Legislative Assembly

Tuesday, 1 September 1992

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

STATEMENT - BY THE SPEAKER

Budget Speech - Television Cameras and Photographs

THE SPEAKER : As is normal on this special day when the Budget will be delivered, I have agreed to a number of television cameras being in the positions in which members can see them. I have also agreed to still photographs being taken for *The West Australian* and *The Australian.* Those practices will probably continue until the conclusion of the delivery of the Budget speech, at which time the cameras will be withdrawn from the Chamber.

PETITION - PORT KENNEDY AREA PROTECTION

Regional Park Creation Support - Golf Courses or Large Scale Tourist Facilities Disallowance

MR KIERATH (Riverton) [2.05 pm]: I present the following petition -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned residents of Western Australia urge the Parliament to protect the outstanding scientific, recreational and conservation values of the Port Kennedy area by creating a Regional Park as recommended by the Environmental Protection Authority. Furthermore we request that the Parliament refuse to allow the development of a tourist facility, golf courses and marina which could destroy the existing natural values of the Port Kennedy area.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 345 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

[See petition No 87.]

PETITION - FIVE YEAR OLDS

Full-time Education Opposition

MR AINSWORTH (Roe) [2.06 pm]: I present the following petition -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, parents and other interested parties, wish to notify the following:
>
> a. Our total opposition to full day education for five year old children.
>
> b. We deplore the total lack of consultation and inaccessibility of information to both parents and teachers regarding the proposals for changes to the current pre-school system.
>
> c. We strongly urge adequate and open debate be allowed on all future proposals concerning five year old education.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 21 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

[See petition No 88.]

PETITION - YAKABINDIE SACRED SITES

Protected Area Declaration - Further Mining Prohibition Legislation

DR ALEXANDER (Perth) [2.07 pm]: I present the following petition -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned residents of Western Australia urge you to declare Yakabindie Sacred Sites as protected and to legislate for the prohibition of any further mining and destruction of these sacred sites.
>
> We want to prevent the consequent grief, loss and disintegration of the Aboriginal custodians who are still practising their tribal law and culture in this area which has been compared to Ayers Rock in the Northern Territory in significance. The songline extends from Ayers Rock through Yakabindie across Central Australia connecting many Aboriginal peoples.
>
> We also want to prevent further loss of important and in some cases, rare flora and fauna in the area adjacent to the Wanjarri A Class reserve which will be impacted by toxic tailing dams from the nickel mine.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 19 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

[See petition No 89.]

EMPLOYERS' INDEMNITY SUPPLEMENTATION FUND AMENDMENT BILL

Introduction and First Reading

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

SELECT COMMITTEE ON OFFICIAL CORRUPTION RECOMMENDATIONS

Report Tabling - Extension of Time

On motion by Mr Pearce (Leader of the House), resolved -

> That the date for the presentation of the report of the Select Committee on Official Corruption Recommendations be extended to 24 September 1992.

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Second Reading - Budget Debate

DR LAWRENCE (Glendalough - Treasurer) [2.11 pm]: I move -

> That the Bill be now read a second time.

In doing so, I present the State Budget for 1992-93.

The Budget has one overriding objective - to address the unacceptably high level of unemployment. This will be achieved through a three point strategy which focuses on both short and long term results. The strategy provides targeted assistance and support to the private sector, especially small business, expands and accelerates the capital works program, and increases the emphasis on vocational education, skills training and traineeships.

The WA Advantage, released in February, outlined the Government's plan to create sustainable jobs through increased investment in export industries. Budget initiatives to get the private sector working focus on three key areas -

reductions in Government costs on business, through lower electricity charges for small business, payroll tax concessions and land tax relief;

financial assistance and incentives to strategic industries to encourage industry to invest in downstream processing and value-added manufacturing that will increase export earnings; and

a new research grants program to support and encourage Western Australian ideas and develop innovative products and processes of commercial merit.

In times of subdued economic activity, Government can provide a modest, temporary stimulus to the economy by bringing forward capital works to provide necessary public infrastructure. In 1992-93, capital works funding will be boosted by $366.6 million, or 32 per cent. This funding is targeted to areas such as housing to provide maximum impact on increasing employment.

As Western Australia prepares for improved economic times, there is an urgent need to ensure that our young people and workers have the skills that are necessary for the jobs of the future. The 1992-93 Budget provides -

$129.2 million for vocational education training, including $3.8 million for pre-vocational education and training aimed mainly at the unemployed; and

an allocation of $20.6 million for people with special needs, including $2.8 million for increased access to education and training for Aborigines, $1.7 million for adult literacy programs, $5 million for migrant education and $400 000 for people with disabilities.

In addition, $5.9 million has been provided for the development of employment skills, including $2.3 million for the employment equity program assisting 14 000 unemployed people to obtain training and employment opportunities. The Government will also provide a minimum of 1 000 traineeships in the public sector for young people.

Mr Speaker, the department's budget will be supplemented as a result of Commonwealth funding injections for vocational training in Australia. Subject to further negotiations with the Commonwealth, Western Australia is likely to receive about $7.8 million for enhanced training initiatives in 1992-93.

It is encouraging that, while the improvement in national economic activity is still fragile, there are more positive signs that the Western Australian economy is on the road to recovery. Throughout 1991-92 there was improvement in demand broadly based across the retail, new motor vehicles and residential building sectors. Importantly, exports grew by more than 14 per cent. Major reductions in inflation and inflationary expectations, and the associated significant falls in interest rates, represent major structural changes which have come out of the recession. These changes will facilitate productive investment activity in the years ahead. Western Australia now has a lower inflation rate than at any time since 1962-63, less than one half the national rate and below the average of our major trading partners.

The economic restructuring required in other areas to improve our international competitiveness is also well under way. Ongoing dismantling of Australia's costly tariff barriers, deregulation of wide areas of the economy, increased attention to lifting the efficiency of the public sector, and recognition of an increased role for the private sector in Government infrastructure projects are features of these developments. Meanwhile, reductions in mortgage interest rates and subdued housing prices have combined to see housing affordability improve to its best level since 1985.

For the reasons I have just described, the Western Australian economy is forecast to grow by four per cent in 1992-93, compared with a projected national growth of three per cent. Clearly, Western Australia has weathered the economic downturn better than other States, but the impact of the recession has been severe and we still have a long way to go when unemployment remains at an unacceptably high level.

In addressing the unemployment problem the Government recognises that it will need to continue to work with the private sector to create an environment which generates significant numbers of jobs. This requires decisions by Government that give confidence and certainty to investors, that increase efficiency, and that promote Western Australia, both at home and abroad.

INDUSTRY ASSISTANCE

Western Australia has consistently achieved the highest growth in private sector investment of any State. Our export industries have led the nation and have continued to grow throughout the current recession. Major projects proceeding in 1992-93 include -

preliminary work on Hamersley Iron's $500 million Marandoo project which is expected to begin production in 1994-95;

expansion of Robe River iron ore production from 20 million to 32 million tonnes a year by 1993-94;

a $200 million upgrading of BHP's Port Hedland loading facility over two years;

the Forrestania nickel project is expected to begin production this financial year and Western Mining Corporation also plans to expand production from its Leinster nickel operation; and

the completion of the substantial expansion at Alcoa's Wagerup refinery which will take the State's combined alumina production to more than 7.5 million tonnes a year.

The Government expects that the $50 million first stage of the Nifty copper project in the Pilbara will commence in the near future with assistance under the WA Advantage investment attraction program.

Building on those successes is a high priority in this Budget, which contains spending initiatives totalling more than $50 million directed at attracting investment, promoting exports and generating long term jobs in Western Australia.

This Budget represents a major instalment on the initiatives announced in the WA Advantage. Funds made available for industry assistance through the Department of State Development have been increased by 30 per cent and include $10.3 million from the capital works program. A large component of our industry assistance will be in the form of loans with conditions being tied to the meeting of agreed performance and development targets. These funds will enable the provision of financial incentives to encourage business to invest in strategic export and import replacement industries; they represent a major investment in the future of our economy.

Assistance packages totalling $10 million have already been earmarked for strategic industries, including aerospace, automotive research, shipbuilding, biotechnology, food processing, recycling, and aquiculture. Trade promotion and export assistance continue to be strongly supported, with an allocation of more than $3 million.

Research facilities have been given a boost in funding which includes $4.8 million for the establishment of the CSIRO Remote Sensing Centre to assist in maximising land use opportunities and to generate export opportunities.

Support for Western Australian technology and ideas has been boosted by the allocation of $250 000 to a new WA Advantage research scheme to support the development of innovative products and processes of commercial merit.

Funds totalling $1.2 million have been provided for the joint Commonwealth/State National Industry Extension Service to encourage international competitiveness in Western Australian companies.

Mr Speaker, the Government is committed to encouraging industry, and is vigorously pursuing opportunities for downstream processing, local manufacturing, and exports to diversify and expand the State's economy.

HELP FOR SMALL BUSINESS

There are some 82 000 small businesses in Western Australia - or 97 per cent of all business enterprises - with the small business sector accounting for about 51 per cent of the State's total work force. Government policies already recognise the critical role that small business has to play in job generation and the economic recovery process. This Budget takes the Government's commitment to small business further and I am pleased to announce the following measures specifically designed to boost that sector.

Electricity prices for SECWA's industrial and commercial customers will be reduced from 1 November. As a result of adjustments to SECWA's K, L, M and R tariffs, 57 000 small

businesses will receive reductions of at least five per cent to their electricity bills. An additional 24 000 small businesses will receive reductions of up to five per cent. These amount to real reductions in electricity prices for 94 per cent of WA's small business. Businesses to benefit will include service industries such as dry cleaners and laundries, small metal fabricators, furniture manufacturers, motor repair workshops, recreational and entertainment centres, and small wholesale and retail businesses.

In announcing these reductions I pay tribute to the continued efforts of SECWA workers and management to increase productivity and efficiency in line with my commitment to reduce energy costs in this State by at least 25 per cent by the end of this decade.

In the lead-up to this Budget I have already announced two substantial tax concessions. The first was an increase of almost 10 per cent in payroll tax scale thresholds from 1 June 1992. That concession will benefit about 3 400 employers at a cost of some $5.1 million to State revenue in 1992-93. The second concession was the freezing of all land tax valuations at 1991-92 levels which followed Government consideration of the interim report of the Land Tax Review Committee. The all-up cost of the concession is estimated to be about $20 million in 1992-93. Members will be aware that this is the second successive year in which major land tax concessions have been provided. In large part, the need for these concessions has resulted from the land valuation cycle being out of phase with economic conditions and property market movements. To provide a more lasting solution, the Government will implement a system of annual valuations from 1993-94, together with an instalment payment option.

Increases in water and sewerage charges have been held to one per cent, a reduction in real terms, and all State taxes have been held to zero increases.

Reducing the impost of Government taxes and charges on small businesses is, in my view, the most effective contribution we can make to the recovery of this sector.

Many of the initiatives announced in the WA Advantage and funded in this Budget are directed at small business. In addition, the Government will be taking the following measures to assist small business -

> amendments to the legislation governing commercial tenancies will be introduced this year to increase the protection offered by the legislation to small business proprietors;
>
> eligibility for the small business loan guarantee scheme will be expanded to give more small businesses access to the scheme. Activities such as growing orchard fruits and other fruits and nuts, vegetables, plant nurseries and the establishment of restaurants, hotels and accommodation will now be covered by the scheme;
>
> the Small Business Development Corporation will be funded to run a small business accelerator package which will include a range of research, business planning and education programs; and
>
> following last week's opening of the Business Licence Centre the Government will continue its program of cutting red tape through the efforts of the SBDC business regulation review panel. The Government's commitment to this program was highlighted in the WA Advantage by our decision to abolish the commercial goods vehicle licensing scheme.

In addition to these specific budgetary measures I have recently announced the appointment of a Minister for Small Business to give a focus within Government to the interests of this sector. The Small Business Development Corporation will report directly to this Minister.

CAPITAL WORKS

Through the capital expenditure of departments and authorities State Governments have the capacity to make a direct impact on employment and to stimulate growth in the private sector. The June Loan Council meeting acknowledged the importance of public sector provision of industrial and social infrastructure for sustained national economic growth; accordingly, to provide a measured stimulus to the emerging economic recovery the States' basic borrowing allocations were increased by 10 per cent in 1992-93. Western Australia also received a special $50 million borrowing supplementation in recognition of its heavy capital works demands. Partly reflecting those decisions, but mainly due to a heavier draw on international funds and balances to meet growing infrastructure demands, our planned

capital works program amounts to $1 512.2 million, an increase of $366.6 million or 32 per cent on actual expenditure last year. Full details of our capital outlays are set out in the General Loan and Capital Works Fund Estimates and the Supplement to the Capital Works Estimates.

Expenditure by Homeswest will total $331 million, representing a significant increase of $139 million. An estimated $84.1 million will be spent on the commencement of over 2 300 new houses, including 400 under the WiseChoice housing for seniors program, and a further $63 million will provide for the completion of over 1 800 homes currently under construction. The large construction program planned by Homeswest will enable the Government to make further significant inroads into the waiting list for public housing and also to provide valuable assistance to the home construction industry. Homeswest will also be completing and undertaking new works in the specific program areas of Aboriginal housing, crisis accommodation and local government and community housing. As well, the level of funding for Homeswest's "Start-a-Home" financing package will increase to $47 million, and Keystart funding of $225 million is estimated to be available.

