

# Legislative Council

Wednesday, 27 November 1991

**THE PRESIDENT** (Hon Clive Griffiths) took the Chair at 2.30 pm, and read prayers.

## PARLIAMENTARY HISTORY ADVISORY COMMITTEE

### *Report Tabling*

**THE PRESIDENT:** I table a report of the Parliamentary History Advisory Committee. In so doing, I acknowledge the excellent work of the committee, particularly that of Professor David Black as chairman. Now that the committee's work has been completed, Mr Speaker and I will discuss with Professor Black whether further work is required and, if so, whether and in what form another committee should be established.

[See paper No 904.]

## SELECT COMMITTEE ON DIEBACK

### *Final Report Presentation - Extension of Time*

**HON W.N. STRETCH** (South West) [2.37 pm]: I am directed to report that the Select Committee on Dieback requests that the date fixed for the presentation of the committee's final report be extended from 1 December 1991 to 4 June 1992 and that when the Council is adjourned for more than 14 days the committee may publish a report. I move -

That the report do lie upon the Table and be adopted and agreed to.

Question put and passed.

[See paper No 911.]

## SELECT COMMITTEE ON PROFESSIONAL AND OCCUPATIONAL LIABILITY

### *Appointment*

On motion without notice by Hon J.M. Berinson (Attorney General), resolved -

That Hons J.M. Brown, Fred McKenzie, Peter Foss and Max Evans be appointed as members of the Select Committee on Professional and Occupational Liability.

## MOTION - FITZGERALD STREET BUS BRIDGE BILL

### *Second Reading - First Order of the Day for 28 November*

**HON REG DAVIES** (North Metropolitan) [2.38 pm]: I move -

That the Order of the Day for the second reading of this Bill be made the first Order of the Day for Thursday, 28 November or, where another Order of the Day is accorded precedence by Standing Orders on that day, be made the Order of the Day immediately following such an Order of the Day.

It is imperative that the House make a decision on this Bill as soon as possible. It provides that the Government and Westrail must have further consultation with the Perth City Council and residential and business community before presenting Parliament with an agreed solution. Westrail intends to proceed with the bridge in the near future and has indicated that its contracts will be let in December of this year. That deadline makes it imperative that a decision be reached prior to Parliament's rising next week for the summer recess. In all fairness, as the Bill has been passed in the other place, the second reading should be considered here prior to the parliamentary recess.

**HON J.M. BERINSON** (North Metropolitan - Leader of the House) [2.40 pm]: I oppose the motion. It is tempting to go into some of the aspects of the Fitzgerald Street Bus Bridge Bill and, in particular, to the obscurity of some of its provisions and the uncertainty of the follow up action which it calls for if passed. That, however, is not the point of the present motion. The motion is limited to seeking for the measure not simply high priority, but

absolutely top priority in this Council's legislative program. I have said on every such occasion before and it will come as no surprise to members to hear me say it again that motions of this kind amount to attempts to take the business of the House out of the hands of the Government. That is not a proper purpose and it can only lead, if we have a repetition of this process often enough, to a breakdown in the orderly processing of the legislation we are supposed to consider.

Hon P.G. Pental: Not to mention the orderly processes of Government in Western Australia which actually does not even exist.

Hon J.M. BERINSON: Mr Pental might find some relevance in that interjection; I find absolutely none. I hope that, during the rest of the day, he will improve on that performance because we have some important measures to consider and certainly measures more important than the Fitzgerald Street Bus Bridge Bill.

We all know that we have substantial and essential legislation to deal with and that there is a lot of it. We have to deal with it in the four sitting days that we have left after today. That business includes the Budget and every budgetary related measure. It will be difficult enough to deal with all of the matters that we must deal with in the rest of this session without intruding into that process the priority which Mr Davies is seeking for this Bill.

I should make some reference to our general procedures in relation to private members' Bills of which this is one. I am at least on safe ground in suggesting that, no matter what other differences there may be between us, I have attempted, throughout this session and in previous sessions, to give proper attention to private members' Bills and appropriate time for their discussion. That has nearly always been by way of agreement with Opposition members. The process has worked reasonably well. A measure of the sort of priority that has been given to private members' Bills is the fact that, in my recollection, the one and only occasion on which this House has extended its sitting time beyond midnight in all of this session has been for the purpose of allowing sufficient attention to private members' Bills. Everyone knows that any effort on my part to extend the sitting hours for Government business is resisted.

For my own part, I was not only willing, but positively in support of the view that, on the occasion that we accumulated a backlog of private members' Bills, we should extend our hours to deal with them.

Why should we deal with this one now, given all of the other considerations? It is not even an urgent Bill, although Hon Reg Davies did his best to give it an element of urgency by saying that included in the Bill is the requirement for report by 3 December. True enough. If that date is in the Bill, it becomes urgent because we will have passed the reporting date before we give any consideration to the Bill. I might as well put a concluding date on every Bill the Government introduces into this House and argue priority and urgency.

Hon Reg Davies: I do not believe I mentioned the date "3 December".

Hon J.M. BERINSON: No, but the general argument about running out of time for one reason or another is all linked to that proposition. It is not as though the Fitzgerald Street Bus Bridge Bill is based on a situation which emerged only last week or last month or three months ago or at any recent time which provided the private member who initiated the Bill with insufficient opportunity to put the Bill forward. All of the plans for the northern suburbs railway and associated work, including the Fitzgerald Street bridge, have been public knowledge for a year and perhaps for even two years. Now, with four days to go until the end of the session, it is suddenly suggested that, having had an inspiration that after two years a particular view should be taken of one small aspect of these very huge works, we are now told we should drop everything else, the Budget included, and talk about Fitzgerald Street buses.

Hon W.N. Stretch: One small aspect! Do you call it one small aspect?

Hon J.M. BERINSON: Is the member calling it a huge and major project?

Hon W.N. Stretch: Yes.

Hon J.M. BERINSON: He is wrong. I do not want to get into the detail of the Bill otherwise you, Mr President, will pull me up. In any event, I begrudge spending time on this, given our other business, and I do not want to extend my comments. The whole project will cost

\$160 million and this Bill deals with an aspect of that project which will cost in the vicinity of \$5 million.

Hon W.N. Stretch: More like \$18 million.

Hon J.M. BERINSON: Eighteen million dollars for the bridge! I am talking about the bridge, Mr Davies is talking about the bridge, and the Bill talks about the bridge. If the Opposition wants to discuss a choice between allowing buses to drive down Fitzgerald Street or to divert over the Horseshoe Bridge and what that would do to bus drivers and car travellers in the city, we will do so on another occasion. The Fitzgerald Street Bridge is incontrovertibly a minor part of the huge northern suburbs railway project. It has been public knowledge for at least a year and all of a sudden we have been told that it is so urgent that we have to drop the Budget and everything else and give absolutely top priority, not just high priority, to this Bill in a way which will ensure the Bill is debated even if no other Bill is dealt with. This is such a preposterous proposition that I feel that the House has been done a disservice by the presentation of the motion. I trust that members will have sufficient responsibility to avoid the temptation of allowing the motion to go any further.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [2.48 pm]: I support the motion.

Hon Mark Nevill: Is this the tail wagging the dog?

Hon GEORGE CASH: I am not sure what it is, but I am telling members opposite that I will support the motion. They can work out for themselves what they are going to do.

The Leader of the House claimed that the motion allocated top priority to the Fitzgerald Street Bus Bridge Bill. He is correct. If he thinks that is an improper action, he might like to look at the Standing Orders which are in front of him and he will find a provision for a member to move this motion which allows the House to determine the placement of business in this House. It is a private member's Bill about which due urgency exists. The Attorney General raised the date of Tuesday, 3 December 1991. It is true that one of the provisions of the Bill is that a resolution under the proposal in the Bill to restrict the proposed work should be laid before this House not later than Tuesday, 3 December 1991. We have seen various matters associated with that proposal. The Attorney General has argued that this is a small element of a major project. I think he quoted the project as costing \$160 million and the bus bridge about \$8 million in capital expenditure. I am surprised that the Attorney General does not know, as the bus bridge is in his and my electorate -

Hon J.M. Berinson: I am aware of that.

Hon GEORGE CASH: Does the Attorney General know where Fitzgerald Street is?

Hon J.M. Berinson: I have a rough idea.

Hon GEORGE CASH: The Attorney General should get his road map out and get more than a rough idea.

Hon J.M. Berinson: I know exactly where it is. I was born near there.

Hon GEORGE CASH: When the Attorney General establishes what this bus bridge will do to the corner of Fitzgerald and Roe Streets he will understand that although it may be only a small element of the total north metropolitan railway project it will have significant planning effects on that general area of Northbridge. The purpose of this Bill is to address that matter.

Hon J.M. Berinson: They have all been given attention.

Hon GEORGE CASH: The purpose of the Bill is to require Westrail to consult with interested parties so that it and the Government can fully understand the planning and physical impact that this bus bridge is likely to have on the Northbridge area. The Attorney General also dismisses the Bill as unworthy of consideration.

Hon J.M. Berinson: That is not what I said.

Hon GEORGE CASH: Perhaps the Attorney General can explain why in the past two days Westrail has been conducting private discussions with landowners in the Northbridge area to gain some understanding of what they think about the proposed bus bridge. If it is inconsequential, why is Westrail doing that? It is doing that, Mr Attorney General -

Hon J.M. Berinson: Are you seriously suggesting that you do not know?

Hon GEORGE CASH: The Attorney General knows that Westrail is very conscious of this Bill and that its consultative process to date has been lacking in the extreme.

Hon J.M. Berinson: I think Westrail is aware that you might act irresponsibly.

Hon GEORGE CASH: I am happy, as I have unlimited time, to use as much time as necessary to impress on the Attorney General that this matter could be dealt with in a relatively short time if the House so determined. It is a matter entitled to priority.

I turn to the other comments made by the Attorney General about facilitating private members' business in this House. All business in this House is by negotiation between members of the House and in particular the Leader of the National Party, the Attorney General and me. We have been able to reach agreement in the past on which business must be discussed first. Why the Attorney General, at this hour of the day and this late in the session, wants to refuse to discuss this Bill -

Hon J.M. Berinson: Because the motion has just come up. I could not refuse it earlier if it has only just arrived.

Hon GEORGE CASH: Why does the Attorney General not admit to the House that on the Thursday we last met Hon Reg Davies approached him asking that this be made a priority Bill?

Hon J.M. Berinson: I didn't agree. Why don't you admit that, Mr Cash?

Hon GEORGE CASH: The mere fact that the Attorney General did not agree has caused this motion to be moved today. Does he not understand what is going on over in Fitzgerald Street?

Hon J.M. Berinson: I certainly do. Do you? Do you understand the alternatives?

Hon GEORGE CASH: I certainly do, because I have had an opportunity to talk to some of the people over there about the impact of this bridge.

Hon J.M. Berinson: You were not born in the area as I was.

Hon GEORGE CASH: Those people would like to talk to the Attorney General about it because they do not think he understands what is going on.

Hon T.G. Butler: How close do you live to Fitzgerald Street?

Hon GEORGE CASH: About as close as the Attorney General lives to the same spot.

Several members interjected.

Hon J.M. Berinson: The question is, how long have you lived as close as I have?

The PRESIDENT: Order! Members should talk about the motion before the House.

Hon GEORGE CASH: I guess, in the end, the Attorney General will always win out on who has lived in the general area longest because he happens to be considerably older than me. Obviously I cannot compete with his advancing years. However, a need exists to deal urgently with this Bill. I am pleased that Hon Reg Davies had the guts to move this motion so that at least the people of Northbridge will be provided with an opportunity to have their views expressed in this House. More than that, I am pleased that it will at least provide an opportunity for the Government to learn exactly what will be the impact of this bridge if it is built as currently proposed in the Northbridge area. I support the motion.

#### *Division*

Question put and a division taken with the following result -

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#### *Ayes (14)*

Hon George Cash  
Hon E.J. Charlton  
Hon Reg Davies  
Hon Max Evans  
Hon Péter Foss

Hon P.H. Lockyer  
Hon Murray Montgomery  
Hon N.F. Moore  
Hon Muriel Patterson  
Hon P.G. Pandal

Hon W.N. Stretch  
Hon Derrick Tomlinson  
Hon D.J. Wordsworth  
Hon Margaret McAleer  
(Teller)

## Noes (13)

Hon J.M. Berinson  
 Hon J.M. Brown  
 Hon T.G. Butler  
 Hon Cheryl Davenport  
 Hon Graham Edwards

Hon John Halden  
 Hon Kay Hallahan  
 Hon Tom Helm  
 Hon B.L. Jones  
 Hon Mark Nevill

Hon Bob Thomas  
 Hon Doug Wenn  
 Hon Fred McKenzie  
*(Teller)*

## Pairs

Hon R.G. Pike  
 Hon Barry House  
 Hon J.N. Caldwell

Hon Garry Kelly  
 Hon Sam Piantadosi  
 Hon Tom Stephens

Question thus passed.

