is available from State Government departments through various mechanisms. More than $100 million per annum

is spent on these State Government concessions and discretionary financial assistance. That assistance loses its value if people are not aware of the concessions and support available to them. It is also important that people receive information which helps them to help themselves. That information should be readily accessible and readable, and should be provided cost efficiently. I am pleased to say that the Department for Community Services has achieved both these goals by its production of a magazine insert called "Ideas for Better Living" which will be published in tomorrow's *The West Australian*. It will also be available in every office of the Department for Community Services and every Commonwealth Department of Social Security office. It includes information from 12 Government departments about concessions, household budgeting, value for money cooking and a range of other ideas which will enable people to make the most efficient use of resources available to them.

Dr Gallop: Sounds like microeconomic reform.

Mr RIPPER: It could be said that it does have elements of microeconomic reform because it is concerned with efficient use of resources. I pay tribute to *The West Australian* which has agreed to distribute this magazine - it is expected to be read by 600 000 people - free of charge. The cost works out at about 13¢ per individual; it is a very cost efficient way of providing important information to people. I hope that this initiative which *The West Australian* is helping to distribute will become an annual event. The cost of the magazine has also been offset by a contribution from the Commonwealth Department of Social Security and by the sale of some advertising space. In times of limited resources, the magazine represents commitment by the Department for Community Services and by the State Government to giving preventative assistance to the community in addition to the range of remedial services already available.

JOHNSTON, MS JULIA - WOMEN'S INFORMATION AND REFERRAL EXCHANGE

Western Women Financial Services Pty Ltd - Legal Advice

235. Mrs EDWARDES to the Minister assisting the Minister for Women's Interests:

(1) Did Julia Johnston, a director of the Western Women group, and a solicitor, give legal advice to Women's Information and Referral Exchange clients at WIRE up to one month after the financial problems of Western Women had been highlighted?

(2) If so, why did WIRE continue its relationship with Western Women after that time?

(3) Why was that specific matter not addressed in the Public Service Commission report; page 20 refers only to the fact that legal advice is not currently being provided?

Dr WATSON replied:

(1)-(3)

I have been unable to substantiate the claims made about Julia Johnston in today's paper. I understand she is making a statement today. But this issue must not be lost: For five years, Julia Johnston voluntarily committed herself to spending an afternoon a week at WIRE to deal with a range of issues on which women needed legal advice. It appears that, for a short period, she was a director of the Western Women group. She was an independent professional woman and many women owe her the direction they were able to take because of her advice at WIRE.

SICK LEAVE - NEW SOUTH WALES GOVERNMENT

Reduction Proposal - Western Australia's Policy

236. Mr CUNNINGHAM to the Minister for Productivity and Labour Relations:

(1) Is the Minister aware of proposals by the New South Wales Government to reduce sick leave entitlement for employees in that State?

(2) Is this the Western Australian Government's policy?

Mrs HENDERSON replied:

(1)-(2)

I thank the member for his question. I was extremely concerned and disappointed to learn that the New South Wales Government planned to reduce not only the number of annual sick leave days available to employees in that State, but also to reduce the opportunity for employees to accumulate sick leave over a number of years. During the recent New South Wales election a platform of so-called industrial relations reforms occupied a large part of Mr Greiner's agenda. However, it is interesting that no mention was made of any plan to undercut existing conditions, particularly sick leave available to employees in that State. That is not unusual; in fact before the previous New South Wales election no mention was made of the Government's plans to make massive cuts in education or massive increases in State taxes and charges. Yet we saw those applied immediately after that New South Wales election. If the New South Wales Government believes it can increase productivity by reducing the number of sick leave days and if it reflects concern by employers that people are taking sick leave when they are not sick, it is time they looked at studies which show employers should examine working conditions and consider other ways of increasing productivity.

Research also shows that if employees are unable to accumulate sick leave in case they become very ill or suffer an accident not related to their work, they tend to use all their sick leave each year otherwise they perceive it as being lost.

This Government's view is that it is not productive to cut back sick leave and, therefore, it has no intention of reducing the number of days sick leave available to employees in this State. I hope the State Liberal Party does not intend to do what its counterpart did in New South Wales without warning the electorate of its intention before the next State election.

MIDLAND SALEYARDS - LEGISLATION PROGRESS

237. Mr BRADSHAW to the member for Warren:

(1) Will the member advise on the progress of the Midland Saleyards Site Bill and answer reports in the Press relating to the passage of the Bill in this House?

(2) Will the member also report on the reaction from the rural sector to this proposal?

The SPEAKER: Order! Sections of this question are correctly addressed to the member for Warren and some sections are not. In view of the fact that it is almost six o'clock he can answer the question relating to the progress of the Midland Saleyards Site Bill, but may not make comments about what has been said in the Press about the matter.

Mr OMODEI replied:

(1) The resumption of the Midland saleyards is a matter of great importance to me and the people of Western Australia. I was concerned to read in this week's *Western Farmer* that the Minister for Agriculture -

The SPEAKER: Order! I will leave the Chair until approximately 7.30 pm. I gave the member for Warren an indication that that was improper.