Mr Speaker, Homeswest estimates that in total these various programs will lead to the construction of 2 700 new homes, more than 3 300 new home loans, and the making available of some 3 500 new building blocks. Either directly or indirectly, they are expected to generate about 9 200 new jobs in the Western Australian economy.

Capital outlays of $171.7 million will be incurred by Westrail, an increase of $56.4 million on actual expenditure in 1991-92. Work is continuing on the suburban railway electrification and the northern suburbs rail rapid transit system. Electrification of the existing three suburban rail lines to Armadale, Fremantle and Midland has resulted in a significant improvement in train patronage and the introduction of the northern suburbs railway in early 1993 is expected to boost patronage by a further 40 per cent during 1992-93.

Included in Westrail's capital works program is funding of $13.5 million under the Australian land transport development program for the upgrading of the Kwinana-Picton rail corridor. In addition, $11 million has been allocated to Westrail as part of the upgrading of the standard gauge network from Fremantle to the eastern seaboard under the Commonwealth's land-bridging initiative. This will improve rail links to ports for export traffic and increase employment opportunities. Among other things, the funding will improve clearances to allow double-stacked containers to operate between Adelaide and Fremantle.

Major improvements to public transport will occur as a result of the Government's five year plan to acquire 320 buses, with the first being delivered in 1993-94. This long term $100 million commitment replaces the previous ad hoc arrangements for bus acquisition and will provide the continuity and confidence needed to maintain a viable local bus body building industry.

Our capital works program also includes expenditure by the Ministry of Education of $91 million, an increase of $6.5 million on actual spending last year. As part of the Government's undertaking to provide a special $75 million allocation to help overcome a backlog in school maintenance, the program includes estimated spending of $28.6 million in 1992-93. In addition, five new primary schools will be built, as well as additions and major works at 16 other schools throughout the State.

Other features of our capital works program include -

Expenditure of $18 million on the Dawesville Channel which is estimated to cost $58 million in total;

a program of $17.4 million for the East Perth Redevelopment Authority;

$12 million for the construction of TAFE facilities at East Perth and Joondalup;

$3.1 million for the first stage construction of the Western Australian Fire Brigades Board's training establishment at Forrestfield, and a new fire station at Rockingham; and

$3.8 million to complete the new Magistrates' Court complex at Joondalup.

SOCIAL JUSTICE

In May I launched "The Social Advantage" which detailed a range of initiatives to support families, children and communities. This Budget provides $24.7 million for Social Advantage programs.

This year the Office of the Family will merge with the Department for Community Services - excluding juvenile justice programs - to create a new department to provide services to children, families and communities. These services will focus on early intervention, a range of support programs to meet the varying needs of families and children, programs which encourage the continuing contribution of seniors and provide for their ongoing care, and a range of special programs designed to assist individuals and groups most in need.

The new department will be responsible for services for four year old children. They will be able to attend family centres, community preschools, play groups and child-care centres. There will be no decrease in the number of places available for four year olds.

This Budget provides for the completion of 14 family centres and three long day child-care centres, together with the commencement of an additional eight family centres and seven long day child-care centres.

Other programs provided by the new department will include -

$9.1 million to provide assistance to financially disadvantaged people to overcome short term financial emergencies, increase their access to essential goods and services, and to improve their ability to manage on a low income;

$6.5 million for children's protection;

$14.3 million for the supported accommodation assistance program to provide a wide range of supported accommodation and related services;

$714 000 for non-Government organisations that assist families in poverty; and

$208 000 to increase foster-care rates.

The Government, under the Social Advantage strategy, will also establish the Youth Justice Bureau as a new department to provide a greater focus for programs to prevent juvenile crime and to develop appropriate prevention and rehabilitation options for young offenders. The total budget for early intervention and prevention, and for rehabilitation and custodial programs associated with young offenders, is $23 million in 1992-93. To reduce the incidence of offending among serious repeat young offenders, the Government has allocated $1.2 million for a Serious Repeat Offender Task Force, programs for juvenile sex offenders, upgrading of detention centre facilities, and additional Aboriginal programs that are consistent with the recommendations of the Aboriginal Deaths in Custody report.

EDUCATION

Reflecting the Government's policy of ensuring that each school-aged child receives a quality education relevant to changing social patterns and technological and labour market demands, spending of $1 045.8 million is planned by the Minister of Education, an increase of $53.8 million or 5.4 per cent.

All parents want to provide the best opportunities for their children and the Government is committed to providing quality programs to meet the varying needs of preprimary children. From 1993 an optional program providing full time preprimary for five year olds will be introduced. This will be the first year of a three year phase-in program. The total program will employ an estimated 1 200 teachers, teaching aides and support staff. The teachers will be trained in early childhood education and will be well qualified to provide quality programs for five year olds.

In this Budget $7 million has been provided for additional facilities, and a further $7 million for the appointment of an additional 389 teachers and support staff, to provide 7 000 places in 1993.

Other features of the Education budget include -

the appointment of an additional 372 teachers and support staff to meet the increasing demands arising from increased enrolments, new schools and school extensions;

a $5.4 million increase in per capita grants to non-Government schools, including provision for award restructuring; and

$1.5 million for expansion of the First Steps project to improve the level of student performance in literacy and numeracy especially for children experiencing difficulties.

As I have already indicated, a substantial education capital works program will be mounted and, in addition, $24.2 million has been allocated for low interest loans to non-Government schools. A school renewal trust account will also be established; it will receive the proceeds of the sale of surplus education properties to be used for financing school maintenance, renovation and improvement programs.

HEALTH

The Government is committed to ensuring that all Western Australians have access to needed health care and, to reflect that commitment, $1 225 million - or almost 25 per cent of our Consolidated Revenue Fund budget - has been provided to the Health Department in 1992-93. Despite our funding efforts in this area, there are clearly pressures on public hospitals, largely because of the shortfall in funding from the Commonwealth and increasing demand for publicly funded health services. The pressures have been compounded in recent times by demographic factors such as the growth and ageing of our population, the emergence of new disease patterns, and the development of expensive new treatments.

Recent advances in medical technology and medical practice have meant that with appropriate facilities, equipment and training, surgical treatments which previously required several days in hospital can now be provided on a same day or outpatient basis. These new technologies and advanced medical practices, as well as reducing costs per treatment, offer better outcomes, particularly shorter recover times for patients. Therefore, the Government intends to proceed with a major investment program over the next three years to accelerate productivity improvements and to reduce waiting lists in public hospitals. In 1992-93, $20 million has been provided for this purpose.

Other initiatives in the Health budget include:

$2.2 million for community mental health services in country areas;

$4.8 million for planning and commencement of the new Bunbury Regional Hospital; and

$4.5 million towards the redevelopment of the Swan District Hospital.

Apart from the measures I have just described, the Commonwealth's planned $1.6 billion injection into the Australian public hospital system during the next six years is a welcome and timely response to improve access to public hospitals on the basis of clinical need and to lift efficiency.

AGRICULTURE

An allocation of $88 million is planned for the Department of Agriculture. This allocation reflects efficiencies arising from changes to the structure of the department, voluntary severance savings of $3.5 million, and a $3.3 million reduction in industry contributions.

Emphasis will be placed on identifying opportunities for new industries and processors, and to enhance the market and productivity performance of existing industries. In 1992-93, $16.3 million will be spent on the development of plant industries and $10.6 million on the development of animal industries. Included is an allocation of $2.1 million to continue the successful development of specific varieties of wheat and lupins for premium export markets, and the provision of $1.3 million for a research and development program for the Kimberley pastoral industry.

The significant contribution of agriculture to the Western Australian economy will be maintained only if the production systems used by pastoralists and farmers are sustainable. A total of $32.1 million will be applied in 1992-93 to developing and improving sustainable production systems and to transferring the technology to land users.

The maintenance of the production and marketing advantage the State's agricultural industries enjoy, by virtue of their relative disease and pest free status, is important. In

1992-93, $14.2 million will be allocated to preventing the entry of exotic pests and diseases into Western Australia and to eradicating diseases such as tuberculosis, footrot, lice and apple scab.

MINERALS AND ENERGY

To rationalise service delivery to the industry, and to improve linked working arrangements, a new Department of Minerals and Energy was established from 1 July 1992 with a total recurrent budget of $48.7 million in 1992-93. The department comprises the former Department of Mines, the Energy Policy and Planning Bureau and the Minerals and Energy Research Institute of Western Australia. The Budget includes a planned 50 per cent increase in the funding applied to the implementation of energy efficient practices in Government agencies and to the provision of home energy advice.

REGIONAL DEVELOPMENT

The Government is acutely aware of the need to support regional development, particularly given the problems caused by the recent economic downturn. Accordingly, the Budget includes the following initiatives to enhance regional planning and development -

Funding for the South West Development Authority has been increased by 5.3 per cent to $5.698 million to enable the authority to continue with its important role of planning, coordinating and promoting the economic and social development of the south west region. Key activities for 1992-93 include the finalisation of a detailed coastal management plan for Mandurah, implementation of a heritage framework for the south west, and a study of the Mandurah ocean marina including examination of the development of a waste disposal facility;

the establishment of a Pilbara Development Commission, and funding of $820 000 for the strategies and initiatives outlined in the "Pilbara 21" report;

an allocation of $1.2 million - a 56 per cent increase - to the Great Southern Development Authority, including $480 000 for the Albany foreshore redevelopment project;

provision within the Goldfield-Esperance Development Authority's budget for expenditure of $431 000 for a variety of targeted programs designed to promote balanced economic and social development;

a Budget allocation of $813 000 for the Geraldton Mid-West Development Authority, including funds for coordinating the next stage of the Geraldton foreshore and marina development, the continued fostering of trade links with South East Asian markets, and further investigations of options for the establishment of a regional industrial park and deep water port; and

provision of $355 000 by the Department of Planning and Urban Development for planning in country areas, including the completion of the draft Bunbury/Wellington regional plan and funding for the Broome planning task force to help resolve planning and land use issues.

OTHER INITIATIVES

Mr Speaker, as all members would appreciate, it is not possible to cover all aspects of our expenditure programs. It is, however, pertinent to mention some highlights. In recognition of the important role of the Alcohol and Drug Authority, the Budget makes provision of $11.7 million to the authority, an increase of 8.4 per cent. Included is $500 000 to develop and deliver education and training to Aboriginal health workers and to provide resources to assist Aboriginal workers implement effective strategies to help combat alcohol and other drug problems. The Bureau for Disability Services will receive an allocation of $7.4 million to meet its responsibilities for developing and coordinating policy for disability services across the public sector and monitoring the responsiveness of Government agencies in meeting the needs of people with disabilities, their families and carers. An amount of $380 000 has been provided to enable five school therapy coordinators and 15 occupational therapists, physiotherapists and speech pathologists to be employed to cater for the needs of children with disabilities in the mainstream school system. A substantial $640 000 increase in funding for the Heritage Council of Western Australia will enable the compilation of a State register of places of cultural heritage significance, the accelerated provision of

conservation advice on development proposals and the promotion of the conservation, management and public enjoyment of Western Australia's heritage places.

In addition, the creation of an Aboriginal Heritage Authority and funding of about $2 million will result in the establishment of offices in Port Hedland, Midland and Derby. This regional network will provide a more effective presence and an essential link between the authority and Aboriginal communities. A contribution of $5 million is planned to the community sporting and recreation facilities fund as part of our triennium commitment of $15 million to assist the construction of community sporting and recreation centres. In recognition of the increasing importance of cycling as a mode of transport and the contribution it can make to reducing Perth's dependence on the private motor car, an allocation of $1.5 million is planned to extend cycleway access to the Perth central business district and in new urban developments. Additional Commonwealth funding has also been provided to expand the cycle helmet rebate scheme of $10 a helmet to the majority of people in families eligible for means-tested benefits.

Since 1988 the Government has provided a 50 per cent subsidy on taxi fares to disabled people for up to 100 trips a year. In 1992-93 about $1 million has been allocated for the taxi users' subsidy scheme, an increase of more than 25 per cent on the cost of the scheme in 1991-92. Pending legislative changes, the Budget includes $416 000 for the development and implementation of a foreign ownership of land register from 1 October 1992. Extra funding of $707 000 is planned for the Victims of Crimes Support Service and an additional $1 million has been allocated for community policing and crime prevention and local safety programs. An amount $833 000 has been provided for the Aboriginal Economic Development Office to assist Aboriginal economic and enterprise opportunities. This amount includes $133 000 for a commitment to the Karijini vision plan which will enable the employment of an enterprise officer and the completion of relevant feasibility studies.

BUDGET OVERVIEW

The task of framing the 1992-93 Budget has been exceedingly difficult. The estimates of revenue for 1992-93, when compared with 1991-92 actual receipts, reflect an apparent decrease of 1.4 per cent. After adjusting for accounting changes in respect of Westrail, this is an underlying increase of two per cent - a reduction in real per capita terms of 1.8 per cent. As a result, and despite the breathing space provided by the voluntary severance scheme, the necessary tight rein on recurrent expenditure has required even greater scrutiny and questioning of Government outlays than has been the case in previous years.