### COAL MINING INDUSTRY LONG SERVICE LEAVE AMENDMENT BILL

#### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Attorney General), read a first time.

#### *Second Reading*

**HON J.M. BERINSON** (North Metropolitan - Attorney General) [3.00 pm]: I move -

That the Bill be now read a second time.

The principal Act which this Bill proposes to amend relates to the long service leave scheme for coalminers in Western Australia. It has always been the intention of the Act to automatically cover variation of awards which apply in the coalmining industry for long service leave. However, the Commonwealth Government, which regulates the State long service leave schemes, has advised that previous awards relevant to the Act have not been gazetted. This situation has also occurred in both the New South Wales and Queensland coalmining industry long service leave Acts. The Commonwealth Government has agreed to the proposed amendments which will validate past payments, ensure ongoing payments can be made, and provide for automatic application of the Act to future new awards in relation to long service leave in the coalmining industry.

Debate adjourned, on motion by Hon W.N. Stretch.

### BILLS (2) - RETURNED

1. Acts Amendment (Financial Administration and Audit) Bill
2. Justices Amendment Bill

Bills returned from the Assembly without amendment.

### ROAD TRAFFIC (BICYCLE HELMETS) BILL

#### *Second Reading*

Debate resumed from 23 October.

**HON GEORGE CASH** (North Metropolitan - Leader of the Opposition) [3.04 pm]: From the outset I indicate that the Opposition does not oppose this Bill. The reason I have chosen my words carefully is because the Opposition believes that the Bill in its present form, and the proposed regulations as they have been handed to me by the Minister in their draft form, are couched in such a way that we, as the Opposition, while recognising the safety aspects of the use of bicycle helmets, believe that there are alternative ways of achieving the objective rather than making it compulsory for all people to wear bicycle helmets.

The purpose of the Bill is to amend section 111(2)(c) of the Road Traffic Act 1974 which, as members will be aware, deals with the making of regulations. That subsection requires drivers and passengers of motor vehicles to wear or use prescribed items of equipment. The Bill intends to delete the word "motor" from that subsection and insert after the word "equipment", "including the wearing or using of such items in areas where a person may ride

or drive a pedal cycle". It is important to recognise that the Bill itself amends the regulation making power contained in the Road Traffic Act. It will be the regulations which set out the exact requirements for wearing bicycle helmets. The regulations will have to be tabled in this House, and as members are aware, there will be an opportunity in due course, if the House so determines, either to reject the regulations if the House is not happy with their form, or to amend them to reflect more adequately community standards with regard to the wearing of bicycle helmets.

The second reading speech indicated that the introduction of this legislation was based on the question of safety, and argued that in Western Australia 700 cyclists are hospitalised each year, of whom 40 per cent suffer head injuries. I refer to the report titled "Trends in Bicycle Helmet Wearing in Western Australia" dated February/March 1990 by M. Baxter and G. Mavy, which was addressed to the Police Department. The report pointed out that over the past decade an average of seven cyclists have been fatally injured each year in Western Australia. It is important to note that those fatalities occurred on roads rather than on dual purpose paths.

Having made the point that the Liberal Party would have preferred the adoption of a different approach to encourage people to wear safety helmets, the question is whether making the wearing of helmets compulsory is effective. I have conducted some research, and because the compulsory use of helmets in other States of Australia is a rather recent event one must go overseas to examine longer term trends.

Hon Doug Wenn: That's all right.

Hon Derrick Tomlinson: He wants to go overseas!

Hon GEORGE CASH: I was going to say that Hon Doug Wenn was suffering from not having worn a safety helmet at some earlier stage, but now I understand what he is getting at.

Several members interjected.

Hon GEORGE CASH: The research to which I was able to give some consideration comes from Washington State in the United States of America. I am sure Hon Doug Wenn would be happy to go there to look at the work which has been done.

Hon Doug Wenn: I have been there.

Hon GEORGE CASH: Has the honourable member? The research conducted in that State shows an 85 per cent reduction in the risk of head injury as a result of the use of bicycle helmets.

It is said that the impact of this legislation is likely to be more on the younger people of our society than on the older people. It is interesting to note that in recent years more than 60 per cent of fatalities among cyclists in Western Australia involved those under the age of 14.

It is also worth examining the current situation in Western Australia, where to date we have relied on educational programs, and repeat programs have been operated by the Government through the schools to see that the current wearing rate for high school students in Western Australia is in the order of 12 per cent. The research with regard to those numbers indicates that it is generally peer group pressure which causes high school students not to wear safety helmets.

In respect of primary school students, research shows that the wearing rate is about 51 per cent. I refer here to the document "Trends in Bicyclist Helmet Wearing in Western Australia: February/March 1990 Survey" because I believe it sheds a fair bit of light on the incidence of bicycle helmet wearing in this State over recent times. Part of the executive summary reads -

Observational surveys of bicyclist helmet wearing rates in Western Australia have been conducted periodically by the Police Department since February 1986. The most recent survey conducted in February/March 1990 involved observing cyclists riding:

From primary schools (primary school aged cyclists),

To high schools (high school aged cyclists),

To business districts in the morning (commuters), and

Along river and coastal pedestrian/bicyclist dual-use paths on Sundays (recreational cyclists).

The results of the surveys revealed the following wearing rates for cyclist groups:

Primary school aged cyclists wearing rates were 51% in the Perth metropolitan area and 52% in the (regional) country areas,

High school aged cyclists wearing rates were 7% in the Perth metropolitan area and 10% in the country areas,

The helmet wearing rate for commuter cyclists was 36%, and

The helmet wearing rate for all recreational cyclists was 19%. (Rates were significantly higher for younger cyclists).

No significant differences were observed in wearing rates according to gender. Wearing rates, however, were significantly higher for both primary and high school aged cyclists in higher income areas. Most of the primary schools and some of the high schools were involved in the Government helmet rebate scheme. Wearing rates were significantly higher outside high schools involved in the scheme.

That says something about the success of rebate schemes over recent years. The survey continues -

Some interesting variations were recorded according to the type of cycling journey. It was found that the helmet wearing rates for both adult and primary school cyclists riding recreationally were less than one half of those when commuting to work or school. These results were statistically significant. The helmet wearing rate of high school aged cyclists, however, was significantly higher when riding recreationally (32%) than when riding to school (7%).

That is an interesting phenomenon. The conclusion in the study is that this may be because of the strong peer group pressure at high schools to not wear helmets. The summary continues -

A comparison with results from the 1989 survey showed wearing rates were:

statistically significantly higher for primary school aged cyclists in both Perth (up 11%) and country (up 13%) areas,

low (8% overall), but significantly higher for high school aged cyclists in both Perth and country areas,

little different for adult commuters.

From the results presented in this report, it appears that helmet wearing promotion has been most successful with primary school aged and commuter cyclists. This is similar to experience in other Australian States. There has also been some success with high school aged cyclists in the past year. Yet the low helmet wearing rates for high school aged and recreational cyclists suggests the need for new strategies such as compulsory wearing requirements, emphasising the safety benefit of wearing helmets for all types of cycling, etc. Programs for promoting helmet wearing should target groups with low wearing rates.

Promotion of helmet wearing in other Australian States has been accompanied by increases in wearing rates, and subsequent falls in serious cyclist casualties. Relatively high helmet wearing rates have been recorded in other key Australian States and compulsory helmet wearing legislation is soon to be introduced into two States.

This report came out in February/March 1990; it is about 18 months old. Some of the legislation to which the report refers has been introduced and is in operation.

Hon Graham Edwards: I refer the member to New South Wales evidence where helmets were introduced subsequent to that report; during the time of the survey and after the introduction of helmets - to which I referred in my second reading speech - the death rate of cyclists was almost halved.

Hon GEORGE CASH: I appreciate the Minister's comment. I have also another report titled "Mandatory Bicycle Helmet Use: The Victorian Experience" put out by Vulcan, Cameron and Watson of the Monash University Accident Research Centre, which demonstrated some very interesting results.

Again, I stress that the Liberal Party is not opposed to the wearing of helmets. We believe that the community should be encouraged to wear helmets. However, we raise the issue of the manner in which the community is encouraged, and the bottom line is that the Liberal Party would prefer that rather than regulate and impose mandatory requirements on people - particularly young people - to wear safety helmets we should encourage them by education to understand the reason they should wear helmets. They should understand the benefits derived from wearing helmets, but more than that to use that as part of a total package of what might be loosely termed health promotion areas. I include in that smoking and various things where a behavioural change may be produced by education rather than by regulation.

Hon Graham Edwards: I do not disagree. However, we have reached the stage where it is apparent that education is not working. The Leader of the Opposition would be aware of that as a result of the number of petitions he has presented, by way of Apex, where many parents think that encouragement and education is not working. They believe that peer group pressure is working. It is unfortunate that we now have no option but to go down the path of compulsion.

Hon GEORGE CASH: I accept the Minister's comments. It is a dilemma that we must face because peer group pressure affects young people. I refer particularly to high school students' not wearing safety helmets. My argument is that rather than regulate and impose a statutory obligation on cyclists, we should achieve the wearing of helmets by way of education. I appreciate the difficulties involved, and I am aware of the research in other States where the compulsory wearing of bicycle helmets is necessary -

Hon Doug Wenn: Where does education start - at home, or at school?

Hon GEORGE CASH: Firstly, at home. A conscious effort should be made by parents to convince children of the value of wearing helmets. That must be carried through to the school but, more importantly, the community in general must take a positive attitude about the wearing of safety helmets. I think the member would agree. The interesting point is that many parents buy safety helmets for their children but high school students will only wear the helmets as they leave home. When they get around the corner and meet up with their fellow students - the peer group - in many cases they take off the helmets. Parents are doing their best.

Hon Doug Wenn: I thought it was the other way around - that pressure was placed on the parents now for them to have a helmet.

Hon GEORGE CASH: The statistics indicate that peer group pressure is one reason that students do not wear helmets even though many students have been provided with helmets by parents. The Minister is saying that he sees the need to regulate and to cause people to wear their helmets because -

Hon Graham Edwards: What it comes down to is that many parents in the community are saying to us - and I think they have said the same to the Opposition - "Please take this step to enable us to protect our children."

Hon GEORGE CASH: I acknowledge that many parents in the community are frustrated, probably because they have bought helmets for their children and they are not wearing them.

Hon Graham Edwards: They are parents who are concerned for their children's safety.

Hon GEORGE CASH: Indeed, that is the reason they buy the helmets; but our basic opposition is about the manner in which we are to require people to wear the helmets. Rather than regulate and impose a financial penalty on people who do not wear safety helmets, the Liberal Party would prefer an education program which did not just stop at bicycle helmets but was allowed to flow through to other areas.



The Bill proposes a \$25 penalty for persons found not to be wearing a helmet while riding a bicycle on a road or dual use path. The Minister in his second reading speech has made clear that no infringement notices would be issued during the first six months that this legislation is in operation. It is also important to note that the Government proposes that this legislation come into effect on 1 January 1992. More than that the Government, by way of trying to convince the community that it wants people to buy helmets, has provided that the \$25 penalty can be waived if a person can produce a helmet and evidence that he has purchased a helmet. That is a positive way to try to convince the community that the Parliament is not out to beat them across the head, that its members want them to buy helmets.

Hon Doug Wenn: Isn't proving you have a helmet, but not wearing it, like having a seat belt and leaving it at home?

Hon GEORGE CASH: The Bill provides that rather than fine someone \$25 the fine can be waived if the person purchases a helmet and takes that helmet and proof of purchase to a police station. That is very positive; that is giving a person the opportunity to spend \$25 on a helmet rather than on a fine.

Hon Doug Wenn: I take what you are saying.

Hon GEORGE CASH: Once a person has bought the helmet one would hope he would wear it.

I have commented on the need for a public awareness campaign, and the Minister in his second reading speech indicated that the Government will launch a very significant public awareness campaign so that the community better understands the need to wear safety helmets when riding a bicycle. If the Government were keen to convince the community of the need to wear safety helmets when riding a bicycle, why has it changed the criteria of the bicycle rebate scheme? It is now means tested to the extent that the rebate may be claimed only by those children enrolled in primary or secondary schools whose parents hold a current Department of Social Security health care card. I am very pleased that there should be a rebate scheme as we should encourage people to buy helmets; and they are certainly not cheap, costing between \$40 and \$80 per helmet. There is a need to offer some rebate, but to restrict a rebate to those who are the current holders of a health care card is too restrictive and takes out a huge number of people who should be entitled to some support.

The legislation provides for some exemptions on medical and religious grounds. It is interesting to compare this legislation with legislation in other States, and in one State in particular where no provision has been made for any exemptions, which raises some very interesting legal questions. However, the Western Australian legislation does provide for exemptions and the Opposition supports that provision. The regulation is intended to provide for a 12 month exemption for bike hire companies, and a two year exemption for those employees of Australia Post who have reason to ride a bicycle on a road or dual use path. Without wanting to get into any conflict with Australia Post or its employees it does seem to be somewhat strange that we are prepared to impose penalties on young people - as young as five - who might be riding to or from school, whereas we are prepared to exempt Australia Post employees who spend a considerable amount of time riding their bicycles as part of their working life. I hope that in due course the Minister can explain the logic behind that because at the moment I am unable to understand it.