As I stated when presenting last year's Budget, an easy way out of the State's difficult budgetary problem would have been simply to increase taxes and charges. This solution would have imposed additional burdens on business and the community at a critical phase of the economic recovery cycle. We have rejected it for that reason. Instead, we have adopted a disciplined policy of public sector expenditure restraint.

I am pleased to present to Parliament a recurrent Budget which is in balance, with both revenue and expenditure set at $5 061.5 million. The Budget Papers include a comprehensive Government finance statistics analysis to provide a whole-of-Government financial perspective. After adjusting for revised Commonwealth-State debt arrangements, the analysis indicates an underlying net financing requirement for the general Government sector of $375 million, a reduction of $120 million or 24 per cent on the 1991-92 outcome. For the State public sector as a whole, the underlying net financing requirement will increase from $438 million to $482 million, reflecting, primarily, an expanded capital works program.

REVENUE

Given the emerging signs of economic recovery the Government has framed this Budget very much with a view to building confidence and ensuring that the recovery is sustainable. Accordingly, the Budget includes no new taxes, no higher tax rates, nor any extension of existing tax bases. This is the third year in succession that the Government has held the line on State taxes - in stark contrast with the position adopted in most other States this year. It is also the fourth year that we have held firmly to the Family Pledge and kept increases in the major domestic utility and transport charges well below the rate of inflation to ease the burden on families and business.

Stamp duty reform is a high Government priority and we are currently considering the final

comprehensive report of the reform of the Stamp Act and its administration. We intend to move quickly to implement those recommendations seen as being justified and of highest priority. During the current session of Parliament we also intend to introduce a range of concessional and other amendments to the Stamp Act and the Trustees Act to facilitate the development of a secondary mortgage market in Western Australia. This is aimed at increasing the supply of funds for housing and will provide a wider choice of investment opportunities for the Western Australian community. The necessarily complex amendments are being prepared in close consultation with the industry.

In addition, the Government has decided to provide further help to the State's racing industry, which has been suffering from the combined impact of the economic downturn and from the adverse effect of competition from other forms of gambling. As part of an overall package of assistance measures, which will provide an estimated $6.7 million to the industry this racing year, we will reduce the rate of the Totalisator Agency Board betting tax from six per cent to five per cent of turnover, at a cost to the Government, and a benefit to the industry, of at least $4.7 million in a full year. The enabling legislation will apply from 1 July 1993, but the Government will provide a rebate of $2.7 million to the industry in 1992-93. This is equivalent to the estimated part year cost of the concession had it applied from 1 December 1992. All 1992-93 collections of oncourse totalisator duty and bookmakers' betting tax will also be rebated to the industry in July 1993. Moreover, the Government will introduce enabling legislation in the autumn session to abolish oncourse totalisator duty from 1 July 1993 to the direct benefit of clubs and to redirect bookmakers' betting tax to the industry at a reduced rate of two per cent. As a result of this last measure, bookmakers will have their tax payments reduced by $300 000 annually. The relief will provide a welcome and significant boost to the racing industry, which is a major employer of Western Australians.

The only revenue raising measure that will be introduced in 1992-93 is a charge on loan guarantees of 0.2 per cent which will initially apply to non-financial State Government agencies. The charge will be reviewed from time to time in line with commercially based assessments of the value of the guarantee. It will be imposed on guarantees applying to outstanding borrowings and will be collected mainly through the Western Australian Treasury Corporation. Loan guarantee charges are currently applied by New South Wales, South Australia, Tasmania and the Commonwealth. A fee of 0.2 per cent is estimated to raise additional revenue of $14 million in 1992-93. Apart from revenue considerations the charge will encourage agencies to base their investment and pricing decisions more closely on the true cost of capital. It will also reduce the competitive advantage provided to some authorities by a Government guarantee and will provide some compensation to taxpayers for bearing the risk associated with agencies' borrowings.

The liquidation of the Western Australian Development Corporation, as announced by the Government, is forecast to generate revenue of $47 million and an amount of $30.5 million is also expected to be available in the Revenue Equalisation Account, largely reflecting the surplus of $11.3 million transferred at 30 June 1992 and expected interest earnings. In addition to the revenues included in the Budget, members would be aware that the sale of the State Government Insurance Office is to be progressed this year. As announced, the SGIO is to be sold by public float with the net sales proceeds being applied to the State Government Insurance Commission in recognition of its initial investment in the SGIO, and to reduce the level of State debt. Similarly, the tax compensation payments by the Commonwealth in respect of the SGIO - which reflect the fact that the Commonwealth tax base will be increased and the State will cease to collect income and sales tax equivalents from the SGIO - will likely be provided as a reduction in State debt owing to the Commonwealth. Discussions with the Commonwealth are proceeding on this matter. Details on the disposal of the SGIO to maximise the financial benefits to the State are still under consideration. However, enabling legislation will be introduced as soon as practicable so that the matter can be fully debated in Parliament.

OUTLAYS

Tight control has been exercised in holding recurrent expenditures to $5 061.5 million, an underlying increase of 2.2 per cent after adjusting for changed accounting arrangements for Westrail. Nonetheless, and partly because of the impact of last year's voluntary severance scheme, the Government has been able to introduce a number of initiatives following a

significant reordering of expenditure priorities and a comprehensive review of departmental programs to ensure that essential services are being delivered at least possible cost.

FINANCIAL MANAGEMENT INITIATIVES

The full-year impact of the accounting change relating to Westrail represents the major shift in funding arrangements this year and stems from legislative amendment. In addition, and, so as to reflect more accurately the true cost of program delivery, rental accommodation costs have been devolved to departments and agencies from 1 July 1992. It is proposed that this will be the last year separate budgets will be introduced for the Consolidated Revenue Fund and the General Loan and Capital Works Fund. Current legislation requires separation of the two accounts but the Government will introduce amendments into Parliament to established a consolidated fund from 1 July 1993. Members would be aware that, in recent years, we have published details of the operations of the Consolidated Revenue Fund and General Loan and Capital Works Fund in a consolidated form. However, it is clear that some difficulties have been experienced in assessing that information and we are now taking the next step of formally introducing a consolidated fund. In addition, the Government recently released a white paper, "Managing for Balance", which sets out our management strategies and directions for the public sector in the 1990s. "Managing for Balance" identifies several financial management initiatives which will be the subject of legislation to be brought before the Parliament, including a system of net appropriations which will be introduced to provide greater flexibility, greater accountability and incentives to ensure that services delivered by agencies are both cost-effective and consistent with Government priorities. Provision will also be made for special Act expenditures to be reported against the division for which the expenditure has been undertaken, thus further facilitating accountability.

Consistent with enhancements that have been made to Budget documentation in previous years, the Government this year has produced a new Budget paper titled *Economic and Financial Overview*. The objective of this document is to provide an improved understanding of the linkages between the Budget and the economy, and the environment in which it is framed. A major component of this paper is an enhanced reporting of the State's public sector financial performance from a whole-of-Government perspective. This new Budget paper also expands the reporting on the performance of the State's major trading enterprises. This is the first time such information has been included in the Budget papers and reflects the Government's clear objective of improving the performance of its enterprises, so as to ensure that their charges are kept as low as possible.

Last year, I outlined developments in more comprehensive financial reporting and accounting to assist in the assessment of the State's overall financial position, including a stronger focus on assets, liabilities and other aspects of total resource management. Members will have seen some of the results of this work in last year's *Analytical Information in Support of the Treasurer's Annual Statements* and further improvements will occur this year. To facilitate Government financial planning, Treasury is also currently working on the compilation of three year forward estimates of expenditure. This detailed work will be completed towards the end of 1992 and will form the basis of a paper for Government consideration.

DEBT MANAGEMENT AND FINANCING ARRANGEMENTS

It is interesting to note that, last financial year, the underlying net financing requirement for the general Government sector, calculated after adjusting for the revised debt redemption arrangements with the Commonwealth, was $495 million, below the Budget estimate of $524 million. The corresponding result for the total public sector, including our trading enterprises, was a fall from $701 million to $438 million. These reductions reflected primarily the imposition of tight expenditure restraint and falls in interest payment requirements. For 1992-93, and as I mentioned earlier, the expectation is that the underlying net financing requirement for the general Government sector will show a further welcome decline to $375 million. Due largely to expanded capital works, particularly by Homeswest, the corresponding total public sector result is forecast to lift from $438 million to $482 million.

In recent times, there has been much ill-considered comment about State debt. Clearly, the use of borrowings to provide industrial and social infrastructure has been an integral part of

Western Australia's economic development - the funding of the Dampier-Perth gas pipeline, which underpinned the massive North West Shelf project, being just one prominent example. Debt financing also leads to equity between taxpayers when used for long-lived capital works such as the northern suburbs railway. It would be unfair to load the total cost of these projects on today's taxpayers when community benefits will accrue to future generations. Contrary to the views expressed by others, the Government therefore sees debt as providing clear benefits to Western Australia - both in expanding our resource capacity and in ensuring some equity between taxpayers for long-lived capital assets.

What is important, however, is that debt is used responsibly to build our economy and at levels that maintain our international credit worthiness. In this regard, debt levels, revenues and expenditures have been independently assessed by credit rating agencies. They have acknowledged, through their very high credit ratings, that the State has the capacity to service its current and likely future debt. Moreover, the rating agencies have recognised that our high projected population and economic growth rates will continue to impose significant infrastructure requirements. Nevertheless, the Government, as part of its overall financial management reform strategy, has decided to impose further discipline in the use of debt funding with the objective of moving State finances to a position consistent with restoring our triple A credit rating in the medium term.

To this end, the Government has decided to introduce an approach based on the implementation of a broad policy framework together with a commitment to specific debt redemption and debt management targets. Members would be aware of the recent announcements in this regard but I will reiterate the key targets to be met. They are:

> the increase in net debt will be contained to at least one per cent less per annum on average than the growth in the economy;
>
> the accelerated repayment of general Government debt over a 25 year period, consistent with Commonwealth practice. This will be based on equal real repayments and more than halves the existing debt repayment period; and
>
> further real reductions over the next four years in the general Government net financing requirement. This will build on the expected 24 per cent reduction in 1992-93.

In addition, the Government is continuing with innovative approaches for the private sector to play a greater role in providing services and facilities previously seen as the province of Government. This will involve a corresponding transfer of risk and debt to the private sector where this is seen as cost-effective to the Government and the community.

The Western Australian economy is leading the nation out of the recession and it will continue to do so throughout 1992-93. We have a great comparative advantage. Our mineral and energy resources are enormous, as is our agricultural capacity; we are highly productive and heavily export-oriented and we have a work force that is enterprising and more highly skilled than ever before. Paradoxically, confidence is lacking and the budgetary initiatives I have announced today are aimed at providing the boost so necessary for both investment and consumer led economic growth and long term job creation. Together with our increased and targeted capital works program, the Budget will mean that we emerge with a stronger economy with the continuing prospect of low inflation which is so important for our international competitiveness. At the same time, the Budget ensures that those who are in genuine need at this time receive the maximum level of assistance that it is financially possible for the State to extend to them.

I now turn to the formal purposes of the Bill. The Bill seeks appropriation of the sums required for the services of the current financial year, as detailed in the Estimates. It also makes provision for the grant of Supply to complete requirements for 1991-92. Included in the expenditure Estimates of $5 061.5 million is an amount of $706 009 000 permanently appropriated under Special Acts, leaving an amount of $4 355 491 000 which is to be appropriated in the manner shown in the schedule to the Bill. Supply of $2 900 million has already been granted under the Supply Act 1992. Hence, further Supply of $1 455 491 000 has been provided for in the Bill. In addition to authorising the provision of funds for the current year, the Bill seeks ratification of the amounts spent during 1991-92 in excess of the estimate for that year. Details of these excesses are given in the relevant schedule to the Bill.

I commend the Bill to the House and, in so doing, seek leave to table the following papers -

The Consolidated Revenue Fund Estimates 1992-93;

Economic and Financial Overview 1992-93;

Program Statements;

Supplementary Budget Information;

The Budget Outlook.

[Applause.]

[See papers Nos 327-333.]

Debate adjourned, on motion by Mr Bradshaw.

BILLS (2) - MESSAGES

Appropriations

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

1. Appropriation (Consolidated Revenue Fund) Bill
2. Appropriation (General Loan and Capital Works Fund) Bill

FREEDOM OF INFORMATION BILL

Second Reading

MR D.L. SMITH (Mitchell - Minister for Justice) [3.05 pm]: I move -

That the Bill be now read a second time.

The Government introduced the Freedom of Information Bill 1991 in November last year. At the time it was stated that the Bill would lie on the table over the Christmas break to allow the community to consider it and comment on it. As a result of submissions and discussions since then, including discussions with the Opposition, a number of amendments have been made to the Bill. Those amendments have been consolidated in the Freedom of Information Bill 1992, and the Freedom of Information Bill 1991 has been withdrawn. Explanatory notes on the amendments are available for distribution to members.

The Freedom of Information Bill 1992 retains the key features of the Freedom of Information Bill 1991, namely: The creation of a right of access to documents held by State and local government; unlimited retrospectivity; and provision of a comprehensive means of review, including the creation of the independent office of Information Commissioner. The most significant amendment is the inclusion in the Bill of a new part which provides a means to ensure that personal information held by the State and local government is accurate, complete, up to date and not misleading. This part was to be left for the proposed privacy legislation. However, due to the Government's very full legislative program the privacy legislation will not be ready for introduction this year; therefore, the provisions have been included in the Freedom of Information Bill 1992.

Part 3 is the new part of the Bill. Clause 44 gives people the right to apply for amendment of personal information which is inaccurate, incomplete, out of date or misleading. The agency may make the amendment by altering, striking out, deleting or inserting information,or inserting a note in relation to information. The agency is not to make the amendment by obliterating or removing information, or destroying a document, unless the prejudice or disadvantage to the person outweighs the public interest in maintaining a complete record and the agency has notified the Library Board of Western Australia. If the agency does not agree to the amendment, applicants can have a notation or attachment containing their claims added to the information. The applicant's claims are to be passed on to anyone to whom the information is disclosed. There will be no fees or charges for applications for amendment of personal information. An applicant can seek internal review of decisions of an agency and can complain to the commissioner. Appeals to the Supreme Court are allowed on some grounds. A number of amendments have been made throughout the Bill as a result of the

addition of this new part. For example, the objects clause now includes an object relating to amendment of personal information.

Other amendments in the Freedom of Information Bill include: Requiring agencies to give effect to the Act in a way that allows access to documents to be obtained promptly and at the lowest reasonable cost; allowing the Information Commissioner to reduce as well as extend the 45 day time limit within which agencies must decide applications for access; requiring agencies to notify applicants of the basis of their estimate of charges as well as their estimate; allowing applicants to seek a review of charges before an agency completes the work; allowing consultation with someone representing the interests of the child of a deceased person; requiring the Information Commissioner to make decisions within 30 days of a complaint unless it is impractical to do so; allowing the Commissioner to award costs against a party whose conduct is exceptionable and unreasonable; allowing the Information Commissioner to refer questions of law to the Supreme Court without the agreement of all parties, but allowing a party to opt out of such a reference, avoiding any associated cost; allowing the Supreme Court more flexibility in dealing with references of questions of law; restricting applicants to the mechanisms of review, complaint and appeal provided in the Bill; extending the law enforcement exemption to matter that has originated with or been received from a Commonwealth intelligence or security agency; and exempting for 12 months matter which is the subject of three specified secrecy clauses in other Acts.

In addition, a number of drafting amendments have been made to ensure consistency of terms used throughout the Bill and to clarify the meaning of clauses. I commend the Bill to the House.

Debate adjourned, on motion by Mr Bradshaw.

APPROPRIATION (GENERAL LOAN AND CAPITAL WORKS FUND) BILL

Second Reading

DR LAWRENCE (Glendalough - Treasurer) [3.08 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to appropriate sums from the General Loan and Capital Works Fund to finance items of capital expenditure. The capital works expenditure program proposed for this year amounts to $1 512 199 000. Of this amount, $472 941 000 is to be appropriated by this Bill from the General Loan and Capital Works Fund. The works program of $1 512.2 million compares with actual expenditure of $1 145.6 million last year which included $102.8 million transferred to the Consolidated Revenue Fund for redundancy payments. I have already outlined the major features of our capital works program in the Budget speech. The program will stimulate economic activity by generating work for the private sector, especially the home building industry, as well as providing the infrastructure necessary to facilitate growth. Financial details of projects and programs are contained in the Estimates and further descriptive information is provided in the document "Supplement to the Capital Works Estimates" which I will seek leave to table at the end of this speech. Members will also have the opportunity to obtain additional information from Ministers during debate on the Estimates.

I now turn to the main purpose of the Bill which is to appropriate, from the General Loan and Capital Works Fund, the sums required for the works and services as detailed in the General Loan and Capital Works Fund Estimates of Expenditure. An amount of $472.941 million is sought from the General Loan and Capital Works Fund as part of the total financing arrangements required for the Government's planned works program. The amount to be provided from the General Loan and Capital Works Fund, which is subject to appropriation in this Bill, is clearly identified in bold type on pages 6 and 7 of the Estimates.

The Supply Act 1992 has already granted supply of $200 million and the Bill now under consideration seeks further supply of $272.941 million. The total of these two sums, namely $472.941 million, is to be appropriated for the purposes and services expressed in schedule 1 of the Bill. As well as authorising the provision of funds for the present financial year, this measure also seeks ratification for amounts spent during 1991-92 in excess of the Estimates for that year. Details of these amounts are provided in schedule two of the Bill. I commend the Bill to the House and, in so doing, request leave to table the General Loan and Capital

Works Fund Estimates of Expenditure for the year ending 30 June 1993, and the document "Supplement to the Capital Works Estimates".

[See papers Nos 334 and 335.]

Debate adjourned, on motion by Mr Bradshaw.

MOTION - STANDING ORDERS SUSPENSION

Notice of Motion No 29

On motion without notice by Mr Pearce (Leader of the House), resolved with an absolute majority -

> That so much of the Standing Orders be suspended as is necessary to enable consideration forthwith of Notice of Motion No 29.

MOTION - STANDING COMMITTEE ON PARLIAMENTARY PROCEDURES FOR UNIFORM LEGISLATION

Appointment

Amendment to Notice of Motion

MRS EDWARDES (Kingsley) [3.13 pm]: I seek leave to amend the notice of motion as listed on the Notice Paper by the amalgamation of paragraphs (4) and (5).

Leave granted.

Motion, as Amended

On motion by Mrs Edwardes, resolved -

(1) That a Joint Standing Committee be appointed for the period of the Thirty-third Parliament to inquire into, consider and report to the Parliament on matters relating to proposed or current intergovernmental agreements and uniform legislative schemes involving the Commonwealth, States and Territories, or any combination of States and Territories without the participation of the Commonwealth.

(2) As part of its functions, the committee may recommend procedures to facilitate parliamentary scrutiny of intergovernmental agreements and uniform legislative schemes.

(3) The committee, in considering draft agreements and legislation, shall use its best endeavours to meet any time limits notified to the committee by the responsible Minister.

(4) The committee shall consider and, if the committee considers a report is required, report on any matter within three months; but if the committee is unable to report in three months, it shall report its reasons to both Houses of Parliament.

(5) The committee shall consist of five members of the Legislative Assembly and five members of the Legislative Council.

(6) The committee shall have the power to send for persons, papers and records, to adjourn from time to time and move from place to place and except as hereinafter provided, to sit on any day and at any time.

(7) The committee shall not sit while either House is actually sitting unless leave is granted by that House.

(8) A quorum for the conduct of business or taking of evidence is four members provided that each House is represented at all times.

(9) Reports of the committee shall be presented in writing to each House by a member of the committee nominated for that purpose. Should a House not be sitting, the committee may forward its report to the Clerk of the House, which report shall be deemed to be laid upon the Table of the House and shall be treated for all purposes as a proceeding of the House and the Clerk shall, if

requested by the committee, take such steps as are necessary and appropriate to publish the report.

(10) In respect of any matter not provided for in this resolution, the Standing Orders of the Legislative Assembly relating to Select Committees shall be followed as far as they can be applied.

Request for Council's Concurrence

On motion by Mrs Edwardes, resolved -

That the resolution be transmitted to the Council and its concurrence desired therein.

MEMBERS OF PARLIAMENT (FINANCIAL INTERESTS) BILL 1989

Report

Report of Committee adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

MR PEARCE (Armadale - Leader of the House) [3.17 pm]: I move -

That the Bill be now read a third time.

MR KIERATH (Riverton) [3.18 pm]: The principle of members' declaring financial interests is all to do with credibility. I believe in honesty and integrity and in open Government. I am prepared to stand by those principles regardless of the personal consequences to me. Nearly three years ago I gave notice in my party room that, on this issue, I disagreed with my party. As a result, I was put under all sorts of pressures to change my mind. I chose to go into public office and, therefore, to submit myself to public scrutiny. I fought the last State election on the principles of honesty, integrity and accountability of Government. In my view, this Government has not shown any of those qualities. I will do everything in my power to bring this Government's term to an end because of its financial mismanagement, dishonesty and its involvement in corruption as evidenced at the Royal Commission. We have to keep politicians honest, especially in the public eye. More importantly, we have to be seen to be honest.

Mr Catania: Why don't you agree with the Bill, then?

Mr KIERATH: If the member is quiet, he might find out something.

We want the declaration of pecuniary interests to apply to Ministers only and not to every member of this Parliament. In this respect this Bill is the fourth best proposal, which is better than nothing at all. It is essential that we should support moves which put the honesty and accountability of members of Parliament beyond question and, more importantly, above self-interest. Members of Parliament choose public life, and it is vital to their integrity that they are prepared to accept accountability and make a commitment to open and honest Government.

The strong feelings I have about this Bill have caused me some dilemma. When it was first introduced into this Parliament I canvassed support from my local branches of the Liberal Party and people within my electorate. Every member of my party to whom I spoke supported my stand and most members of the public supported my view. I am not prepared to hide behind the arguments of invasion of privacy because a more important principle is at stake; that is, honesty. At the last State election the then Leader of the Liberal Party went to the electorate with a code of conduct which would apply to those people entrusted with the responsibility and power to make decisions. In my opinion, that was the correct way to go.

This legislation is a cheap trick and in many areas it is a sham and a pretence. Standing Order 195 states, "No Member shall be entitled to vote in any division upon a question in which he has a pecuniary interest." Standing Orders define the said interest as a direct one and not one in common as shared with others. This legislation has many loopholes and some of them are so wide that one could drive a truck through them. However, I acknowledge it has some sobering aspects including the provision of public accountability. In the game of football certain people make the rules, but the umpires administer the rules and that is where an abomination of the rules can occur. The same applies to politics. The Ministers must

administer the rules and they, not the Parliament, must be responsible for the shortcomings of the system.

The Government has displayed some hypocrisy in its approach to this issue. At various times there has been evidence of dishonesty and allegations have been made of corruption in Government. This legislation will not do anything to address this situation. However, it is an attempt to try to expose members of Parliament to the public process of accountability and in that respect this Bill reflects the fourth best proposal, which is better than nothing at all.

This Bill has been on the Notice Paper since August 1989 and in the first six months after I was elected to this place I was faced with the prospect of having to vote against my party. On the day I gave notice in my party room that I would vote against the legislation on this issue, I spoke to more members of my party than I have since. I was hoping it would not come to this, but if a division is called I will be voting with the Government.

MR WIESE (Wagin) [3.24 pm]: In some ways I share the same strong feelings expressed by the previous speaker. Members should bear in mind that this Bill had its second reading in this House on 31 August 1989. On that occasion the then Premier, Mr Peter Dowding, said that it had been introduced to promote public confidence in the operation of Parliament and the behaviour of members of Parliament. This legislation could probably do more to destroy the confidence of the general public in the Parliament and the Government than any piece of legislation which has been introduced into this place. It is an utter and complete farce. On the one hand, it has been brought in by the Government on the basis of trying to bolster public confidence but, on the other hand, the loopholes are so big that it makes a laughing stock of the Parliament and the Government. If the Government believes that introducing and passing this legislation will satisfy the public's requirements that members of Parliament must act and be seen to act in such a way as to be beyond reproach it should reconsider its view.

Mr Lewis: It is all to do with perception prior to an election.

Mr WIESE: Yes, it is. The relevant Standing Orders, which have served us well for a long time, state that members of Parliament shall not participate in debates, vote in any division in the Parliament or sit on a Standing Committee if they have a financial interest in the matter before the Parliament or committee. Standing Order No 195 clearly states that, "No member shall be entitled to vote in any division upon a question in which he has a pecuniary interest." Standing Order No 357 states, "No member shall sit on a Select Committee who shall have a pecuniary interest in the matters to be investigated by such Committee." Again, this is a definitive statement of the responsibility of members. These Standing Orders are sufficient, but if the Government and this Parliament are not satisfied that they are sufficient they have a responsibility to introduce legislation which will meet the requirements of the public and outline, without any doubt, what is a member's responsibility if he has a financial interest in a matter before the House. This legislation does not do this; it creates a situation whereby a member is not forbidden from accepting a gift or donation, but he is required to declare it. It leaves the situation wide open to a member who may not personally receive a donation or gift. For example, a donation or gift may be given to a relative of a member who then passes it on to the member and, under this legislation, the member will not have to declare the gift or donation. That is the reason the legislation is a farce, and I am totally opposed to it on this basis. Passing this legislation will not leave the public with a perception that the Parliament is seeking honesty, or anything like it, from its members. It will destroy that perception by leaving wide gaps in the legislation which can be exploited by any person wishing to do so. I am totally opposed to this legislation and will certainly vote against it.

MR WATT (Albany) [3.31 pm]: I had not intended to speak to this third reading debate on the Members of Parliament (Financial Interests) Bill. However, in light of the two speeches just made, I will make a brief contribution to put the position of the Liberal Party on this matter once again. The Liberal Party was fundamentally opposed to legislation of this kind for a number of years. A shift in thinking on this matter occurred in the party in recent years more in recognition of the public perception mentioned than the reality of the situation.