Members would no doubt be interested to know that in Victoria compulsory wearing of safety helmets was introduced on 1 July 1990. Reports from that State indicate a 42 per cent reduction in the number of 15 year old or younger bicyclists who have presented to Victoria hospitals with head injuries, and a decrease of 27 per cent of bicyclists presenting with other than head injuries in the post-legislative period. In New South Wales compulsory bicycle helmet legislation for adults was introduced on 1 January 1991; and for children the legislation came into effect on 1 July 1991. Since the implementation of that law bicycle deaths in New South Wales have fallen from 18 last year to 10 to date this year. In Tasmania compulsory bicycle helmet legislation was introduced from 1 January 1991 but I can find no studies on head injuries completed since the introduction of that law. In South Australia compulsory bicycle helmet legislation was introduced as from 1 July 1990. There were no exemptions for medical or cultural reasons in that legislation and again I have been unable to find any reliable statistical studies to indicate what has happened in that period. It is worth having a look at the question of penalties in the Eastern States because the proposed

regulation is couched in such a way that a penalty could be imposed on not only an adult but also a child, which means that children as young as five years old could be fined.

Hon Graham Edwards: That is certainly not the case and I will explain it to the Leader of the Opposition.

Hon GEORGE CASH: I appreciate that comment from the Minister because that is an important element of some of the problems that have been found in other jurisdictions. For instance, in New South Wales a person under the age of 16 years cannot be issued with an infringement notice, but is issued with a caution. In Victoria a penalty notice cannot be issued to anyone under 14 years of age. Young people who fail to wear a safety helmet in Victoria are usually taken to the police station and interviewed by a senior police officer and given a caution. The Queensland legislation has no provision for penalties for anyone not wearing a helmet. For anyone under the age of 17 years a caution can be given at the discretion of the officer. If the juvenile aid bureau picks up a child not wearing a helmet his parents are called, he is cautioned in front of the parents and the police records will indicate that he was cautioned as a minor. In South Australia the penalties for the non-wearing of helmets by people under the age of 16 years is the issuing of infringement notices to their parents. This is a form of owner onus, and whoever is responsible for the child is responsible for the fine. In Tasmania anyone under the age of 17 years who does not wear a bicycle helmet does not receive an infringement notice but is cautioned by police officers. However, persistent offenders may receive a summons to appear in court once their parents have been notified. I mention those penalties because a problem the Liberal Party associates with this legislation is the provision of mandatory wearing of helmets while riding a bicycle and the difficulty in exacting penalties from minors should they fail to wear helmets. The Liberal Party would prefer that a substantial education program be implemented rather than regulations be created. However, I take cognisance of the Minister's comments that many parents have urged both the Minister and me to take action on the problems associated with peer group pressure and the wearing of safety helmets. They hope that this pressure can be tempered and that young people can be encouraged to wear safety helmets.

The Liberal Party recognises the need for the wearing of safety helmets when riding bicycles, particularly when riding bicycles on the road. When the regulations are introduced the Opposition will move to amend the regulations to delete the words "dual use path". In advancing the reasons for the deletion of those words I refer to the statistics that show that a higher percentage of fatalities and serious accidents have occurred on roads as opposed to dual use paths. The presence of motor vehicles and motorcycles on roads contrasts with their absence on dual use paths. The Liberal Party would rather see the implementation of an intensive education program rather than the introduction of regulations requiring the mandatory use of safety helmets. However, in view of the clear statistical evidence of the reduction in injuries and deaths when people wear safety helmets while riding bicycles the Liberal Party will not oppose the legislation.

HON E.J. CHARLTON (Agricultural) [3.34 pm]: The National Party supports the proposals in the Road Traffic (Bicycle Helmets) Bill. The wearing of bicycle helmets is National Party policy and something it has publicly advocated for some time. A great deal of research has been carried out by my colleague, Mr Bob Wiese, the member for Wagin. I concur with the points made by Hon George Cash. However, the National Party is concerned about safety on bicycles and believes that it is important that the wearing of safety helmets be made mandatory for bicyclists. There is no doubt that at times children will simply be children; they will put down their helmets, will not want to wear them, or will lose them because they have left them lying around somewhere while kicking a football around or having a game of cricket. All of that aside, it must be acknowledged that our children should have the protection of safety helmets. Things have changed and the type and amount of traffic on roads has forced the wearing of safety helmets while riding bicycles.

Hon George Cash said that the enforcement of the regulations will be difficult. Life is full of rules and regulations and though it would be far better to achieve the compulsory wearing of bicycle helmets without having to introduce regulations - the last thing we want is to bear down on young people and make them feel as though they are being looked upon by Big Brother - it is important that young people respond to what is contained in this Bill. They should be encouraged to wear bicycle helmets and not be subjected to the dictatorial approach that is sometimes taken by people who have the responsibility to uphold laws and regulations.

Peer pressure must also be taken into account. We must come up with human ways to deal with this problem and not encourage young people to adopt negative attitudes to the wearing of safety helmets. We must maximise what is available in the school system and at home. The education system is often required to be involved in many things other than teaching the three Rs. This is particularly difficult when the Minister for Education makes statements that schools should return to teaching basic numeracy and literacy. Parents have been calling for that for some time, but I hope we can influence children to wear bicycle helmets in the same way they have been encouraged to keep Australia beautiful. It is the children in the family who set the example of disposing of rubbish in the proper manner. The same success rate for the wearing of bicycle helmets by children could be achieved through a proper education program. In implementing this legislation consideration should be given to those people who have bike hire businesses. I would not want them to be forced into a difficult financial situation by having to borrow additional capital to provide bicycle helmets for hire. Obviously they are in the same difficult financial situation as every other business in this State and nation.

The health aspect should be considered when it comes to hiring bicycle helmets. Many people would not want to use helmets which have been worn by other people. In recent weeks there has been a lot of publicity about head lice, which has become a severe problem in Western Australian schools. I ask the Minister to explain what the Government has in mind with regard to the hiring of bicycle helmets. Visitors to Western Australia will hire a bike on one occasion only to ride around the Swan River and they should not be put to the expense of buying a helmet. We really should encourage people to use their own helmets instead of requiring bicycle hire businesses to purchase them for hire.

The National Party supports the Bill and sincerely hopes that emphasis will be placed on educating the public to wear bicycle helmets, that the wearing of bicycle helmets will be treated with commonsense and that bicycle hire businesses will not be burdened financially.

**HON P.H. LOCKYER** (Mining and Pastoral) [3.43 pm]: I support the Road Traffic (Bicycle Helmets) Bill and I will take up the point made by Hon Eric Charlton about an additional impost being placed on those people who hire out bikes. I ask the Minister for Police to assure me that compensation will be made to bicycle hire businesses to allow them to continue their businesses. There are not a lot of bicycle hire operators in this State, but those operators at Rottnest and on the South Perth foreshore will be disadvantaged by this legislation. While I concede that it is a good idea for people riding bicycles to wear a helmet, the people who make their living from hiring bicycles should not be disadvantaged.

Unlike Hon Eric Charlton I do not have a problem with the idea of people wearing helmets which have been worn by other people. It is exactly the same as people using other people's skis.

Several members interjected.

**Hon P.H. LOCKYER**: Many bike hire operators have invested large sums of money in their businesses. It is imperative that the plastic helmets are adjustable. For example, Hon Eric Charlton would need a small one and Hon Phil Pandal would need a large one.

*Sitting suspended from 3.45 to 4.00 pm*

**Hon P.H. LOCKYER**: Let us take the case of the operator who hires out bicycles from the South Perth foreshore, for instance, or from Rottnest Island. If Hon Margaret McAleer is out walking with her nephew and niece and suddenly decides it would be fine to hire three bicycles and go for a leisurely afternoon cycle, they would be required to wear helmets. For the operator of the bicycle hire business to be competitive he must buy a number of helmets. I do not know anything about helmets, although I have a push-bike and no doubt will have to buy a helmet for myself. I do not know whether they are adjustable, but if they are not the operator will have to buy a considerable number of helmets. Perhaps the Minister for Police could tell me by way of interjection the average cost of a bicycle helmet.

**Hon Graham Edwards**: It depends on how you buy them, but when I respond I will give you an answer.

**Hon P.H. LOCKYER**: But can the Minister see my point? Hon Eric Charlton raised another good point: Perhaps Hon Margaret McAleer and her niece and nephew would not want to wear helmets which had already been used by someone else - someone who might have head lice, for instance, or some other disease.

Hon Margaret McAleer: People speak about sanitising helmets, whatever that might mean.

Hon P.H. LOCKYER: I would be interested to hear from the member whether there is such a thing as a sanitised helmet because every young person will have to wear a helmet, and I take it that a helmet being bought by a future Prime Minister of Australia when he is 10 or 12 years old will not fit him when he is 18 or 19. The problem for the operators is, what will they do? Will they have to disinfect the helmets after each use, or will they not hire a bicycle to a person who does not have a helmet? In that case Hon Margaret McAleer would have had to disappoint her nephew and niece, and they would not have been able to hire bicycles on that occasion.

Bicycle hire operators have invested a considerable amount in their businesses and have been going along very nicely, but by one stroke of the pen the Parliament is putting their livelihoods at risk; and it is the Parliament rather than the Government which does this, because although the Government initiated the legislation the Parliament will agree to it. Is it not fair for those bicycle hire operators to say, "We have the worst recession since the Great Depression of 1929 and all of a sudden the business in which I am struggling to make a dollar will suffer even more because on top of the capital cost of purchasing the bicycles I will have to buy a considerable number of helmets"? Are disposable helmets available? When the Minister responds to the second reading debate I want him to tell me what he will do about this.

Also, what will the Minister do about conscientious objectors? If we were all sent to Vietnam tomorrow, Hon Garry Kelly would be the first person to object as the ships left the Fremantle wharf.

Hon Graham Edwards: You people used to put them in gaol for two years.

Hon P.H. LOCKYER: What will the Minister do in the case of the man I saw on television the other night, who said, "You can bring in legislation to force people to wear helmets but I shall ride my push-bike to work without a helmet, as I have done for the past year"?

Hon Doug Wenn: Fine him \$45.

Hon P.H. LOCKYER: And if he refuses to pay?

Hon Doug Wenn: We will send him to you.

Hon P.H. LOCKYER: Although I agree with the spirit of the legislation, I want to know what will be done about the person who flatly refuses to wear a helmet.

Hon Graham Edwards: A number of people said exactly the same thing about seat belts.

Hon D.J. Wordsworth: You blame the driver if a child does not wear a seat belt.

Hon Graham Edwards: But it is much the same thing.

Hon P.H. LOCKYER: The question of interfering with people's civil liberties will arise. I hope good sense will prevail but a proportion of people in our community do not necessarily let good sense prevail. They will just say, "No, I have chosen not to wear a helmet." If a person is given an infringement notice for \$25, or whatever it is, he will not pay it and will continue to ride his bicycle without wearing a helmet.

Hon P.G. Pandal: Twenty years ago people were more submissive than they are now.

Hon P.H. LOCKYER: That is true. I would not like to tell Ken Colbung that he must wear a bicycle helmet. I am only using him as an example; I do not want him knocking on my door tomorrow. He might choose to ride his push-bike to work to keep himself trim and refuse to wear a helmet. If a person refuses to wear a helmet, who will apprehend that person?

Hon Graham Edwards: The police are very supportive of this legislation.

Hon P.H. LOCKYER: I have no doubt about that; in fact, I would be surprised if they did not support the legislation. However, what will happen if this bloke refuses to wear a helmet, refuses to pay a fine and continues to do so? Will he be put in stocks, or will his push-bike be taken off him?

Hon Bob Thomas: He will be made to listen to some of the speeches in this place.

Hon P.H. LOCKYER: Particularly if the member is speaking. These are two matters to which I sincerely hope the Minister will respond. I support the legislation.

**HON PETER FOSS** (East Metropolitan) [4.12 pm]: I have serious concerns about the Road Traffic (Bicycle Helmets) Bill; that is not because I do not wear a bicycle helmet because most of the time I do. However, that is my choice. Furthermore, I have bought helmets for my children and I make them wear them. That is what a responsible parent should do. As a responsible adult, I am keen to protect safety by wearing a bicycle helmet, and that is my decision as a parent and an individual. The problem with our society is that all too often it legislates responsibility. Every time we legislate to enforce responsibility, we reduce the responsibility exercised by individuals within society.

Hon Derrick Tomlinson: And their freedom.

Hon PETER FOSS: Indeed. It is no wonder that we have an irresponsible society which takes the view that a person can do anything he wishes provided he is not caught. That is the message we are increasingly giving from Parliament to the public. We are saying, "It is all right; we will take care of your responsibility. You do not need to take responsibility for anything over which the Legislature has no control." We also say, "It is not necessary to obey the Statute if you can get away with it and not be prosecuted." In the long run, we are not benefiting society.