The Liberal Party put its position fairly and squarely on the record during the second reading debate on this Bill; that is, that it was prepared to support a Bill modified along the lines proposed by the Liberal Party which would have, in its view, introduced a much fairer approach to this disclosure legislation. However, in view of the Government's refusal to

accept its amendments the party was left with no alternative but to oppose the Bill. I again make it clear that our opposition is not to the principle of disclosure of members' interests but to the Bill in the form presented to this House and the Government's absolute refusal to cooperate in producing a Bill which would have achieved the same result by much fairer means.

Question put and passed.

Bill read a third time and transmitted to the Council.

COAL INDUSTRY TRIBUNAL OF WESTERN AUSTRALIA BILL

Second Reading

Debate resumed from 7 April.

The SPEAKER: The question is -

That the Bill be now read a second time.

Question put and passed.

Point of Order

Mr KIERATH: Mr Speaker, at the time the call on this Bill was made my attention was distracted. It had been my intention to speak to the second reading.

The SPEAKER: I will consider how the wishes of the House might be accommodated in the circumstances.

As to Recommittal

Mr PEARCE: I move -

That the second reading of the Bill be recommitted.

Speaker's Ruling

The SPEAKER: This matter is not as clear-cut as it would first seem. There is no simple procedure to get the House back into the second reading stage of this Bill. A procedure is outlined in Standing Orders related to a recommittal which can be made during the Committee stage of a Bill. However, the House was about to go into Committee on this Bill by following correct procedures. Therefore, I am unable to accept a motion saying, "Let us recommit this Bill."

I am faced with two alternatives: First, simply to backtrack and say that the last set of proceedings is null and void; or secondly, to ask for a motion to be moved that so much of Standing Orders be suspended as to allow that to be done. I am in favour of the second rather than the first approach as it would be a bad precedent for me to set if I simply recommend that proceedings the House has gone through legitimately, and which I did not rush and during which I deliberately paused, be declared null and void. The best solution is for me to leave the Chair until the ringing of the bells and, when they have rung for a few moments, for a motion to be moved that so much of Standing Orders be suspended as would allow that to be done.

Sitting suspended from 3.37 to 3.41 pm

MOTIONS - STANDING ORDERS SUSPENSION

Coal Industry Tribunal of Western Australia Bill - Vote on Second Reading Rescinded; Resumption of Second Reading

On motion without notice by Mr Pearce (Leader of the House), resolved with an absolute majority -

That so much of the Standing Orders be suspended as is necessary to enable consideration forthwith of a motion that the vote taken on the second reading of the Coal Industry Tribunal of Western Australia Bill be rescinded and that the second reading of the Bill be resumed.

Resumption of Second Reading

On motion by Mr Pearce (Leader of the House), resolved -

> That the vote taken on the second reading of the Coal Industry Tribunal of Western Australia Bill be rescinded and that the second reading of the Bill be resumed.

COAL INDUSTRY TRIBUNAL OF WESTERN AUSTRALIA BILL

Second Reading

Debate resumed from 7 April.

MR KIERATH (Riverton) [3.43 pm]: I thank you for your indulgence, Mr Speaker, and I appreciate the assistance I have received from both you and the Leader of the House in this matter. Normally I would not have missed the Bill's being called on, but at the appropriate time someone was asking me a question.

The Liberal Party supports the broad concept of the Coal Industry Tribunal of Western Australia Bill, and one reason I was very keen to comment at the second reading stage is that we will support the Bill in its passage through this House but we have some areas of concern which I want to outline. If I can do that at the second reading stage we will be able to expedite the Bill through Committee.

As the Minister for Mines said in his second reading speech, this Bill is designed to repeal and replace the Western Australian Coal Industry Tribunal Act 1978. Basically it involves two companies - Griffin Coal Mining Co Pty Ltd and Western Collieries Ltd - and, in effect, will allow the Coal Industry Tribunal to regulate the industrial relations of the coalfields at Collie. However, this Bill is different from the current Act in some important aspects. Among the comments we have received about the Bill is the fact that, under its provisions, the chairman and deputy chairman of the tribunal are required to have coal industry experience. It has been pointed out to me that that is rather a narrow definition, and it is not required under the present Act. Indeed, the current chairman had no coal industry experience as such, and to introduce this provision now would prevent him from continuing in that role. I ask the Minister why that provision was considered to be essential. We believe it is too narrow and too incestuous, as we would be relying on the same group of people rather than on someone who could take a wider view, having more experience in the broader area of industrial relations.

Another concern relates to the principle of having the existing tribunal sitting on its own and not under the umbrella of the Industrial Relations Commission. There are some good arguments to say that we should not have a separate tribunal and that if it were necessary perhaps it could be convened under the auspices of the Industrial Relations Commission - in other words, brought into the mainstream of industrial relations. That is a very important point and one worth considering, although I realise that at this stage not very much can be done because of the people involved. In support of that argument, the sorts of benefits that have been gained by the actions of the Coal Industry Tribunal outside the mainstream of industrial relations include a 35 hour week, five weeks' annual leave, a 35 per cent leave loading, and a 17.5 per cent loading on sick leave. That evidence, in itself, is perhaps a reason for saying that the tribunal should be brought back under the umbrella of mainstream industrial relations.

Another very important feature is that, under the Bill, there is no necessity to take heed of national and State wage cases. That is rather interesting, because I understand that only two tribunals exist outside the Industrial Relations Act which do not incorporate national and State wage cases. One is the Coal Industry Tribunal, and the other is the Salaries and Allowances Tribunal which governs us in this place. However, if the tribunal is to exist it should be within its charter to take into account wage fixing principles, most importantly those of State wage cases but also those of national wage cases in Federal awards.

The fourth major area of concern is tribunal representation. The Bill perpetuates the system of representation by both employers and employees. Where the representatives are evenly balanced one must say that in contentious issues they are likely to cancel each other out and the chairman will have the prevailing vote in any event. One school of thought says that perhaps we could do away with those representatives altogether and just have a chairman.

The track record of such bodies indicates that a fairly strong argument can be mounted on that basis. People who have given me information about this Bill say that a similar situation exists in the Eastern States; they have not found a need for a specialist coal tribunal as such, but have been able to do it in the mainstream. That is very important.

Another area of concern is the definition of an employee. Some feel that it is broad enough potentially to cover contractors and subcontractors, thereby making them subject to the coal industry rates, conditions and regulations. I hope the Minister will address that very important problem during either the second reading debate or the Committee stage. If we have a specialist tribunal, it could become captive to itself, be inward looking and tend to perpetuate its own regulations. In many cases the tribunal may ignore the national and State wage cases and the principles of those decisions which flow to the wider community. The tribunal will continue the "unique" situation of this industry, even though many industries throughout the State are in unique situations and could operate their own tribunals. Interestingly, the Bill stipulates that the Minister may intervene, interfere with and interrupt proceedings before the tribunal. This is not a normal provision found within legislation, and no explanation was provided for its inclusion. Could this lead to proceedings being cancelled because the Government did not like their progression? Alternatively, was this clause inserted only to enable the State to make a submission to the tribunal?

The appeal provision is another area of concern. Under this legislation, it will be possible for any party to appeal to the full bench of the commission when that party is dissatisfied with a decision of the tribunal. Will this allow spurious claims to be made as a tactic to delay the implementation of a tribunal decision? Again, the Minister should provide an explanation. Is it possible to limit an approach made to the full bench of the commission so that the provision is not used as a delaying tactic regarding a decision disliked by some people?

Another clause deals with the right of representation, but surely any party should be able to appear before the tribunal if the case warrants appearance. Clause 26 stipulates the penalties, which are relatively slight; perhaps harsher penalties should apply to unions and companies which would have greater powers of persuasion to ensure appearance before the tribunal. Under the legislation the tribunal cannot act on its own motion. The Opposition is also concerned about conferences. Surely a company issue should apply only to that company, but under this legislation such a conference could involve all companies. This industrial tribunal is in an unusual situation in that it has the power to award costs, and this introduces a new avenue in industrial relations in this State; not even the State Industrial Relations Commission can award costs. Also, the Opposition believes that the tribunal should be able to re-hear cases.

I ask the Minister to provide an explanation of the need for local boards of reference. The argument has been made that these boards operate in the Eastern States; however, many companies are involved in this industry in those states, yet effectively only two companies operate in Western Australia; therefore, I question whether the local boards of reference are necessary. The Bill indicates that a review of the Act will occur after five years of its operation. This is very vague as it does not indicate whether the views of various parties should be taken into account in that review. Vague review provisions is a general trend creeping into legislation. If we are serious about reviews, a time limit or requirement for consultation should be included in the legislation, and the concerns of relevant parties should be taken into account and addressed.

The Opposition will support the legislation's second reading, but our support during Committee will be subject to explanation of the points raised. The Opposition has five main areas of concern: The chairman and the deputy chairman being confined to the coal industry; whether the tribunal should be apart from the industrial relations system in this State; whether the principles of the national and State wage cases should apply; whether employee and employer group representation is necessary; and the right of representation.

DR TURNBULL (Collie) [3.56 pm]: The Coal Industrial Tribunal of Western Australia Bill maintains the principles which have applied in the coal mining industry in Western Australia since the Coal Act of 1902. That principle is very important to Collie. The previous speaker, the member for Riverton, raised a number of queries regarding this Bill, and questioned the place of this tribunal in the Australian industrial relations mechanism. He asked why it existed in Western Australia at this time, and why it was still important. I have a different perspective on this subject.

This tribunal deals with local industry problems quickly and satisfactorily, and this is the direction in which industrial relations should go. The centralised wage fixing system and industrial relations program is a mechanism of the past. In the future we will deal with dispute resolution within the industry and the workplace. The situation could arise in which the coal, forest, and health industries make their own industrial relations decisions on industrial awards and working conditions. The Coal Industry Tribunal is the only single industry unit operating in Western Australia, and it has served the coal industry and the people of Western Australia very well. No stoppages - apart from those of the past six months - have occurred in relation to local issues in the coalfields over the past 22 years. However, during that time, the State Energy Commission of Western Australia's operation at the Muja power station - only a few kilometres from the coalfields - has had many industrial disputations.

From witnessing the activities in Collie, I think the disputes involving the State Energy Commission and the Muja power station have arisen from lack of a quick, handy, legal and respected method of dealing with disputes in the power industry. By contrast, the coal industry is able to call very quickly on the Coal Industry Tribunal to resolve local disputes. The tribunal has the respect of both the parties represented on it and those who appear before it. Therefore, it has been able to settle disputes very quickly over the years, particularly safety issues which arose before the implementation of the Occupational Health, Safety and Welfare Act. During that time, if a safety issue arose which was not solved between the company and unions involved, it would go straight to the Coal Industry Tribunal. In no time at all, those disputes would be resolved.

Although the Coal Industry Tribunal is very specialised, or unique, that is no reason that it should not exist. In fact, I am pleased that it is to continue within the current industrial relations environment, which is changing very markedly. It is most likely that this change is being driven by two aspects - the uncertain economic climate in this recession and the Federal Opposition, particularly the Opposition spokesperson on labour relations, John Howard. For many years he has recommended that changes be made to the industrial relations mechanisms throughout Australia and that industry should return more closely to disputes' resolution within individual industries or workplaces. He has recommended that centralised industrial relations should be reduced and saved only for very important national or State problems. In that respect the Coal Industry Tribunal, comprising a chairman and representatives of the two parties in equal numbers who can quickly talk about the problem in the workplace, is the direction industry should be taking.

As the speaker before me mentioned, the requirement for the chairman of the tribunal to have experience in the coal industry is a difficult matter. It is not usual for a person who has legal and industrial relations experience to also have mining experience. However, the current chairman qualifies as a result of his experience in the coal industry. It is not because he has worked underground and dug out coal or driven a truck, but because of his many years of chairmanship of the Coal Industry Tribunal board. I can see the problems which could arise if a chairman of the tribunal or an industrial relations commissioner visited Collie to deal with another industrial relations matter, but did not have any experience in that industry. In that case the issue could take a long time to resolve and quite often the tribunal would be required to sit again in order to reach a decision. I agree that the definition covering the chairman's experience is not clear. I hope it will be interpreted very widely and that if it is necessary to appoint a new chairman of the tribunal he will be as wise and as experienced as the present chairman.

Another proposed major change is that it will not be necessary for the two employee representatives on the tribunal to be members of the coal industry. They may work within the industry and may be representatives from other unions in the Collie coalfields. Previously, coalminers have sat on the tribunal and heard disputes concerning metal workers' problems. The change is acknowledged throughout Collie as a very sensible move. In other words, the two representatives will be from the part of the industry directly concerned with the dispute.