I certainly agree that it is beneficial for cyclists to wear helmets. However, the issue is whether we should compel them to do so, and this is the point where the legislation and I part company. I am keen to see people take responsibility for themselves. If they wish to ride a bicycle in certain places without a helmet, that should be allowed. People ride bicycles in areas in which a helmet is not necessary, and most dangerous situations involve a possible conflict between bicycles and cars.

Hon Graham Edwards: Statistics do not bear that out.

Hon PETER FOSS: Many dangerous situations involve the possible conflict between bicycles and cars, and making people wear helmets will not prevent those situations. We should be doing something to make it safer for people to ride bicycles on main roads. Also, where does it stop? Many people injured in motor vehicles suffer head injuries. I would be interested to know how many people have suffered head injuries when driving motor vehicles.

Hon Derrick Tomlinson: It would be many more than the number of cyclists who have suffered head injuries.

Hon PETER FOSS: I would not be surprised if that were the case. Why pick on cyclists? Why not make motorists wear helmets? If that were done we would be subject to public ridicule.

Hon Fred McKenzie: We made people wear seat-belts.

Hon PETER FOSS: Yes, but try making them wear helmets and see the response. We do not mind applying this to cyclists because many of them are children. A small proportion of adults ride bicycles, but a small number of people will be involved. Most of cyclists wear helmets anyway, and the number of people who will be highly indignant about wearing a helmet will not add up to many votes. If the Government is keen to prevent head injuries, logically it would extend the requirement to wear helmets to motorists. In saying that, I can see that the Government is not prepared to do that.

In the long run we have taken another step towards minimising the freedom of the individual and reducing the responsibility people take for themselves. This is a bad Bill.

**HON P.G. PENDAL** (South Metropolitan) [4.16 pm]: The Road Traffic (Bicycle Helmets) Bill would have its substance contained in accompanying regulations, with which I have difficulties. The Minister for Police interjected a few moments ago and made superficially attractive comments to the effect that the same negative arguments were applied 20-odd years ago when the seat-belt legislation was introduced into Western Australia. That is a superficial comparison.

Hon Graham Edwards: It is the principle.

Hon P.G. PENDAL: I accept that the principle is the same. However, during the past 20 years our society has developed a greater resentment about intrusions on personal choice. We were confronted with a much more submissive society 20 years ago; people were

prepared to accept measures which people today are patently not prepared to accept. For that reason I sympathise with the arguments advanced by Hon Peter Foss. He said that this issue is principally one of education and personal responsibility. He indicated that when he rides a bicycle he wears a helmet.

Hon George Cash: By choice.

Hon P.G. PENDAL: Yes, because he makes that choice as a responsible individual who can see the connection between riding a bicycle and using the helmet to prevent injury. However, some people do not see that connection. Therefore, it is a matter of considering where the line should be drawn regarding a personal level of responsibility. Some limit must apply on a Legislature attempting to tell people where their freedoms start and finish.

For example, in recent days I have had brought to my attention another matter affecting our transport system; that is, the new regulation which will shortly apply regarding smoking in taxis. I will not debate that issue as it is not the matter before the Chair; however, when it is considered we will be confronted with an issue arising with this legislation, which is that we are considering a law which is largely unenforceable. A complaint brought to me was, "Well, what does a taxi driver do when he goes to Perth International Airport, he picks up a Japanese tourist, and on the way to the hotel the passenger wants a cigarette?" The driver must tell him that he cannot smoke. The taxi drivers asked the owners of their industry what they should do if a person refused to accept that ruling. Some of them were told to drive to the nearest police station. It would be a nice welcome for someone who had entered the country, presumably as a tourist, to wind up in the choky and having to try to convince people they had taken extreme measures to overcome a relatively minor breach of the law.

Mr Montgomery: It is the most undesirable tourist.

Hon P.G. PENDAL: Absolutely. We are not simply saying to people it is better that they wear a helmet when cycling. The matter goes far deeper for reasons I, and others, have mentioned.

I first became interested in this matter via the Bradshaws who run the bicycle hire premises in the upper part of my electorate. Early in the piece, during a discussion with Mr Bradshaw, I suggested it would be a good idea to exempt people from having to wear helmets when they ride bicycles on what we call cycleways. Later I heard the suggestion from, I think, a parliamentary draftsman that the formal way of achieving that would be to enforce the regulations only on people who were riding on official and gazetted public roads. That made a good deal of sense. I hope those members who have not yet made up their minds about the matter will take the view seriously that a sensible compromise can be reached. I reiterate that I am not sure whether I want to go to the extreme of saying that people who ride on public roads must be compelled to use helmets. Nonetheless, I can see a little more sense in applying that rule to people when they cycle on public roads because, of course, they are shared by traffic of all kinds. People who ride bicycles on what we commonly know as cycleways are not confronted with that problem.

Hon Graham Edwards: Hospital records don't support that, and when I respond I will give you the figures. The greatest concern is not about bicycle to car accidents; most injuries occur from bicycle to bicycle accidents.

Hon P.G. PENDAL: I have also heard that and have seen other statistics to show that the accident rate on cycleways is minuscule compared with that on public roads. The Minister is within an ace of reaching a solution; that is, as suggested by the Opposition, to exempt cyclists on cycleways from wearing helmets and to put resources into ensuring that cycle to cycle accidents do not occur; in other words, accepting that a role exists for the educative process.

I do not believe that I have heard logical people argue that everyone will be put to the expense of buying a helmet except a gigantic national Government organisation, Australia Post. It seems incredible that we are prepared to say that we will compel Mrs Bloggs of Balcatta with five children, an overdraft and an unemployed husband to buy helmets for her children, but we will absolve the richest Government organisation in Australia from that; and what is more, give it a two year holiday. I cannot see how any Government could expect an Opposition to take that matter seriously.

In case Government members do not know, the country is in the grips of the worst recession

in 60 years. Every family I know has at least a couple of bikes in their possession and this Bill will add the cost of about \$40 to their expenses. If they have two children that will be \$80; if the parents have bikes, which is often the case, the cost will be \$140 for that family or \$5 a week for the next year while Australia Post will be exempt from spending a brass razoo. Logic aside, for reasons of equity we should not be doing that. I ask at this late stage that the Government adjourn the debate and look at the relative costs it seeks to impose on people. Above all else, it should at least confine compulsory wearing of helmets to situations which members like me can see as being reasonable; that is, to cyclists who ride among heavy built up traffic for many hours in the day. The point has already been made that most children use their bicycles to travel to and from school. However, postal officers ride bicycles for probably 20 or 30 times that amount of time, yet they will not be compelled to wear a helmet. Irrespective of the equity issue, that situation alone defies logic. I hope the Government will rethink the matter.

I do not believe one should use the economic argument for its own sake. If I thought that all our problems would be solved by expecting parents to pay \$5 a week for helmets over the next year and that the problem with head injuries would be totally solved, of course I would be more inclined to support the Bill. However, we are confronted with an illogical exemption - the wrong people are being exempted. I ask the Minister not to compel parents and bicycle hire centres to make a big outlay; they are the ones who will suffer, not cyclists. They will need to make a very substantial capital investment when Australia is in the depths of a recession. We are about three or four sitting days from finishing the parliamentary session. If ever a Bill could be left on the Notice Paper so that the Government could come back with something better, this is the time. The Government must do that because its argument is illogical and unjust.

I sympathise with the Minister wanting to have children or anyone wear a helmet. A number of people do have accidents while riding bicycles and are injured because they do not wear helmets. Obviously helmets will reduce serious injury. However, a number of problems must be solved. If we can keep children off the roads because they do not wear helmets, we are doing a good turn to the motorist. I am always amazed that a child of any age can ride a bicycle on a road legally. Everybody else who uses the road must be tested and licensed and must be a certain age and have certain capabilities. However, tradition has it that anyone riding a bicycle can ride on a road and do what they want. Sure, adults are a little more serious while riding bicycles, but I have heard of a person being drunk while in charge of a bicycle. We can take away the licences of adults who contravene the road traffic rules while riding bicycles, but how do we take away the licence of a five year old child because that child is not wearing a helmet? Drivers not wearing seat belts can have their licences taken from them. I believe the Minister will have a lot of trouble enforcing this legislation.

I recall that, following an accident on the river, it was suggested that everybody in charge of a boat should be licensed so that we could cut out drunken boat owners. I went down to the river at the time and looked at a typical boat. There were two driving positions on the boat, one on the top and one on the lower deck. At least in a motor car, if a problem arises, the driver cannot move out of the way and allow a passenger to take over.

If this legislation cannot be implemented properly, it should not be implemented at all. If the Minister can convince me that he can enforce this legislation for the compulsory wearing of helmets, I will back him. However, if he cannot do that, he will have to give in and go back to encouraging the wearing of helmets through education which up until now has worked successfully.

**HON MURRAY MONTGOMERY** (South West) [4.33 pm]: The thing that concerns me most about this Bill is the cost to our health system caused by bicycle accidents and head injuries. I am sure that many young people in Princess Margaret Hospital for Children have been admitted with head injuries resulting from bicycle accidents. I am concerned also about over-governing people. I am sure that the Minister agrees that the education of young people and adults to use bicycle helmets is the proper way to go rather than introducing big brother legislation such as this Bill. However, I can see merit in getting people to use helmets when riding bicycles but believe that education is the proper way to attack the problem. People should be responsible not only for themselves, but also to the rest of the community and other road users.

I agree with the point raised by Hon Phillip Pendal about bike paths. They are a great idea for people who want to get out on their bikes. People can move along them without causing much of a hazard to anyone with the possible exception of pedestrians. There is probably some way that the Government could compromise on this matter, but in the end we have to consider the purpose of the legislation and the cost to the community resulting from head injuries following bicycle accidents. The health bill of this State is already large enough without our adding to it.

Will the Minister inform the House about what action will be taken against a person not wearing a helmet while riding a tricycle, whether that person be a child or an adult? The legislation refers only to bicycle helmets, not tricycle helmets. I support the Bill.

**HON GRAHAM EDWARDS** (North Metropolitan - Minister for Police) [4.37 pm]: I thank members for their interest in the Bill. I share the concerns that have been expressed by some members opposite. I suppose it is fortunate for members opposite to be in Opposition and be able to luxuriate in not having any responsibility. Unfortunately, we on this side of the House have a very strong responsibility to respond to that great amount of community concern for the non-wearing of helmets and to respond to the many thousands of people in our community who have petitioned the Parliament to take this action. I am almost tempted to circulate to all of those people who signed the petition and to the Apex clubs in this State which encouraged us to take this action, the views expressed by Hon Phillip Pendal that this step is irrational and illogical.

Hon P.G. Pendal: I said it was the expense to Australia Post that was irrational.

Hon GRAHAM EDWARDS: I see; therefore, the compulsory wearing of helmets is not illogical?

Hon P.G. Pendal: I have expressed my views on that, too.

Hon GRAHAM EDWARDS: So, it is irrational?

Hon P.G. Pendal: As usual, you choose to twist my words.

Hon GRAHAM EDWARDS: The member said it was illogical to take this step and that the Government should not have introduced the Bill.

Hon P.G. Pendal: Not in this form.

Hon GRAHAM EDWARDS: The member cannot have it both ways. Either he accepts this legislation or he does not. That is why he is in Opposition. He has found it very hard to do anything positive. It is very easy to sit on the fence.

In the main, I appreciate the comments that were made by most members. They recognised the dilemma that the Government is in. Hon George Cash, perhaps more than others, recognised and referred to that dilemma. I would much prefer to continue with the action taken some time ago to encourage people to wear helmets by way of advertising and other methods to point out to people the real benefits they get from wearing helmets.

Indeed, they should concentrate on education. Unfortunately, it has become quite evident that education is not working. As a result, we have no option now but to take the compulsion course. It is not a step I favour particularly and not one I particularly wish to take. However, it seems to me that we have no option but to take that step. Indeed, the fate of this legislation is now before this House and I hope sufficient people on the other side want to support it that it will pass. The other exception I take is to the selfish sentiments expressed by Hon Peter Foss. It is interesting that I have had a few people put those sentiments to me and all of them were lawyers.

Hon Peter Foss: Lawyers guard the freedoms of people.

Hon GRAHAM EDWARDS: Where was Hon Peter Foss 20 years ago when people were conscripted? I cannot recall seeing him then.

Hon Peter Foss: Wearing helmets.

Hon P.G. Pendal: The Minister's remark was about as logical as the Bill.

Hon GRAHAM EDWARDS: Once again Hon Phillip Pendal is saying that the Bill is illogical. He is saying to each of the Apex clubs that went out and worked so hard with the community before asking this House to have this legislation passed that they were illogical in



what they did. I think I will get copies of the member's comments sent to all the people who have expressed so much concern about this matter. It is all right for Mr Foss and others like him to say they are responsible parents who bought their children helmets and that the children do not ride their bicycles without wearing those helmets. I am much the same sort of parent and have no doubt that many other such responsible parents are present in this House. However, what about those parents who are not responsible and do not care? Are their children not as important as ours and should not those children have just as much right to safety? Their safety should not be denied them simply because their parents either do not care or peer pressure overrides action taken by their parents. I totally reject the selfish argument put by Mr Foss, the sort of argument one can expect lawyers to put.

I will deal now with some of the specific points raised. The first related to postal workers' unions. Presently 182 postal officers use bicycles for postal deliveries in Western Australia. An exemption has been provided for them for two years. That exemption only applies while the officers are delivering mail. In the Eastern States postal workers have been exempted from this requirement. I was not prepared to provide such an exemption. During the two years we will monitor the situation.

Hon P.G. Pental: You are frightened of the unions.

Hon GRAHAM EDWARDS: It is not a matter of being frightened of the unions, Mr Pental; I think it is a sensible exemption based on the fact that postal officers tend to travel quite slowly from house to house as they deliver the mail. Statistics show that postal delivery officers have a low incidence of injury while delivering letters. As I said previously, in the Eastern States postal workers have been exempted, full stop. Here we will give them a two year exemption and continue to look at what is happening during those two years.

Another argument raised related to our concentrating on roads and whether the real problem was not a conflict between cycle and car. Statistics in this State do not bear out the cycle-car argument. I have some tables which show that 87 per cent of all crashes involving children under 12 years of age are cycle only crashes. In the 13 to 17 year age group 73 per cent of all crashes are cycle only crashes while in the 18 years and over age group the figure is 70 per cent.

Hon Peter Foss: What about head injuries?

Hon GRAHAM EDWARDS: I am talking about accidents.

Hon Peter Foss: I am talking about head injuries.

Hon GRAHAM EDWARDS: I do not have figures on head injuries, but I am happy to get them for Hon Peter Foss. I am saying that 87 per cent of the accidents involving children under 12 years of age are cycle only crashes. It flows from that figure that most injuries are the result of cycle only crashes.

Hon Peter Foss: Not head injuries.

Hon GRAHAM EDWARDS: The same statistics will flow in other areas.

Hon Peter Foss: Show me the actual statistics.

Hon GRAHAM EDWARDS: As much as Mr Foss wishes to denigrate these figures, they came from hospitals. Perhaps this information is not good enough for him, but that is where it has come from. One can argue against the statistics as much as one likes, but they are clearly the facts. I will pursue the other figures for Mr Foss because I am sure they will support my argument that most injuries involve a cycle only accident and not a cycle to car accident.

Hon Peter Foss: I said a substantial proportion. I did not say "the majority".

Hon GRAHAM EDWARDS: If Mr Foss were right it would not be appropriate for us to ignore injuries that occur in cycle accidents.

Hon Peter Foss: The Minister should read what I said before he says I am right or wrong.

Hon GRAHAM EDWARDS: I was interested in what members opposite had to say. It is true that I disagree with some of the things they said. It seems that members opposite think it is all right for Mr Pental to disagree but it is not all right for those on this side of the Chamber to disagree. That is why I am handling what is a responsible Bill and members opposite are opposing it. That is the level of their responsibility.

Hon P.G. Pendal: I am opposing parts of it.

Hon GRAHAM EDWARDS: I would prefer to be a second rate Minister than a second rate Opposition member, and that is all the member will ever be. Members should not be deterred by Mr Pendal, who has a record in this House of wanting to personalise arguments and be a petty sort of person.

Several members interjected.

Hon GRAHAM EDWARDS: I cannot help it if people say those sorts of things. I invite people in this community to make up their own minds about lawyers in this society.

Several members interjected.

Hon GRAHAM EDWARDS: I assure the Leader of the Opposition that there is nothing in these regulations which will see the police going out to impose fines upon seven or eight year olds in our society. It is intended that the Commissioner of Police will put out an administrative instruction to use a cautioning system for juveniles under the age of 18. Of course, knowing that the age of criminal responsibility is 10, for younger people we would simply endeavour to use a formal approach to resolve the situation.

I do foresee some problems with this legislation. I think we all accept that it will be difficult to enforce. The Police Department certainly accepts that, but despite those difficulties the department is a very staunch advocate of the compulsory wearing of helmets simply because, at the end of the day, the police, like most other thinking people in our community, can see that it will bring about a reduction in injuries and suffering, and indeed in the cost of our health system.

The other concerns expressed related mainly to the bicycle hire companies. I have met with some of these businesses and have endeavoured to work through some of the issues with them. We approached a hire company in the Eastern States, one operating at the Western Plains Zoo in Dubbo, and asked how it dealt with these problems. It acknowledged that initially it was difficult because of the capital outlay required to purchase the helmets. The company called for tenders and purchased the helmets at \$25 each. These are practical and long lasting helmets. With 500 bikes for hire the company purchased 500 helmets at a capital outlay of some \$12 500. It purchased three different sizes, and also three different sizes of inserts in order to provide a sufficient range. The inserts cost about 10¢ to 20¢ each and are disposable. This business does not charge for the hire of helmets. It does, however, charge a \$10 deposit. I understand that other hirers in New South Wales charge \$1 hire to cover the cost of helmets. In this State, as in the Eastern States, there is no move to put the onus on the hirer of the cycles. The onus to wear a helmet still rests with the person who is hiring the bike, and that is the way it should be. We accept that there will be a cost to the bicycle hire companies, and for that reason we have extended a 12 months' exemption period. I have indicated to the companies that I am happy to meet with them again during that time and to address any issues which might arise.

In reply to Hon Murray Montgomery, this legislation relates to pedal cycles, so I assume it will apply to tricycles. Once again, I expect this legislation to be handled with a degree of sensitivity by our police officers.

The question of head lice was raised by Hon E.J. Charlton. I quote from a letter from Dr Savona, the principal medical officer of environmental health in Western Australia. It is a letter addressed to my office, and it reads -

I have been asked by our Industry Control Unit, Disease Control Branch to advise on the risks of infection or infestation from multiple user helmets.

Transmission of disease by micro-organisms or by parasites through the multiple use of bicycle helmets is extremely unlikely provided simple hygienic precautions are undertaken. Practical measures will include the removal of any evident soiling of the inside of the helmet by brushing or wiping with a mild disinfectant. An adequate number of helmets to ensure their rotation by successive users will further minimise risk. The chance of any disease or parasite transmission by wearing the multiple use helmet is considered negligible and such an outcome must be compared with a chance of head injury by not wearing a helmet and the potentially disastrous consequences of such an injury.

I trust that this is of help to you.

I seek leave to have that letter tabled.

Leave granted. [See paper No 912.]

Hon GRAHAM EDWARDS: I would prefer us not to have to introduce legislation to make the wearing of helmets compulsory. I am sympathetic to that point of view and to the views which have been expressed by members opposite. This is not a matter of the Government's trying to be Big Brother; it is responding to requests from members of our community, from service clubs in our community and from the many thousands of parents who have asked us to take this course of action. I believe that it is a sensible course, although not necessarily one which will gain appreciation from those people who have put freedom issues in front of safety ones. I accept that and I accept that there will be an outcry from some sections of the community.

We have not finally drafted the regulations, but as soon as we have them in their final draft I shall send Hon George Cash and Hon Eric Charlton copies to peruse. I ask members opposite to reconsider their position of separating dual use paths. If they insist on that, that will go a long way towards making this legislation and the proposed regulations quite ineffectual. The majority of injuries come from bicycle only accidents; they do not come from a conflicts between cars and cycles. I shall obtain more information about that which might clarify the situation. I thank members opposite for their contributions and I appreciate the general manner in which members have approached this debate.

Hon Peter Foss: Could the Minister table the book from which he was reading the statistics?

Hon GRAHAM EDWARDS: I shall table the papers from which I was reading.

The PRESIDENT: Order! The Minister must table the book.

Hon GRAHAM EDWARDS: I said I would table the information.

The PRESIDENT: Order! The Minister will table the book.

Hon GRAHAM EDWARDS: I was not quoting from the book; I was quoting from the tables.

The PRESIDENT: Order! The Standing Orders state that the Minister will table the document from which he was referring. I do not know whether he was referring to a book. I take it the Minister also understands the Standing Order which says that he must identify the document. If he identified the document and he quoted from the book there is no argument; he must table it.

Hon GRAHAM EDWARDS: To cut the argument short, the book is *Bicycle Helmets Mandation*. I was quoting from pages 12 and 13, and I do not have any difficulty with tabling it. As a matter of fact I have sent copies to the Opposition and I am surprised that at this late stage of the debate the honourable member has not taken the time to read it.

Hon P.G. Pendal: You are a nasty little piece of work!

Hon J.M. Berinson: Look at who is talking!

The PRESIDENT: Order! There is no argument about the matter; the Minister will table the document.

[See paper No 913.]

#### [Questions without notice taken.]

Hon GRAHAM EDWARDS: I ask members to support the Bill.

Question put and passed.

Bill read a second time.

#### Committee

The Deputy Chairman of Committees (Hon Doug Wenn) in the Chair, Hon Graham Edwards (Minister for Police) in charge of the Bill.

#### Clause 1: Short title -

Hon PETER FOSS: I draw the attention of members to some statistical realities and illusions. It has been suggested that if the majority of accidents involving pedal cycles are

those which do not involve cars the proportion of those accidents which involve head injuries will necessarily be the same. Therefore, 87 per cent of the accidents involving head injuries will not involve motor vehicles and the other 13 per cent will involve motor vehicles. It may be that is the statistical case, but it certainly does not follow that they will have the same percentage; that is something that has to be independently determined. It does not take a great deal of imagination to realise that if a person riding a bicycle is hit by a car which is travelling at 60 kilometre an hour he will be likely to suffer a more serious injury than he would if he simply fell from his bicycle. One of the examples we can use to show the fallacy of the statistics is to say that one per cent of injuries that people suffer is from falling aeroplanes. We could then say that 99 per cent of the injuries that people suffer are not fatal, but we cannot then say that 99 per cent of the injuries people suffer from falling aeroplanes are not fatal. It would not follow. We have to determine the relevant percentages for the case being examined. I am interested to hear from the Minister what is the percentage of head injuries in collisions between bicycles and motor vehicles and what is the percentage of head injuries in bicycle accidents that do not involve motor vehicles.

Hon GRAHAM EDWARDS: I indicated during the second reading debate that I would provide the member with that information and I will do that. I have some information with me, but it does not go far enough; I refer the member to pages 12 and 13 of the book I tabled. On page 12 it states that 87 per cent of the accidents that involve children under 12 years of age involve bicycles only. Of the injuries which flow from those accidents 47 per cent are head injuries. The point I was trying to make is that one cannot assume that if we were to restrict this legislation to cyclists on roads only we would be addressing a major problem. Eighty seven per cent of crashes that occur in the under 12 year age group involve cycles only and about 50 per cent of those accidents result in head injuries.

Hon DERRICK TOMLINSON: During the second reading debate Hon Murray Montgomery asked whether the provisions of the amendment related to tricycles as well as bicycles. The short title of the Bill refers to the Road Traffic (Bicycle Helmets) Amendment Act, whereas the actual amendment to section 111 of the Road Traffic Act refers to a pedal cycle. There is a difference between a cycle and a bicycle. The definition of "bicycle" in the *Shorter Oxford Dictionary* is a two-wheel pedal-driven road vehicle - "bi" meaning two. The definition of "cycle" refers to a bicycle, tricycle or similar machine. I am trying to demonstrate that the intent of the Bill to refer to bicycles is not the language used in clause 3 of the Bill. Is it intended that this Bill should relate to cycles, in which case it would be bicycles and tricycles and, I presume, quadricycles?

Hon GRAHAM EDWARDS: The definition of "bicycle" as defined by the Road Traffic Code No 75 is a two wheeled or three wheeled vehicle that is designed to be propelled solely by human power. As I indicated to Hon Murray Montgomery during my reply to the second reading debate, this legislation applies to that definition.

Hon PETER FOSS: I will take issue with the Minister on that. Although, as Hon Derrick Tomlinson pointed out, that is what the short title says, the amendment refers to striking out the word "motor" and inserting a reference to the wearing or using of such items in areas where a person may ride or drive a pedal cycle. A pedal cycle would include a bicycle, a tricycle and a quadricycle. It probably would not include a wheelchair.

Hon J.M. Berinson: Or a tricycle.

Hon PETER FOSS: It would not include a scooter or a skateboard. It is interesting that they are not included because skateboards probably cause more head injuries than bicycles as people come off them more frequently. It probably includes the four wheel pedal vehicles available for hire at Perry Lakes. I cannot see how on earth the Minister would want people to wear helmets in those vehicles, but they seem to be included in the legislation.

Hon GRAHAM EDWARDS: One of the difficulties with this legislation is that the real meat of what we are on about will appear in the regulations. Of course, the regulations as referred to earlier by the Leader of the Opposition will be laid before the Parliament. They refer to "bicycle", so I think we are splitting hairs at the moment.