The Coal Industry Tribunal has helped to smooth somewhat the changes which have had to be made in the coal industry in Collie over the past 12 months. The Government and Parliament must recognise that since the revision of the then existing coal mining contracts on 1 July 1991, enormous changes have occurred in the coal industry. Those changes have

involved a reduction in the price and tonnage of coal and major changes in the coalmining work force. In addition the royalties on the sale of the coal have been increased. In the debate about the new coal fired power station in Collie many people forget that under no circumstances can the Government not go ahead with such a station because the mechanism for that has already begun. It began on 1 July 1991 when the coal companies - Western Collieries Limited and Griffin Coal Mining Co Pty Ltd - accepted cuts in the price and tonnage of coal and changes in the work force. The Premier and the Minister for Fuel and Energy announced those changes as part of the package for future reduced electricity costs in Western Australia. It must be recognised that the Coal Industry Tribunal has played a part in the restructuring of the work force. It has been called on, on a number of occasions, to deliberate on those changes, which have progressed in a trouble-free and responsible manner and without disruption to the power supply of Western Australia. The employers and the employees of the coalmining industry agree to the proposed changes outlined in the Bill. I support the Bill and I look forward to hearing the Minister's answers to the questions raised by the previous speaker.

MR C.J. BARNETT (Cottesloe - Deputy Leader of the Opposition) [4.11 pm]: The two previous speakers for the Liberal Party have indicated that the Opposition supports the Coal Industry Tribunal of Western Australia Bill. It is a case of being willing to go along with it and the Opposition is persuaded by the fact that the employer and employee organisations of the coalmining industry wish it to continue. Although the member for Collie said that significant improvements have occurred in the coalmining industry, it still has a long way to go. Members should bear in mind that there are problems in negotiating the establishment of a coal fired power station at Collie and there are also problems with contracts and work practices on the coalfields.

For a long time the Collie coalfield has operated almost in isolation from the industrial relations system. While the worst excesses have been removed, there has been an element of sheltered industrial relations practice in the Collie coalfield. It is a sad irony that the long history of the coalfield stands as an obstacle to the Government's concluding negotiations for the Collie coal fired power station.

In the future there will not be much scope for any organisation to exclude itself from what is happening in the industrial relations environment and the changes occurring in industrial relations in Australia. The difference between the Government and Opposition is probably the pace of change and under the policies the Opposition will release in the near future members will see a different approach to industrial relations in Western Australia. For the time being, the parties concerned prefer to keep it that way and, therefore, they may.

MR GORDON HILL (Helena - Minister for Mines) [4.13 pm]: I thank members opposite for their contribution to the debate, albeit they canvassed a wide range of subjects which are not addressed in the legislation. I appreciate the connection of the subjects with this Bill and I understand the reason they were raised. In answer to the Deputy Leader of the Opposition, I advise him that in some respects it was handy having a boy from Collie involved in the initial discussions with the coalmining unions and companies because I am more familiar than others with some of the issues which go back to the time I lived in Collie.

I will be able to answer most of the questions raised in this debate by advising members that the legislation is the result of a review undertaken by the Government which included consultation with all the employer and employee organisations involved in the coalmining industry. The review was initiated as a result of a recommendation brought down in 1987 by the Legislative Council's Standing Committee on Government Agencies. A review of various coal industry agencies in Western Australia, including the Coal Industry Tribunal of Western Australia, was undertaken. The committee reported that all the evidence presented indicated that the tribunal should continue in a separate form from the Industrial Relations Commission. The committee said that it had been an effective mechanism for dealing with industrial disputations in the coal industry and one which had won the support and respect of both management and unions. The Legislative Council's Standing Committee recommended a thorough and detailed review of the legislation, which was undertaken by the Government, and this Bill is the result of that process. This legislation largely reflects the provisions contained in the Industrial Relations Act.

To obviate the need to deal with the issues raised by the members for Riverton and Collie in

the Committee stage I will address them now. Both members raised the question of the chairperson and deputy chairperson and their understanding of the legislation is correct. The Bill states that the Minister shall endeavour to ensure that the persons recommended for appointment as chairperson or deputy chairperson will have expertise in the coalmining industry. It is not a prerequisite, but it is suggested that that should be the case. As the member for Riverton indicated, the Bill clearly states that the chairperson of the tribunal shall be a member of the Industrial Relations Commission.

The member for Riverton raised the question of the tribunal being outside the mainstream of industrial relations in Western Australia. Again, this is the result of a recommendation of a Standing Committee of the Legislative Council - a bipartisan committee which unanimously agreed to the recommendations which have been included in this legislation.

The member for Riverton raised the question of the definition of "employee" in the Bill. This definition is based on the definition of "employee" in the Industrial Relations Act. The member for Riverton said that the need for a separate Bill for the coalmining industry was an indication of how unique was this industry. He indicated that there were other unique industries in Western Australia which should have their own legislation. He also said that only one other tribunal operated outside the Industrial Relations Commission; that is, the Salaries and Allowances Tribunal which makes determinations in respect of the salaries and allowances paid to members of Parliament. This case is unique because the industry has always supported a separate tribunal.

The member for Collie said that history showed that the coalmining industry had a very good record for not having many industrial disputes. A minimum number of industrial disputes have occurred in that industry over the years. To some extent that is a result of the processes that have been put in place in previous legislation dealing with the coal industry. I refer, of course, to the Coal Industry Tribunal legislation enacted in 1978. That legislation was a direct copy of legislation introduced in 1948 which was enacted in 1952 and, therefore, it is more than 40 years old. To some extent we are dealing with modernisation of the legislation.

Mr Kierath: Is it true that it has grown throughout history and we could have taken a different view altogether? Is it true that it has grown out of tradition rather than intent or design?

Mr GORDON HILL: To some extent that is correct, and the Government considered that in its deliberations on the matter. Clearly the Legislative Council Standing Committee on Government Agencies considered that aspect and recommended that we proceed in the same direction, rather than make too much fuss by moving away from the traditions of the coal industry.

Mr C.J. Barnett: It has been a sacred cow for years.

Mr GORDON HILL: I guess it has been something of a sacred cow, but I am not sure that this legislation will be any more effective than provisions under the Industrial Relations Act.

The member for Riverton referred to the ministerial power to intervene and, again, this provision exists within the Industrial Relations Act. It is in place merely to give the power to intervene in circumstances where it is in the best interests of the State. For example, a Minister may intervene in a case in which the cost of the delivery of coal to the State Energy Commission might be impacted upon by the actions of the parties involved in the coalmining industry. That would have a wider impact on the State in the cost of the delivery of electricity to the State. This provision merely reflects the existing powers within section 30 of the Industrial Relations Act for the Minister in such circumstances to intervene in proceedings before the tribunal in which the State has an interest. The member for Riverton also referred to a review of the legislation. It is proposed that a review will take place five years from the date of commencement of the legislation. That review would clearly include all the parties involved in the coal industry. The tribunal will have some input, together with the local boards, and the operations of those bodies will be examined at that time to determine whether they are as effective as we want them to be.

Mr Kierath: Will you give some consideration to putting a 12 months' time limit on the presentation of a report to the Parliament following that review?

Mr GORDON HILL: The Bill provides that the Minister must report to the Parliament following that review and the report will be tabled in the Parliament.

Mr Kierath: It is open-ended and we would like it to state that it must be within 12 months.

Mr GORDON HILL: I have no problem with that suggestion. I thank members opposite for their contribution to the debate, and I am sure members of the industry will find it very helpful.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Mr Kobelke) in the Chair; Mr Gordon Hill (Minister for Mines) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: The Tribunal -

Mr KIERATH: I reiterate that by creating a stand alone situation the industry will evade the State and national wage awards and all the provisions relating to them. Only two groups escape those awards; that is, members of Parliament through the Salaries and Allowances Tribunal and some members of the coal industry through the Coal Industry Tribunal. I have heard arguments about why those covered by the Salaries and Allowances Tribunal should be exempted but I do not think members of the coal industry should be exempted. After all, that industry is part of the wider community and it should be encompassed by the State and national wage awards. Those awards are good enough for underground and open cut mining workers and workers in all sorts of other operations, and they should apply also to the coal industry. Under this proposal the industry is able to achieve many conditions that are not normally awarded and it is not subject to the other controls taken into account by the Industrial Relations Commission. The tribunal could have been set up as an independent body which operated under the umbrella of the Industrial Relations Commission. The member for Collie referred to deregulation and reform of the labour market. Certainly, if the entire system were being reformed, I would support it but we are dealing with only one segment. In that situation I see no justification for the coal industry being exempt from the national and State wage awards.

Mr GORDON HILL: I have taken note of the comments by the member for Riverton. The Government considered that matter at length and decided to support the proposals put forward by the Standing Committee of the Legislative Council and to retain the tribunal as a separate entity. A compromise is to make the chairman of the tribunal also a member of the Industrial Relations Commission so that national and State awards are reflected as far as possible within the Coal Industry Tribunal decisions.

Clause put and passed.

Clause 5: Chairperson and deputy chairperson -

Mr KIERATH: I accept the Minister's explanation during the second reading debate that the Minister "shall endeavour", but I hope those words will not ensure that the Minister will have a narrow focus and look at people with coal industry experience to the exclusion of people who do not have coal industry experience but who may be more widely experienced in the industrial relations field.

Mr GORDON HILL: The current chairperson of the tribunal is a member of the Industrial Relations Commission, and that situation will remain the same.

Mr Kierath: Will he be reappointed?

Mr GORDON HILL: Yes. There is no intention to appoint to that position anyone other than a member of the Industrial Relations Commission.

Mr Kierath: Will the current chairperson be reappointed?

Mr GORDON HILL: I do not see a problem with his reappointment, but that is a matter for Cabinet to decide in due course.

Clause put and passed.

Clauses 6 and 7 put and passed.

Clause 8: Constitution of Tribunal -

Mr KIERATH: The tribunal currently comprises the chairperson, one employer representative and one employee representative. This clause seeks to expand the constitution of the tribunal to two employer representatives and two employee representatives, plus the chairperson. It is often the case in the event of a dispute that the employee and employer representatives cancel each other out and the chairperson must make a decision. In the light of that mechanism for resolving disputes, why do we need to expand the constitution of the tribunal? I have no doubt that there is probably some political consideration in respect of industry representation, but why should we go down that path?

Mr GORDON HILL: The reason is to permit one employee and one employer representative from each of the two coal mining companies that are involved in the industry, rather than just one employee and employer representative from one of the coal mining companies that is involved in the industry. If there is a deadlock, the chairperson will make the ultimate decision.

Clause put and passed.

Clause 9 put and passed.

Clause 10: Jurisdiction -

Mr KIERATH: A number of tribunals are able to act on their own motion. Why do subclauses (2) and (3) make no provision for this tribunal to act on its own motion?

Mr GORDON HILL: I cannot recall the reason that we have not gone down that path. I will give further consideration to that, and we can look at an amendment in another place if that is deemed appropriate.

Clause put and passed.

Clause 11: Intervention of the Crown -

Mr KIERATH: The Minister explained during the second reading debate that the power of the Crown to intervene had previously existed and had not been abused; therefore, it was appropriate to retain it.

Mr Gordon Hill: Section 30 of the Industrial Relations Act provides that the Minister can intervene in a case in which the State has an interest. For example, the outcome of a case may have an adverse effect upon the price that the State Energy Commission charges for electricity and will, therefore, impact upon the community at large, so the Minister may want to intervene because the State has an interest in the cost of electricity that is delivered to its consumers.

Mr KIERATH: Is it a specific interest or a more general public interest? In the case of a general public interest, the circumstances may be much wider than the Minister has outlined. If negotiations were progressing along a certain line which the Minister did not like - for example, on a 35 hour or 30 hour week - could the Minister intervene and make a decision, or would it be more specifically related to matters in which the Minister had a direct interest?

Mr GORDON HILL: It is difficult to determine what is a public interest and what is the State's interest; it may be one and the same thing. I cannot be more specific than that. I am confident that in the case to which the member for Riverton referred, the Minister would not intervene.

Clause put and passed.

Clause 12: Conferences -

Mr KIERATH: Under subclause (3), such conferences should relate solely to the company and not be thrown open to others on or before ratification by the tribunal. Is this an historical provision? At what stage was it decided to include that provision?

Mr GORDON HILL: To some extent, it is a question of the history of the Bill. Basically, the provision is a rewrite of section 9 of the 1978 Act without substantially altering its import except as to procedural matters. Clearly it is a question of the way in which the Act has been used in the past. I move -

> Page 11, line 4 - To delete "award made" and substitute "an industrial agreement registered".

The Industrial Relations Act 1979 now provides for registration and enforcement of industrial agreements, such agreements having a different status from awards and binding only parties to the agreement. An agreement reached in conference before the chairperson of the tribunal is more akin to an industrial agreement. It would therefore be logical to give it the status of an industrial agreement registered under the Industrial Relations Act rather than that of an award made under the Act, as is proposed in this Bill.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 13 put and passed.

Clause 14: Procedure -

Mr KIERATH: Subclause (4) relates to a decision by the chairman of the tribunal when members are evenly divided on a matter. This appears to be a rewrite of something that occurs in practice, or putting it in a formal way. I do not propose to move an amendment but it would have been appropriate here to accommodate State and national wage cases. Why was it decided not to include such a provision?