Hon PETER FOSS: Can the Minister make quite clear, first, that it is the intention of this legislation that it apply only to bicycles and not to tricycles and quadricycles?

Hon GRAHAM EDWARDS: As I indicated in my second reading summary, it will refer to tricycles and bicycles.

Hon Peter Foss: Not quadricycles?

Hon GRAHAM EDWARDS: No, I am unaware of quadricycles.

Hon Peter Foss: If the Minister goes to Perry Lakes he will find a person hiring out quadricycles. People can hop in them and pedal around Perry Lakes without hazard to their or their children's craniums. If the Minister does not limit the regulations to leave out quadricycles and refer only to bicycles and tricycles he will catch those quadricycles at Perry Lakes with this legislation.

Hon GRAHAM EDWARDS: I understand that that means of conveyance is not legal on the roads.

Hon Peter Foss: We are not limiting the legislation to the roads.

Hon GRAHAM EDWARDS: I will draw that matter to the attention of those responsible for drafting the regulations. If it is felt necessary to include quadricycles that will be looked at. However, the major thrust of this legislation is directed to the area of most concern where we have the most injuries; that is, bicycles. The definition also picks up tricycles. If a need arises to have the definition updated that can be considered at the time.

Hon PETER FOSS: One of the arguments used by the Minister as to why we should pass this legislation was to give children with irresponsible parents the same opportunity as children with responsible parents, yet this legislation does not purport to limit itself to children; it extends to adults. What justification does the Minister see for forcing adults to wear helmets? When the introduction of seat belts was discussed originally the question was raised whether we had the right to force people to be sensible and look after themselves and what was the public interest in making those people look after themselves. The answer given was the public interest related to the cost of hospitalisation and the huge burden on the community of keeping injured people in hospital. I understand that since the introduction of helmets for motor cyclists those involved in serious accidents break nearly every bone in their body except their head and frequently end up as high level quadriplegics. I think the cost of maintaining those people would be considerably greater than that of burying people who kill themselves.

Hon J.M. Berinson: So you think it better that they should die, do you?

Hon PETER FOSS: I am not saying that. However, the public interest used to justify seat belts was the financial interest involved. The point being missed relates to what right society has to tell people they will do things that are good for them. I am waiting for the cholesterol Bill which will make it compulsory to go on the same diet as Hon Philip Lockyer.

The DEPUTY CHAIRMAN (Hon Doug Wenn): Order! This Bill has nothing to do with Hon Philip Lockyer. The member should come back to the Bill before the Committee.

Hon PETER FOSS: That could be the next thing after the bicycle helmets because it seems that a number of doctors are finding out how people are killing themselves and what things they are doing wrong before suggesting such legislation. I do not doubt that we as a society have an obligation to educate people, but it is another step to say to people that they must do something or, "This is good for you, therefore we as a society have decided you will do it." The Minister has given an answer about children with irresponsible parents, the *parens patriae* approach, saying that we have to look after those children because their parents are not responsible. I do not fully endorse that answer. What is the Minister's reason for doing this to adults who wish to be irresponsible?

Hon GRAHAM EDWARDS: It comes down to a matter of philosophy. Although I do not like this sort of legislation I see no option but to bring it forward. I do not like it for many reasons, but at the end of the day I am the Minister for Police responsible for endeavouring to ensure through reasonable, considered and thoughtful legislation that road trauma is reduced. This is the point we have reached. It is not appropriate to merely single out youth. The fact is that older people die as a result of bicycle injuries and that older people have the same number of bicycle crashes as young people. This is not merely a matter of legislating to protect children who have parents who do not care or who feel that the issue is not road safety but civil liberties. As Minister for Police I, and the Government, have come to the conclusion that we will serve the community best by introducing this legislation.

Hon Peter Foss: Who are you protecting?

Hon GRAHAM EDWARDS: We are protecting the community. I, as Minister for Police, and the Government, will best serve the community by passing this sort of legislation. At the end of the day I can only put my views and philosophies. I can put the statistics - and those before us are not police statistics, I add, but hospital statistics - and bring the legislation forward.

Hon Derrick Tomlinson: They are no more reliable than police statistics.

Hon GRAHAM EDWARDS: If one is really to get a measure of the purpose and need for this legislation I suppose one must return to the fact that 700 people a year are hospitalised as a result of bicycle injuries and of that number about seven or eight died last year. It is our view that we can prevent many of those injury traumas and deaths. I accept that we will achieve that end at some cost to civil liberties in our society. One could extend the debate by asking why we should have gun controls, drug controls or drink driving legislation. What we as legislators have to do at the end of the day is make decisions that we believe are in the best interests of the greater community. I accept that sometimes in making those decisions and in bringing forward this type of legislation we will upset some people who take a civil libertarian view about things. However, I am pleased on this occasion to be in the same corner as the Leader of the Opposition in another place, Hon Barry MacKinnon, and I refer to page 7 of the *Southern Gazette* of 4 December 1990, which states that "State Opposition leader, Barry MacKinnon, said that as no legislation had yet been put before the Parliament, the Liberal Party had not resolved its policy on the issue. He said, however, that his personal opinion was that helmets should be made compulsory for cyclists." His personal opinion on this issue happens to be the same as my opinion and that of the Government. The arguments that we have heard today about protecting civil liberties have been put forward by a number of people in my party, but at the end of the day I am pleased that my argument has won through.

Hon PETER FOSS: I must pick up the distinction that has been made between drink driving legislation and drug and gun controls.

Hon J.M. Berinson: Am I right in taking from your earlier comments that you would be satisfied if we could show that we saved money?

Hon PETER FOSS: No. At least I would know what is the Government's logic for doing this.

Hon J.M. Berinson: Are you not interested in saving lives?

Hon PETER FOSS: I would prefer people to save their own lives. I am prepared to agree to money being spent to educate people about how to save their own lives. I have no problem with that. However, I am concerned to know where is the public interest in compelling people to wear helmets. It is not as though that would prevent other people from being injured. The big problem with drink driving is not people killing themselves but people killing other people. The activities of a drink driver are highly antisocial because he may cause other people to be maimed or killed. We do not control the activities of people with guns just because they may accidentally shoot themselves but rather because they may purposefully shoot someone else. We do not control drugs because of the effect that they may have on people who are addicted to them but rather because of their effect when they are spread throughout the community and are foisted upon people who become addicted and are unable to wean themselves off them.

In respect of bicycle helmets, I can understand the argument in the case of children, and I can almost understand the argument with regard to saving money, although I have some problems with that. However, does the Government have an argument to support this proposal other than wanting to help people? I think there is an alternative. If people want to kill themselves, they should be able to kill themselves. It is not even a crime now to commit suicide. In England it used to be a felony. A person could be hanged for trying to commit suicide. However, we have worked out that it probably should not be a criminal offence to try to kill oneself on purpose. If it is no longer a criminal offence to kill oneself on purpose, why should it be a criminal offence to kill oneself accidentally? My concern about this matter is that the Government is saying it has no alternative; its hands are tied. The Government's reason seems to be that it wants to reduce the number of deaths. The Minister for Police wants to be able to say that the number of deaths has been reduced; therefore, he is doing a good job as Minister for Police.

Hon T.G. Butler: Do you find something wrong with that?

Hon PETER FOSS: I think it is a highly laudable thing if we can prevent citizen A from killing citizen B. It is also laudable if that can be done by educating people so that they can look after themselves. However, I have a problem when we say that we have no alternative and that the only way that we can stop people killing themselves is to make them wear a helmet. As Hon Norman Moore said, the next thing the Government will do is lock on the helmets so that people cannot take them off!

Hon J.M. Berinson: This sounds like an essay in philosophy 10 - failed.

Hon PETER FOSS: Very clever! I should have learnt not to allow the Attorney General to think up an interjection and deliver it at leisure.

The fact remains clear that we are interfering with people's rights. It is not a minor right in this case.

Hon MAX EVANS: My wife works in a Paraquad centre, and a lot of the boys who use motorised wheelchairs go on the roads, and they will be the only ones left on the roads who are not wearing a helmet.

Hon GRAHAM EDWARDS: There is a big difference between a mode of conveyance which has four wheels and one which has two wheels. We have opted on this occasion to legislate for two wheels and also, as the definition indicates, tricycles.

Clause put and passed.

#### *Progress*

Progress reported and leave given to sit again, on motion by Hon Graham Edwards (Minister for Police).

*House adjourned at 5.58 pm*

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**QUESTIONS ON NOTICE**

**SPEED LIMITS - PARLIAMENTARY COMMITTEE**

1012. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) Is it correct that a State Government committee has been formed to study speed limits on Western Australian roads?
- (2) Who are the members of the committee?
- (3) What are the terms of reference of the committee?
- (4) Will the public be invited to make submissions?
- (5) What is the closing date for public submissions to the committee?
- (6) Will a report be made available to the public?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) Yes.
- (2) Mr John Kobelke, MLA - Chairperson  
Mr John Moore - Main Roads Department  
Mr Joe North - Traffic Board  
Mr Wiebe Tieleman - WA Municipal Association  
Mr Len Thickbroom - Police Department.
- (3) To review and recommend changes where necessary to policy and strategy in relation to -  
  
The provision of 40 kilometre per hour speed limits in local streets.  
  
Speed zoning of rural roads.  
  
Speed zoning of urban roads taking account of the needs of road users and occupiers of abutting land.  
  
The visibility to drivers of speed limit signs and their impact upon streetscapes and landscapes.  
  
The terms of reference exclude matters of enforcement of speed limits.
- (4) Comment has been invited from all local governments and other relevant motoring and transport organisations. Additionally the chairperson invited public comment through the media.
- (5) Comment will be accepted to the end of November.
- (6) The terms of reference require the committee to report to the Ministers for Police and Transport.

**CHILD HEALTH SERVICES - MOORA**

*Reduced Service*

1068. Hon MARGARET McALEER to the Minister for Education representing the Minister for Health:

- (1) With reference to the Minister's reply to question on notice 956 where it was stated that the child health service to Moora and surrounding districts had not been temporarily withdrawn but that the resident child health nurse in Moora had proceeded on long service and owing to the sudden resignation of the regional reliever it had been necessary to introduce a reduced service as a temporary measure, will the Minister confirm that the reduced service referred to -
  - (a) is a one day a week infant health service; and
  - (b) it is anticipated that this level of servicing will continue until March 1992?



- (2) Will the Minister also confirm that -
- (a) as a consequence of this reduced service, only children under 12 months of age receive attention from the infant health nurse; and
  - (b) that the infant health nurse is not able to tend to children over 12 months up to five to six years of age (for whom this service is normally provided) during this period of reduced service?
- (3) Will the Minister advise what measures are being taken to urgently restore a full infant health service to Moora and surrounding districts?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

- (1) (a) The service in Moora was reduced from two days a week to one day a week. The services in Watheroo, Miling, Yerecoin and Calingiri have been reduced from one day a fortnight to one day a month.
- (b) The full two days a week service in Moora has been restored from the week commencing 28 October 1991. The services in surrounding districts will be restored on 1 February 1992.
- (2) (a) The service is not limited to children under 12 months but in those districts where the service is temporarily operating at a reduced level children under 12 months are seen as a priority.
- (b) The infant health nurse is able to tend to children over 12 months of age whose mothers are concerned about potential problems. Routine screening for over one year olds has been deferred in those districts where the full service has yet to be restored.
- (3) The hours of nearby child health staff have been extended to enable the service in Moora to be restored from 28 October 1991. A child health nurse has also been recruited to fill the vacant regional reliever position and will take up duties on 6 January 1992.

#### HOSPITALS - ROYAL PERTH HOSPITAL

##### *Outpatient Clinics Waiting Time*

1088. Hon GEORGE CASH to the Minister for Education representing the Minister for Health:

Further to the response given on 22 October 1991 to question on notice 957, will the Minister advise the average waiting time for consultations at the Royal Perth Hospital's outpatient clinics?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

Each outpatients department and consultant clinic has variable waiting times depending on the urgency of the referral and the specialty and consultant concerned. On average across all clinics urgent cases wait approximately one week while routine cases wait somewhere between four and five weeks.

#### ELECTIONS - STATE ELECTION ENROLMENTS

##### *Northern Rivers, Ashburton, Eyre*

1096. Hon P.H. LOCKYER to the Attorney General representing the Minister for Parliamentary and Electoral Reform:

- (1) What was the enrolment in the last State election for the seats of -
  - (a) Northern Rivers;
  - (b) Ashburton; and
  - (c) Eyre?
- (2) What is the present enrolment for these seats?

Hon J.M. BERINSON replied:

The Minister for Parliamentary and Electoral Reform has provided the following reply -

Enrolment statistics are readily available to the public at the WA Electoral Commission.

- (1) Enrolment at 1989 State election -
  - (a) Northern Rivers - 10 659
  - (b) Ashburton - 9 094
  - (c) Eyre - 11 290
- (2) Enrolment on 1 November 1991 -
  - (a) Northern Rivers - 10 401
  - (b) Ashburton - 8 498
  - (c) Eyre - 11 229

#### PATHFINDER TOURS - TOM PRICE TOURS CANCELLATION *Hamersley Range Roads Condition*

1110. Hon N.F. MOORE to the Minister for Police representing the Minister for Tourism:

- (1) Is the Minister aware that the tour company Pathfinder Tours has cancelled 18 visits to Tom Price during July, August, September and October 1992?
- (2) Is the Minister also aware that the main reason for the decision is the state of the roads in the Hamersley Range area?
- (3) If so, what action is being taken by the Government to upgrade these roads and assist in the development of the undoubted tourist attractions of the Hamersley Range?

Hon GRAHAM EDWARDS replied:

The Minister for Tourism has provided the following response -

- (1) Yes.
- (2) I understand that the condition of the roads in the Hamersley Range National Park was one of the factors in the decision to cancel bus tours to the area. Other factors included the tour operator's desire to introduce a new tour to another part of the Pilbara region and changing market strategies concerning the Hamersley Range tour.
- (3) The responsibility for roads in the Hamersley Range, giving access to the various tourist sites, is shared by the Department of Conservation and Land Management and the Shire of Ashburton. The Main Roads Department provides annual funding to these organisations to assist with the construction and maintenance works on these roads after consideration of Statewide priorities.

The roads are generally kept in a reasonable condition and there are no current plans for major upgrading works to these roads in the foreseeable future.

#### AIRPORTS - DENHAM AIRPORT PLANS *Shark Bay Shire Council Assistance*

1158. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

- (1) Is the Government assisting the Shark Bay Shire Council with the planning of a new airport for Denham?
- (2) If so, what sort of assistance is being given?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) The Department of Transport has advised the Shire of Shark Bay on aviation matters related to the use of the existing and proposed airport.
- (2) In 1987 the State Government paid the Shire of Shark Bay \$15 000 towards the cost of employing a consultant to examine alternative landing sites for Denham. Earlier this year \$3 500 was provided for works at the airport to improve the cost efficiency and operational effectiveness of the air service to Denham.

#### LOCAL GOVERNMENT - WARD BOUNDARY CHANGES

*Mt Magnet, Sandstone, Cue, Meekatharra, Gascoyne Junction, Yalgoo, Wiluna*

1163. Hon P.H. LOCKYER to the Minister for Education representing the Minister for Local Government:

- (1) Has the Minister requested any of the following councils to alter their ward boundaries -
  - (a) Mt Magnet;
  - (b) Sandstone;
  - (c) Cue;
  - (d) Meekatharra;
  - (e) Gascoyne Junction;
  - (f) Yalgoo; and
  - (g) Wiluna?
- (2) If so, how many have complied?
- (3) Which are those councils?
- (4) Which councils have refused?

Hon KAY HALLAHAN replied:

The Minister for Local Government has provided the following reply -

- (1)
  - (a) Yes.
  - (b) No wards exist.
  - (c) Yes.
  - (d) No.
  - (e) No such council exists; if upper Gascoyne, yes.
  - (f) No.
  - (g) No wards exist.
- (2) Cue and upper Gascoyne have indicated that they will comply in a modified form. Negotiations on this are yet to be concluded.
- (3) Shire of Cue and Shire of Upper Gascoyne.
- (4) Nil.

#### CONSOLIDATED REVENUE FUND - "ESTIMATED REVENUE-TERRITORIAL LAND"

##### *Special Sales - Asset Management Taskforce*

1177. Hon MAX EVANS to the Attorney General representing the Treasurer:

Can the Minister advise in "Estimated Revenue - Territorial Land" - CRF page 8 - details of -

- (a) special sales 1990-91, \$17.799 million;
- (b) special sales 1991-92, \$8.459 million;
- (c) asset management task force 1990-91, \$18.290 million; and
- (d) asset management task force 1991-92, \$30 million?

The answer was tabled. [See paper No 914.]

**RACING - SPECIAL BROADCASTING LICENCE**  
*Government Policy*

1185. Hon MAX EVANS to the Minister for Police representing the Minister for Racing and Gaming:

What is the State Government's policy with respect to the proposals for the granting of a "racing only" special broadcasting licence to be issued outside the Australian Broadcasting Tribunal Regulations?

Hon GRAHAM EDWARDS replied:

The Minister for Racing and Gaming has provided the following response -

The Western Australian Totalisator Agency Board in conjunction with all other Totalisator Agency Boards is preparing a submission to the Minister for Communications seeking the approval of a limited broadcast licence which would allow racing to be broadcast to all areas of Western Australia other than the metropolitan area.

The Totalisator Agency Board is unaware of any proposals for the granting of a special broadcasting licence outside the Australian Broadcasting Tribunal Regulations.

The proposal from the Totalisator Agency Boards has been prepared in consultation with the Department of Transport and Communications and there is no suggestion that any licence outside the Australian Broadcasting Tribunal's regulations be granted.

**LOTTERIES COMMISSION - UNCLAIMED PRIZES**  
*Distribution Advice*

1205. Hon MAX EVANS to the Minister for Police representing the Minister for Racing and Gaming:

With reference to the Lotteries Commission annual report for 1990-91, at page 19, can the Minister advise how the unclaimed prizes of \$28.160 million at 30 June 1991 will be distributed and to which benevolent organisations?

Hon GRAHAM EDWARDS replied:

The Minister for Racing and Gaming has provided the following response -

The Lotteries Commission Act 1990 provides for prizes not claimed within 12 months to be applied as additional prizes in subsequent games. The funds cannot be distributed for benevolent purposes.

**HOMESWEST - SPENCER PARK LAND, ALBANY**  
*Sale Moneys Expenditure*

1214. Hon MURIEL PATTERSON to the Attorney General representing the Minister for Housing:

Will the moneys raised by the sale of Homeswest land at Spencer Park remain in Albany to progress the redevelopment of Lockyer under the Triple R program?

Hon J.M. BERINSON replied:

The Minister for Housing has provided the following response -

The moneys raised from the sale of Homeswest properties in Albany will form part of the internal funds generated by Homeswest in each financial year. In the formulation of the capital works program internal funds together with borrowings and grant moneys are allocated according to regional priorities.

The Lockyer redevelopment program will be determined in the context of overall demand in the State.

**BOULDER BLOCK TAVERN, KALGOORLIE - DEMOLITION**  
*Heritage Classification Consideration*

1221. Hon P.G. PENDAL to the Minister for Education representing the Minister for Heritage:

- (1) Has it come to the Minister's attention that the historic Boulder Block Tavern, the last remaining hotel on Kalgoorlie's Golden Mile, is to be demolished early in 1992?
- (2) Has the tavern been the subject of any heritage classification consideration?
- (3) If so, what was the outcome of that classification assessment?
- (4) If the answer to (2) is no, will the Minister undertake to have an assessment carried out and, depending on the result, the possibility of saving the building considered?

Hon KAY HALLAHAN replied:

The Minister for Heritage has provided the following response -

- (1) I am aware of recent Press articles concerning the sale of the Boulder Block Tavern.
- (2) Yes.
- (3) The Boulder Block Tavern was included in a list of significant buildings, structures and sites resulting from a survey of the towns of Kalgoorlie Boulder undertaken by Margaret A. Fielman & Partners in 1975.
- (4) Not applicable.

**SCHOOLS - COOMBERDALE PRIMARY SCHOOL RESERVE**  
*Moora Shire Revestment*

1234. Hon MARGARET McALEER to the Minister for Education representing the Minister for Lands:

- (1) Further to the answer given on 13 November 1991 to question on notice 1073, will the Minister advise if arrangements are in hand to, as requested by the Ministry for Education on 30 April 1991, revest the site of the primary school at Coomberdale in the Shire of Moora?
- (2) When is it envisaged the revestment will be achieved as the school buildings on the site are vacant and deteriorating?

Hon KAY HALLAHAN replied:

The Minister for Lands has provided the following reply -

- (1) Arrangements are in hand to revest the Coomberdale Primary School reserve in the Shire of Moora.
- (2) Revestment awaits planning approval, a response from SECWA, survey and reserve amendment and accordingly a time frame is not yet available.

**QUESTIONS WITHOUT NOTICE**

**TOMMS, MARGARET - CRIMINAL INJURIES COMPENSATION BOARD**  
**APPLICATION**

749. Hon GEORGE CASH to the Leader of the House representing the Minister for Justice:

Some notice has been given of this question.

- (1) Will the Minister advise if an application on behalf of Mrs Margaret Tomms of Yangebup has been made to the Criminal Injuries Compensation Board?

- (2) Is there provision in the Criminal Injuries Compensation Act to advance part of the amount claimed for in extenuating circumstances, if these circumstances can be ratified?
- (3) What is the procedure to initiate such advance payment?

Hon J.M. BERINSON replied:

The Minister for Justice has provided the following response -

- (1) Yes.
- (2) No. In some cases when the nature of the injuries give rise to an ex gratia payment in addition to a criminal injuries compensation award an advance payment can be made from the ex gratia sum. I do not think this will apply in the Tomms case.
- (3) As no provision exists there is no procedure for such a payment.

**SCHOOLS - YANCHEP DISTRICT HIGH SCHOOL**  
*Senior High School Status Upgrade*

750. Hon GEORGE CASH to the Minister for Education:

Some notice has been given of this question.

- (1) Is the Minister aware of requests by the Parents and Citizens' Association of the Yanchep District High School to have this school upgraded to senior high school status?
- (2) Is the Minister further aware that although the current enrolment in years 8 to 10 is approximately 130 students, a recent survey by members of the Yanchep District High School Parents and Citizens' Association indicated that 206 students would attend years 8 to 10, if years 11 and 12 were available at Yanchep?
- (3) Is the Minister aware that the school is presently caught in the frustrating position of not being able to attract additional student numbers because there is no certainty as to when years 11 and 12 will be available at Yanchep?
- (4) Is the Minister aware that the former Minister for Education, Dr Carmen Lawrence, visited the school with a local member of Parliament in 1988 and acknowledged the lack of adequate and safe facilities particularly in the manual arts rooms; as no improvements have been made to the manual arts rooms, will the Minister have the ministry address this matter?
- (5) Does the ministry regard the locality of Yanchep as a rural or urban school area?
- (6) Will the Minister meet with a delegation from the Yanchep District High School P & C Association to discuss the future of the Yanchep District High School?

Hon KAY HALLAHAN replied:

I appreciate some notice of this question.

(1)-(2)

Yes.

- (3) The Yanchep District High School currently has an enrolment of 125 students in years 8 to 10. Should the school proceed to senior high school status, even with a relatively high retention rate, the total secondary enrolment would approximate only 200 students. A school of this size could offer only a limited number of upper secondary subjects. Students in years 11 and 12 would be much better served by continuing to attend Wanneroo Senior High School which can offer a much wider choice of subjects. Wanneroo Senior High School and non-Government schools in the northern suburbs of Perth are relatively close to Yanchep and provide accessible alternatives.

- (4) The manual arts transportable room at Yanchep is identical to a number of units which are located at schools throughout the State. An officer from the risk management unit of the ministry visited the school in November 1989. A number of recommendations were made to reduce the risk of accident in the area. These recommendations were within the scope of the administration of the school to implement. I have asked the Ministry of Education to investigate whether these recommendations have been implemented.
- (5) The ministry recognises Yanchep to be a relatively small urban community located near a major urban area. Its proximity to Wanneroo excludes any possibility that it should be considered as a country town without access to a senior high school.
- (6) Yes.

#### APPROPRIATION BILL - PASSAGE OF

751. Hon PETER FOSS to the Leader of the House:

In view of the lack of priority accorded to the Appropriation Bill are we to understand that the Government does not regard this as a priority Bill or that the House will pass it without debate?

Hon J.M. BERINSON replied:

I believe the House will pass the Appropriation Bill in accordance with arrangements that have already been initiated in discussions with the leaders of the parties.

#### APPROPRIATION BILL - PASSAGE OF

752. Hon GEORGE CASH to the Leader of the House:

Will the Leader of the House indicate what he believes those arrangements to be?

Hon J.M. BERINSON replied:

The arrangements so far are general -

Hon George Cash: Very general!

Hon J.M. BERINSON: - and are subject to further discussions which I expect to take place after the sitting today. Put in general terms, it is that the agreement to the sitting hours for the balance of this session - as has previously been indicated - is on the basis that the consideration of an agreed list of Bills will be finalised. Certainly among those are all the Budget measures.

#### EDUCATION MINISTRY - REDUNDANCY PACKAGES

##### *Abolition of Positions or Equivalents*

753. Hon DERRICK TOMLINSON to the Minister for Education:

I draw the Minister's attention to a reply to a question I asked yesterday regarding the Government's intention relating to the six vacancies for district superintendents caused by resignations after the acceptance of voluntary redundancy packages. Was it a condition of the Public Service voluntary redundancy scheme that applications would be accepted only when the position occupied, or another at an equivalent level, was to be abolished?

Hon KAY HALLAHAN replied:

I am not the Minister responsible for the exercise of the voluntary redundancy scheme; therefore I suggest that the member place his question on notice for the attention of the appropriate Minister.