Mr GORDON HILL: The Government decided to proceed with the recommendations of the Legislative Council's Standing Committee on Government Agencies; that is, to establish a tribunal separate from the Industrial Relations Tribunal. The Select Committee and the review recommended the procedures which have been adopted in the legislation. The Government decided that it was appropriate to appoint a member of the Industrial Relations Commission as chairman of the tribunal. Therefore, the tribunal will reflect the views of the Industrial Relations Commission as well as the awards and decisions made at both State and national levels. To some extent, the provision is an accident of history but also recognition that the industry has worked extremely well over the years. The existing Act has served the industry and the State well and it was decided that we should maintain the status quo. Notwithstanding that, a member of the Industrial Relations Commission will be chairman of the tribunal and have input to the decisions made, which will also reflect decisions made at State and national levels on other awards.

Mr KIERATH: In appropriate circumstances, does the Minister support an industry's being exempt from both State and national wage cases if it has an agreement? In effect, that is what enterprise agreements are.

Mr GORDON HILL: The Government acknowledges that the process will lead to the outcome referred to by the member. It is not necessary to make any alterations to accommodate any other views on the matter.

Clause put and passed.

Clause 15: Powers of Tribunal -

Mr KIERATH: Subclause (2) states that the tribunal may make such order for costs as it thinks fit. That is an unusual provision. It would be a novel addition to the Industrial Relations Act. Is this an historical provision or is it something new?

Mr GORDON HILL: It is a new provision.

Mr KIERATH: Could the Minister elaborate on the reason for the provision? What was the argument in support of it?

Mr GORDON HILL: I do not have any recollection of the arguments presented by the review committee. I do not have the papers presented to the Minister of the day. The recommendation followed consultation with the unions and coalmining companies involved. These amendments reflect the views of both the unions and the coalmining companies as neither party has any difficulty with this clause. I could stand corrected on that if the member for Riverton has some other advice. The Government would consider such changes if at a later stage in dealing with this legislation it came to the conclusion that they would be appropriate.

Mr KIERATH: I do not want the Minister to misconstrue what I am saying: This is a good clause that will enable the commission to deal with people who are going out of their way to cause obstruction. My comments were not a criticism of the legislation and I hope the Minister will accept them in that light.

Clause put and passed.

Clause 16 put and passed.

Clause 17: Enforceability -

Mr GORDON HILL: I move -

Page 16, lines 16 and 17 - To delete the lines and substitute the following -

in the case of an award or order shall have the force and effect of an award made under the *Industrial Relations Act 1979* and in case of an agreement shall have the force and effect of an industrial agreement registered under the *Industrial Relations Act 1979* and in each case be enforceable accordingly.

Mr KIERATH: Why is it necessary to replace the existing wording?

Mr GORDON HILL: This subclause is similar to subclause 12(9) of the 1978 Industrial Arbitration Bill. I outlined earlier the logic in distinguishing between an award and an agreement in the Industrial Relations Commission.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 18: Review by Full Bench of Commission -

Mr KIERATH: Does this clause create a mechanism for spurious claims to delay the implementation of decisions? Would it be possible in certain circumstances to limit the approaches which could be made to the full bench? Should subclause (3) contain a provision to rehear a case which had been brought before the full bench?

Mr GORDON HILL: I do not believe the tribunal has power to rehear a matter, but it does have an appeals process. The provision of the 1978 Bill which provides for an appeal on decisions of the tribunal in court session is an anachronism. The Industrial Relations Commission was recreated in 1979 with the full bench established to deal with most of the appellate work within the commission. Subclause 18(3) provides that an appeal to the full bench can be made on matters raised before the tribunal. That is consistent with the provisions of the Industrial Relations Act and the jurisdiction given to the full bench when hearing appeals by the Industrial Relations Commission. I do not believe it would be used in the way in which the member for Riverton described; it simply reflects other legislation that is in place.

Mr KIERATH: The Minister has sidestepped most of the issues I raised.

Mr Gordon Hill: That was not my intention.

Mr KIERATH: In the case of a decision being made by the tribunal and a party appealing to the full bench, the legislation should allow the tribunal to rehear the matter. For example, matters before the Workers' Compensation Board, which is a similar board in many ways, can be referred to the Supreme Court for a decision on a point of law and then the matter is referred back to the board for rehearing after a judgment has been made. If there were a catch 22 situation it would be appropriate to have such a circuit breaker.

Mr GORDON HILL: To some extent my amendment to clause 18 listed on the Notice Paper would obviate the need for going down the path that the member for Riverton described. It provides for a review by the President of the Industrial Relations Commission as opposed to the full bench of the commission.

Clearly, it is not always easy for a full bench to be convened quickly and it is therefore preferable for the president to deal with applications for a stay of execution, for example, which by their nature must be dealt with expeditiously. That does not detract from the right of the full bench to deal with the merits of the appeal, but it provides for the matter to be dealt with more expeditiously. That might go some way to meeting the member's concerns. I do not have any difficulty with the possibility of a rehearing by the tribunal. I will consult my colleague, the Minister for Productivity and Labour Relations, on the issue, not being an industrial relations expert. My colleague has much greater knowledge of the other legislation. If the member is agreeable, we will proceed with my amendment and the Government will consider a further amendment in another place at a later time. I move -

Page 17, line 7 - To insert after "review" the words "the President of the Commission".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 19 to 21 put and passed.

Clause 22: Local board of reference -

Mr KIERATH: It is difficult for me to understand why there should be a local board of reference in the first place. It is important for members to note that the tribunal will deal with the two companies. The situation in this State is different from that which exists along the eastern seaboard. There are hundreds of coalmines in the Eastern States, although not hundreds of companies. That situation is different from that which exists in Western Australia where there are only two companies. It is unlikely, therefore, that issues that arise in our mines will tax the capabilities of the tribunal to such an extent that a local board of reference will be needed. Will the Minister elaborate?

Mr GORDON HILL: Local boards of reference will deal with localised disputes which call for a rapid on-site determination. The intention is that such disputes will be dealt with expeditiously by a local board of reference, which will have a chairperson appointed by the Minister for Mines and will include nominees of the employees and of the employer. These matters, therefore, will be dealt with by fewer people and with less difficulty.

Mr KIERATH: Could that situation not be accommodated by the tribunal? Only two companies are concerned. We have expanded the membership of the tribunal to include representatives of both companies. I do not believe we need this new level to deal with disputes. A rationalisation of the coal industry in Western Australia has occurred over recent years so that we now have only two companies and two or three mine sites. We do not need a board of reference.

Mr GORDON HILL: The Government believes a mechanism is needed for resolving minor, localised disputes without bringing in the tribunal. This provision has existed for 40 years in the legislation. It works well and obviates the need to bring in the tribunal to deal with small issues that may blow up out of all proportion. The Government considers it worthwhile to continue with the local board of reference. I therefore move -

Page 19, lines 13 to 19 - To delete "a local board of reference" wherever the words appear and substitute "the local board of reference".

This might seem to be pedantic, but it tidies up the provision. It also means that the board of reference will stand alone and will be subordinate to the tribunal.

Mr KIERATH: When expanding the tribunal, the employer and the employee will be represented at the meetings. All claims could then go to the tribunal which would have been an easier way of dealing with them instead of their being referred to a local board of reference in the first place. However, I accept the Minister's explanation.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 23 and 24 put and passed.

Clause 25: Review by Tribunal -

Mr GORDON HILL: I move -

Page 22, line 18 - To delete "a local board of reference" and substitute "the local board of reference".

This amendment is consistent with the previous amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 26: Summons -

Mr KIERATH: Subclause (4) sets out the penalties for any person who fails to comply with these provisions and commits an offence. In my opinion the two penalties are relatively

light, bearing in mind that the person committing an offence may be thumbing his nose at the tribunal by not appearing before it or not complying with its directions. On what basis did the Minister arrive at these two penalties?

Mr GORDON HILL: The member may well be right in saying that the penalties are light but they are consistent with penalties throughout this and other legislation, including the Industrial Relations Act. The provisions of the clause are similar to the provisions in section 44 of the Industrial Relations Act relating to proceedings before the Industrial Relations Commission, and these penalties also reflect those in the Industrial Relations Act. It would be inappropriate to put these penalties and provisions out of step with the Industrial Relations Act so I urge the Committee to support these penalties. At another time it may be appropriate to consider all these provisions together.

Mr KIERATH: Provisions such as this are quite often out of date and when inserted they may be several years old. I point out to the Minister that certain sections of the Industrial Relations Act contain stronger penalties and sanctions which can be used against those who breach the Act. However, as this tribunal will be outside the jurisdiction of the Industrial Relations Act, the penalties in this clause are the maximum that can be imposed. If a major dispute occurred, these penalties for committing an offence would be inappropriate. I suggest that they could be used as a first tier when committing an offence, and a second tier of penalties could be introduced to apply if a person or body did not comply with a formal order or some other direction by the tribunal. I ask the Minister to consider inserting a further condition allowing for a formal order to be made by the tribunal, with a higher penalty for non-compliance. That would accommodate the fears the Minister may have about using a sledgehammer to crack a nut. At the same time, we must cover the situation where a party may deliberately flout the authority of the tribunal.

Mr GORDON HILL: I have taken note of the comments made by the member and will give consideration to that point of view.

Clause put and passed.

Clauses 27 to 32 put and passed.

Clause 33: Review of Act -

Mr KIERATH: I accept the comments made earlier by the Minister in relation to a review of the legislation. I am happy to accept that the Minister shall not be required to take heed of the views put to him if some time limit is imposed on when the report of the review is laid before each House of the Parliament. If no limitation were put on presentation of this report, the Government - irrespective of which party was in power - could accommodate this clause of the Bill by commencing a review and going through a long and painful process before a report was made. Such a report could become bogged down in the bureaucratic process and never emerge from it. I am happy to consider suggestions from the Minister as to an appropriate period but I do not think it should be open-ended. It is often the case that regulations which must be tabled in the Parliament within 14 sitting days are not tabled until the last minute, and that cut-off point causes people to take the appropriate action. I would like a specific provision to be inserted to this effect. I suggest a 12 months' period, although I do not have strong views on the matter.

Dr TURNBULL: The legislation should be reviewed within five years of its commencement, and a time limit should be imposed by which the Minister must present a report of the review to the Parliament. That report should be presented as soon as practicable within 12 months of the review. In five years enormous changes could take place in the industrial relations environment in Western Australia, and the coal industry has been at the forefront of many such changes, particularly in industrial relations. I do not think many changes took place in the 1960s and 1970s but in the 1940s and 1950s the coal industry evolved rapidly and changes took place in the working and contract conditions and the relationship between employers and employees. Between 1942 and 1947 many of the changes that occurred in the Collie coalmines were at the forefront of the changes in work practices and industrial relations on a broader level.

As I said earlier, I do not regard this tribunal as an anachronism; it is not the last bastion of historical activity. Rather, I regard it as the direction in which industrial relations may move in the future; that is, as part of a centralised system which provides only the basic and

minimum awards and wages with the remaining conditions being negotiated within individual industries. It will be very interesting to see what happens after five years of operation of this legislation.

Mr GORDON HILL: I have no problems with the comments of the members for Riverton and Collie. I move -

> Page 26, lines 8 and 9 - To delete "as soon as is practicable after that preparation" and substitute "within a period of 12 months".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 34 to 39 put and passed.

Title put and passed.

Bill reported, with amendments.

PARLIAMENTARY AND ELECTORATE STAFF (EMPLOYMENT) BILL 1991

Second Reading

Debate resumed from 26 May.

MR KIERATH (Riverton) [5.22 pm]: This Bill is one of a series of three Bills which deal with the employment of parliamentary and electorate staff, but I shall try to confine my comments to this Bill. I am disappointed that it has taken this long to bring this Bill into the House. The Opposition has grave concerns about this Bill. I understand that there has been a degree of negotiation between the interested parties, and, by definition, the interested parties are mainly people who are involved in the two Houses of this Parliament. I found in my endeavour to get comments from people in the community that they were not really interested because it did not concern them. I understand that the Presiding Officers have strong views about this Bill.

This Bill is the result of amendments that were made to the Industrial Relations Act in 1987. I accept that in 1987 it was the intention of both Houses to amend section 7 of the Industrial Relations Act in order to give parliamentary and electorate staff access to some of the provisions of the Industrial Relations Act. It seems unusual that we need a plethora of Bills to achieve what should have been a simple end. Consideration should have been given to that when the Industrial Relations Act was amended. Unfortunately, I was not a member of this place then, and I am not saying that I would have done things differently, because often things like this are overlooked. It is a delicate situation when Acts of Parliament can encroach upon parliamentary privilege, and we need to tread carefully to ensure that the changes we make are soundly thought out and do not have any loopholes that may come back and bite us at a later stage.

It is important to acknowledge that electorate staff are at a decided disadvantage compared with people in general employment. I hope all members realise the pressure under which electorate staff operate and that in many cases the general public take out on electorate staff their frustrations with the political system. It is a difficult situation because while members of Parliament have a right to employ staff whose philosophy is in line with theirs, equally people who choose to make their career in that field should have some protection against anything which may affect their conditions of employment.

Some time ago, there was an attempt to create an award for electorate staff. I know that the guidelines which govern their employment are laid down by the Ministry of the Premier and Cabinet, but those staff may be subject to the whim of their political masters, and they should be provided with some form of protection. I do not know whether this Bill is the right way to provide that protection; I have grave concerns. I fear that this is a situation where we will amend an Act only to find later, to our great peril, that we have not done our homework and have to look at other ways of resolving the problem. This is a fairly cumbersome way of resolving it.