#### EDUCATION MINISTRY - REDUNDANCY PACKAGES

##### *Abolition of Positions or Equivalents*

754. Hon DERRICK TOMLINSON to the Minister for Education:

Did a memorandum to Ministers and to chief executive officers, detailing the

parameters of the Public Service voluntary redundancy scheme, confine the positions to those where there would be an abolition or an abolition of an equivalent position?

Hon KAY HALLAHAN replied:

I am happy to endeavour to answer the question, although it is always hazardous to cut across the portfolios of other Ministers. In this case -

Hon Derrick Tomlinson: This memorandum was to all Ministers.

Hon KAY HALLAHAN: Hang on; I heard the member. As to the positions in the ministry I understand that where the member reads that there would be an abolition of a position or of its equivalent, some flexibility will occur. That is why I am reluctant to speak on another Minister's portfolio. I understand it is possible that if we had a couple of positions at a lower level which constituted the level of the person proposed to become redundant, there is a flexibility. However that flexibility disappears when, as in this situation, somebody can be reappointed to the position even though the incumbent is given the opportunity to take redundancy. So there is nothing untoward about this.

Hon Derrick Tomlinson: So within your portfolio of Education there are six equivalent positions which will be abolished?

Hon KAY HALLAHAN: It could be more than six positions that make up the equivalent. It is not as straightforward in the way that it has sometimes been possible to accommodate people.

#### TAFE - FEES 1992

755. Hon T.G. BUTLER to the Minister for Education:

Would the Minister tell the House why the Government has endorsed the introduction of TAFE fees for next year?

Hon KAY HALLAHAN replied:

I thank Hon Tom Butler for his question. He has probably heard radio reports today that, as the next stage of the wave initiative and the provision of places in training for young people in Western Australia next year, I have announced the introduction of fees for vocational study areas in TAFE. The fee that will be applied for 1992 will be 70¢ an hour and that will work out on average to \$2.80 a week per person. Members must keep in mind that 94 per cent of the students of TAFE study part time. Along with this fee we have introduced a very wide range of exemptions so that no-one is disadvantaged by not being able to afford the fees. Next year we will have the capacity to train somewhere around 4 800, probably young people. Because the employment prospects will be very bleak indeed next year we will be looking at a very high youth unemployment rate, and while we have been putting together and planning programs for employment and training, it is quite clear that more needs to be done, and the introduction of very modest fees - and we are the last State in Australia to introduce fees of that nature at TAFE - will give us a capacity to respond to the needs of those young people. It will also provide about 200 teaching staff positions. I have asked the Confederation of Industry, the Western Australian Council of Social Service and the Trades and Labor Council to look at the range of exemptions I am proposing and to give me their comments on them so that no group will be disadvantaged by oversight. They have agreed to that. All school leavers in 1991 will be exempted; that is regardless of whether young people leave at the end of year 10, 11 or 12. Quite frankly we would prefer young people in years 10 and 11 to stay on in school, but some prefer to go on to TAFE, and they will be exempted from any fees in 1992. Western Australia is the last State in Australia to introduce fees on vocational courses at TAFE and we are offering the widest range of exemptions in order that no-one need be discouraged. As a last provision against anybody being disadvantaged the new head of the Department of Employment, Vocational, Education and Training will have the



capacity to examine any instance of individual hardship and to waive the fees if that seems a reasonable thing to do in the circumstances so that people can increase their skills and competitiveness in the very tight job market; also people who are trying to improve their career and occupation prospects.

# UNEMPLOYMENT - STATE GOVERNMENT ACTION

## *Deputy Prime Minister's Criticism*

756. Hon P.G. PENDAL to the Minister for Employment and Training:

- (1) What is the Minister's response to criticism by the Deputy Prime Minister, Mr Howe, that the States are not doing enough to tackle the jobs crisis?
- (2) Given that Mr Howe has criticised Western Australia for its part in abandoning the special Premiers' Conference which was to have dealt with job creation, what action, if any, has the Minister initiated with the Premier to reschedule the special Premiers' Conference?
- (3) How does the Minister respond to Mr Howe's extraordinary criticism that the States are backing away from the jobs crisis?

Hon KAY HALLAHAN replied:

(1)-(3)

I would have thought that what I have just said in response to a previous question would indicate that the State Government is in no way walking away from a very difficult social and economic problem, and that it has been doing all that is possible within the resources that are available to it to provide opportunities for young people next year. I have previously announced 2 700 places which are a composite mix of education, training and career counselling. The announcement today is another part of the package of providing sufficient training places for young people and those will all be within TAFE. Part of the previous package I mentioned will be in TAFE as well, but not necessarily all. With regard to the abandoning of the special Premiers' Conference I was very pleased to see the Premiers continue with a meeting to examine the difficulties that exist for the States in the very disadvantageous financial relationship that exists between the Commonwealth and the State Governments. At present there is no doubt that the Commonwealth has the resources, the funding and the ability to provide financial assistance to the States.

Hon P.G. Pendal: Mr Howe is disputing that, of course.

Hon KAY HALLAHAN: Even Hon Phillip Pendal could not dispute that, surely?

Hon P.G. Pendal: Mr Howe is disputing it.

Hon KAY HALLAHAN: Mr Howe can dispute it; that does not make it fact. I understand that the Opposition agrees that the financial arrangements between the States and the Federal Government are by no means ideal. The notion that was put forward by the Premiers that a percentage of Federal revenue should be allocated to the States so that they had some reliable source of income was a very sound proposition. It is of great regret that that was not accepted. I refute any criticism that this State Government is walking away from its responsibility towards its citizens in this time when jobs are certainly difficult to get.

Hon N.F. Moore: You are doing nothing about creating jobs of any consequence.

Hon KAY HALLAHAN: Can I just tell Hon Norman Moore, who is supposed to be the Opposition spokesperson -

The PRESIDENT: Order! The Minister cannot tell Hon Norman Moore anything. The Minister can answer Hon Phillip Pendal's question and ignore the interjections. Other people are waiting to ask questions and all the Minister is doing is using up time talking to people she has no right to be talking to.

Hon KAY HALLAHAN: That is terrible thing, to have no right to talk to Hon Norman Moore.

The PRESIDENT: The Minister has no right to talk to him during question time.

**CRIME - CAPEL**

*Permanent Police Presence Need - Higher Priority Areas*

757. Hon BARRY HOUSE to the Minister for Police:

I refer to the rising crime rate in Capel and longstanding representations from the Shire of Capel and the community for a permanent police presence in the town - a matter I have raised with the Minister before. Recently, the Commissioner of Police responded to those calls by stating other areas have a higher priority than Capel for a permanent police presence. Would the Minister please name those locations?

Hon GRAHAM EDWARDS replied:

I ask that that question be placed on notice.

**SCHOOLS - FIVE YEAR OLD ENTRANCE AGE PROPOSAL**

758. Hon MARGARET McALEER to the Minister for Education:

- (1) How definite is the proposal to lower the entrance age for school children to five years of age?
- (2) If it is definite, will it be implemented next year?

Hon KAY HALLAHAN replied:

(1)-(2)

This matter was canvassed at the meeting of State Premiers and is not something which will be implemented next year. It may be considered, but there is a diversity of opinion on the matter. Some people believe that the age of entry into formal schooling should be standardised across the nation and that would be very beneficial to families that move from State to State for various reasons. I believe that the age of entry should be based on a child's development and, therefore, the age should not be specific. Many people refer to Switzerland where children begin school at seven years of age. There will have to be a lot of debate on the topic before it becomes clear what is a reasonable response from Western Australia's point of view, but it is something that needs to be considered carefully.

**SCHOOLS - MIDDLE SWAN PRIMARY SCHOOL SITE**

*Sale Tender*

759. Hon DERRICK TOMLINSON to the Minister for Education:

The former Middle Swan Primary School site was advertised for sale by public tender which closed at 12 noon on Friday, 25 October. I ask -

- (1) Was an acceptable tender received?
- (2) If so, has the successful tenderer been advised?

Hon KAY HALLAHAN replied:

(1)-(2)

I can only assume that the property is being sold by the Asset Management Taskforce, an agency for which I do not hold responsibility. I suggest that the member place his question on notice.

**POLICE - MIDLAND POLICE STATION**

*Budget Expenditure*

760. Hon PETER FOSS to the Minister for Police:

- (1) What is the budgetary expenditure for the Midland Police Station for 1991-92?
- (2) When can I expect an answer to question on notice 1209 relating to the budgetary and actual expenditures for preceding years?

Hon GRAHAM EDWARDS replied:

(1)-(2)

I do not know what the expenditure will be for the Midland Police Station for 1991-92. We will have to wait until the completion of the year for the final -

Hon Peter Foss: Budgetary expenditure.

Hon GRAHAM EDWARDS: I do not have that figure with me. If the member puts the question on notice I will get a reply. I am working to ensure that as many outstanding questions as possible are answered before we get up next week. I have always practised that. If I cannot answer those questions, I will get the information out to members as quickly as I can. Generally, however, I endeavour to clear the questions before the end of each session.

#### UNEMPLOYMENT - GOVERNMENT ACTION

761. Hon N.F. MOORE to the Minister for Employment and Training:

Other than providing additional places in training, what is the State Government doing to create meaningful jobs and employment for the record number of people in Western Australia without jobs?

Hon KAY HALLAHAN replied:

We have been through this a number of times before. Members seem to have difficulty in accepting that, when there is a high level of unemployment, the most productive, humane and future directed thing that we can do is to offer people education and training. That is outside job creation and comes under the Department of State Development. It includes new projects and developments and diversifying our economy. Lower power prices will contribute to that as will an infusion of money into the housing industry.

Hon N.F. Moore: Name one project.

Hon KAY HALLAHAN: There are projects; does the member not read the newspaper?

Hon N.F. Moore: You tell me one.

Hon KAY HALLAHAN: I do not believe the member is serious. I challenged him because he was the shadow spokesperson on education and he leapt right out of his field of expertise. The housing industry has prospects for great diversity and for stimulating our economy.

#### HEPBURN HEIGHTS - FIRE

##### *Police Inquiry*

762. Hon P.G. PENDAL to the Minister for Police:

(1) Were police called to investigate the fire which destroyed large parts of Hepburn Heights last week?

(2) If not, will he request advice from the arson squad, given reports of a four wheel drive vehicle leaving the scene at the time of the outbreak?

Hon GRAHAM EDWARDS replied:

I ask that that question be placed on notice.

#### RESERVE 24311, MIDDLE SWAN - MIDDLE SWAN PRIMARY SCHOOL SITE

##### *Attorney General's Answer*

763. Hon DERRICK TOMLINSON to the Attorney General:

I draw the Attorney General's attention to his answer to question on notice 1177 in today's Supplementary Notice Paper. On page 4 of that document under "Properties Available for Purchase on the Open Market" reference is made to reserve 24311 on the corner of Eveline Street and Great Northern Highway, Middle Swan. That is the site of the Middle Swan Primary School. Is the information contained in the Attorney General's answer to question on notice 1177 current as of today's date or has it been made redundant by other events or the passage of time?

Hon J.M. BERINSON replied:

I do not have the faintest idea and I cannot be expected to have the faintest idea.

Hon George Cash: Are you saying again that you have not checked these questions?

Hon J.M. BERINSON: That is precisely what I am saying and the Leader of the Opposition by his smiling and nodding his head indicates that is precisely what he expected.

Hon George Cash: It is a serious breach.

Hon J.M. BERINSON: The Leader of the Opposition should not laugh. He is the prize performer on that side. He cannot even keep his face straight while he is saying it.

It will be as clear to Hon Derrick Tomlinson as it is to the Leader of the Opposition that, despite my repeated requests to the Ministers whom I represent in this place and to their staff, the preamble to this question has been omitted. The preamble should read, "The Treasurer has provided the following reply". Even without that preamble in the printed response, it will be obvious to all members that that is the position as notice of the question was given to me in my position representing the Treasurer.

*Point of Order*

Hon PETER FOSS: Mr President, the Attorney General is reflecting on a ruling on responsibility that you have made already in this House.

The PRESIDENT: I do not think he is. The Minister is entitled to answer the question or not to answer it. I agree that he is responsible for it, but members' responsibilities and obligations are in the hands of the House; it is not for me to make a decision in that regard.

Hon PETER FOSS: I realise that he is not obliged to answer, Mr President. However, having answered, I do not believe he can deny that he is responsible for it or say that we know that he is not responsible for it.

The PRESIDENT: Order! Whether the Attorney General chooses to adopt an attitude to something is his business. I have given a ruling on what I believe is the situation. That is where it ends as far as I am concerned. If the House chooses to take the ruling that I have given as being the proper course and it believes that somebody who ignores that ruling should have action taken against him, that is up to the House. However, the Attorney General is, in my view, not committing any breach through the action he takes. I happen to disagree with him, but that is not the business of this House. I must protect the Attorney General's right to do what he likes when responding to a question.

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