[Questions without notice taken.]

Sitting suspended from 6.00 to 7.30 pm

Mr KIERATH: Prior to the dinner suspension I was outlining to the House some of the problems experienced by employees of Parliament House and electorate officers because, for the purposes of employment responsibilities, their employer has not been properly identified. It is fair to say that life can be difficult for all people involved in politics. Members of Parliament have only themselves to blame, but their electorate officers and the staff within the precincts of Parliament House have to put up with and go through a great deal of what members have to endure and for that reason they should be afforded the appropriate protections.

The Minister's second reading speech outlines the difficulties which have been experienced in identifying an employer of employees at Parliament House and of electorate officers as a result of the 1987 amendment to the Industrial Relations Act. This legislation will allow the Industrial Relations Commission to hear claims by employees at Parliament House and electorate officers relating to disciplinary matters, dismissal and suspension from duty. These are basic measures which most employees take for granted, but they have not beenavailable to the staff within the precincts of Parliament House or to electorate officers.

The positions of the Presiding Officers are steeped heavily in tradition and for that reason problems have been encountered in negotiating some of the clauses in the Bill. If this legislation, with the exception of clause 4, is the path to go down in order to deliver industrial relations benefits to employees in Parliament House and in electorate offices, it is probably the best we can hope for. The legislation provides for the Presiding Officers, in effect, to be the employers of certain staff, and it empowers them to delegate to the departmental head any functions or powers conferred on them by the Act. I acknowledge it is a delicate matter to reach a balance between the traditions of Parliament and giving parliamentary staff the benefits of the Industrial Relations Commission. From that point of view, I congratulate the Minister. However, I do not approve of the time it has taken her to introduce this legislation.

The Presiding Officers jointly will be employer of the permanent heads of departments within Parliament House and the Ministry of the Premier and Cabinet will be the employer of electorate officers. The President will be the employer of parliamentary staff employed in the Legislative Council and you, Mr Speaker, will be the employer of parliamentary staff employed in the Legislative Assembly.

The Minister has acknowledged that clause 4 of the Bill which relates to the Clerks and Deputy Clerks should be deleted. This clause involves a longstanding practice within the Parliament and their responsibilities should not be interfered with. With the exception of clause 4, the Opposition supports this Bill.

MR TRENORDEN (Avon) [7.37 pm]: It is with some degree of relief that I speak on the Parliamentary and Electorate Staff (Employment) Bill because, as you, Mr Speaker, and other members will be aware, I have taken an interest in this matter for some time. It is appalling that it has taken from 1987 to 1992 to introduce this legislation and the Minister should be damned for her lack of action. She has no credibility because of the time it has taken her to introduce this Bill to the House. Unfortunately during that time you, Mr Speaker, have suffered considerable embarrassment, which was not directly related to the 1987 legislation, and cowards have sought the refuge of bushes under which to hide. Some of that pain would not have been caused if this legislation had been in place.

This is a simple Bill consisting of 11 pages, but it has taken five years for the Minister and the Government to introduce it. For five years the staff of this House, the staff of the Legislative Council and electorate officers have been sweating on this legislation. The Minister admitted in her second reading speech that the Parliament passed a law in 1987 giving the Industrial Relations Commission jurisdiction to act over employees of this Parliament and other related activities which are outlined in this Bill and the Governor's Establishment Bill.

Mr Kierath: It shows the sort of priority it has been given.

Mr TRENORDEN: Absolutely! The Government is supposed to be the friend of the workers. We have been told that this Minister is the best Minister for Consumer Affairs in Australia. If that is the case, why did she not do something about this issue three or four years ago?

Mr Donovan: You should acknowledge that this Minister did bring it to the House.

Mr TRENORDEN: This Bill? On two occasions the National Party tried to bring this Bill to the House and the Minister repeatedly promised that legislation would be introduced. However, she did not deliver her second reading speech until 26 May 1992.

Mr Donovan: You should not assign blame to her for what happened back in 1987.

Mr TRENORDEN: I remind the member for Morley that the Bill is a simple document and it states that the Speaker is one employer, the President is another employer and, as we will see in the next Bill listed on the Notice Paper, that the Governor is another employer. Why has that taken five years?

Mr Donovan: I do not know, but it is not fair to assign blame to the Minister. You must go back further.

Mr TRENORDEN: That may be right, but I am pointing out that some individuals have suffered severe pain in that period. I refer to people who have lost their jobs in this place and in another place.

Mr Kierath: I asked questions about this more than two years ago.

Mr TRENORDEN: Precisely. I do not give the Government or the Minister any credit for this Bill. However, I am pleased that at long last it has arrived. If this legislation had been in place two years ago, Whistleblowers Anonymous would not have had the opportunity it had with regard to the matters I spoke of earlier. At least the legislation is being debated in the House now, on 1 September 1992. I am not totally happy with the way this Bill is drafted. However, I understand the difficulties facing you, Mr Speaker, and the President in this matter. This Bill is an acceptable compromise and, although it is not exactly as the National Party would have preferred, since it is before the House, the National Party will support it and will be pleased when it is passed. I hope that at some time the Bill will be proclaimed. The previous Bill dealing with this matter went through this House in 1987 with everyone's agreement but was never proclaimed. It will be apparent to anyone who reads this Bill that it is a very simple matter.

I seek an assurance from the Minister that any persons who were adversely affected by events in this Parliament between 1987 and 1992 will have the doors open to them now. This House agreed to the legislation in total in 1987. However, the Government decided not to proclaim it. Why did it do that? I will not go into the reasons but I want the Minister when she responds to the second reading debate to indicate that those people affected from 1987 until now will be able to take some action under the terms of this Bill. Since this House gave them that opportunity in 1987, it should still be available to them if they want it. Of course, those who have moved on, either staff in Parliament House or electorate officers, may not wish to take any action and may be quite happy in their new positions. It is important that people understand that the Bill covers the people directly under the control of you, Mr Speaker, the President of the Legislative Council, and Hansard, together with the electorate staff of all members of the Legislative Assembly and Legislative Council. This Bill has been some time coming and the National Party is pleased to support it, even though it would have approached the matter in a slightly different manner.

DR ALEXANDER (Perth) [7.44 pm]: I do not think there is much point blaming individuals for this Bill's not coming forward, but I think it is long overdue. Given the Labor Party's commitment to industrial justice, supposedly, it is a matter of regret that it has taken so long for this Bill to reach the Parliament.

Mr Shave: You sound very disillusioned.

Dr ALEXANDER: The member for Melville puts words in my mouth. I have never used the word "disillusioned" although the Press often seems to; I do not understand why.

Mr Watt: Perhaps that is the impression you give.

Dr ALEXANDER: Impressions are not everything.

Mr Shave: Perhaps it could be said that you are uncomfortable with their sense of direction.

Dr ALEXANDER: On certain matters, yes. It is a matter of regret that it has taken so long for this Bill to come finally before the Parliament in a form we presume is acceptable to the

Government. It is not right to say that because it is a relatively simple Bill it has been easily arrived at. Members must be aware of the behind the scenes negotiations which have been going on for some time, and which I understand are continuing with respect to electorate office staff. Regardless of the passage of this legislation, some electorate staff feel that some matters are still not properly resolved. I hope the passage of this legislation will speed the resolution of those issues.

We must look at two categories of staff. The first is parliamentary staff, and it is disgraceful that for years parliamentary staff have not had the formal protection of being able to take their grievances, particularly in cases of dismissal, to an appropriate body such as the Industrial Relations Commission, as employees in most other industries are able to do. I do not want to raise the question of whether or not the complaints made by staff who from time to time have left this place under a cloud are justified, but I simply say that they have lacked the protection that other staff elsewhere in the public and private sectors enjoy.

Mr Trenorden: They work in a pressure cooker situation. Some committees are very heated and divisive, and some staff must work among people who have contrary points of view. Some people get emotional about those arguments and staff are caught in the middle of them.

Dr ALEXANDER: There are lots of very good reasons why it is necessary for this type of protection to be introduced, and it is a matter of regret that it has taken so long. I agree with the member for Avon on that point. As for making the legislation retrospective, no doubt the Minister will reply to that suggestion but I cannot see how it can be done, desirable as it may be. If legislation is passed today or tomorrow -

Mr Trenorden: It was passed in 1987.

Dr ALEXANDER: It may have been. I am presenting my personal point of view and not reflecting anyone else's view on this matter but I find it very difficult to understand how the legislation could be applied retrospectively. Perhaps the Minister will have some ingenious scheme that will enable the proposal to be adopted. I shall be interested to see such a scheme. It would certainly set a precedent which other employers and employees would be interested in if it were achieved.

Mr Trenorden: Perhaps that is why it has been delayed.

Dr ALEXANDER: I do not know the causes of the delay; I am not familiar enough with the situation to comment except to say that the legislation is long overdue and that parliamentary staff, both within the Chamber and outside the Chamber, deserve the type of protection that access to the Industrial Relations Commission and other factors will give them. The fact that they and electorate officers have not been working under formal awards is another very regrettable matter. For example, the member for Riverton mentioned that when a parliamentarian leaves office, either voluntary or at the wish of voters, electorate office staff must do the same thing whether or not they want to.

I understand a move has been made to try to ensure continuity for electorate staff through a Public Service pool. Views may vary on this matter, but I think it is a good idea and one which would ensure that electorate staff were not disadvantaged by circumstances beyond their control.

Mr Bloffwitch interjected.

Dr ALEXANDER: I think they are grossly underpaid and have done since I came to this place. Given the amount of work they do in comparison with their bosses, their pay -

Several members interjected.

Mr Kierath: Speak for yourself.

Dr ALEXANDER: Members opposite can interpret that however they wish, but I know my electorate staff work very hard and I am sure other electorate staff do also and they are paid less than half the salary members of Parliament are paid. I do not think that is good enough. They should be paid at a much higher level.

Mr Bloffwitch: If they were paid a lot higher, industry would have to follow and it cannot afford to. Industry is not a Government with a bottomless pit.

Dr ALEXANDER: One should look at equivalent positions in the private sector because the

public ring electorate staff and treat them in a manner below their level of responsibility and as if they are employed simply to answer phone calls and direct inquiries elsewhere. As we all know, they do much work behind the scenes for which they take a lot of responsibility.

Mr P.J. Smith: Maybe members of the Opposition do not know that.

Dr ALEXANDER: That may be correct. I am not saying that members of Parliament do not work hard. I am talking here about the level of responsibility of electorate staff, which is another matter. Rates of pay are not defined directly in this legislation. However, it will allow employees to access a system which will enable their worth to be valued in a more objective manner than under the current system. It is good that both electorate and parliamentary staff will have access to the commission when they have grievances, when rates of pay are set, or when they have questions about matters related to working conditions, and so forth. I support this long overdue legislation; the sooner it comes into effect, the better.

MR DONOVAN (Morley) [7.51 pm]: I would not be game to attend my office tomorrow unless I said something about the Parliamentary and Electorate Staff (Employment) Bill tonight as Mrs Jackie Vanderfeen, my electorate officer, is president of the Electorate Officers Subassociation of the Civil Service Association. It would not be worth my limited life if I did not take a couple of minutes of the time of the House tonight on this Bill.

Mr Watt: When she sees *Hansard* and the reason you just gave, the member may be in hot water, anyway.

Mr DONOVAN: No. She will say, "I am glad that you understand who is the boss of this outfit." Like other members, I support this Bill and, like them, regret the time it has taken to reach this place. I reaffirm a point I made by way of interjection to the member for Avon; that is, that it does us no good to try to apportion blame to a particular Minister for the time it has taken the Bill to reach this place or, in fact to this particular Minister, whom I regard as one who can at least be counted on to bring in traditional Labor legislation. For doing that, she has my congratulations and support.

It is one of the ironies of life that, like charity, industrial democracy should start at home. It is a pity, as other members have observed, that it has taken so long for this particular home to set its house in order. That is being done tonight, which is a creditable act. The member for Perth touched on what I turn to next; that is, electorate officers. We all know that electorate officers have been, and still are, at the pitface of all the discomforts of the job but are never on stage when the few accolades are handed out from time to time.

Several members interjected.

Mr DONOVAN: Secretaries elsewhere are covered by industrial awards and basic protections that none of our staff are either covered or protected by. This Bill sets that matter straight. That is probably the central point of this legislation. The debate should not be preoccupied with electorate officers. It is worth mentioning that what has been said is true of all employees of this Parliament covered by the Bill. Electorate officers of the Legislative Assembly and the Legislative Council now know who is their boss and to whom they should address their complaints. That is also true of other employees of this Parliament who now have an identifiable employer; that is, you Mr Speaker in some cases, your counterpart in the other place in other cases, and both of you in relation to some staff. It is a pity that this legislation has taken so long to get here. It has my firm support and I wish all employees covered by the award the best of a democratic future as it has taken a long time for them to experience it.

MRS HENDERSON (Thornlie - Minister for Productivity and Labour Relations) [7.55 pm]: I thank all members who have contributed to the debate on the Parliamentary and Electorate Staff (Employment) Bill for their support of the legislation. I agree with, and accept, their comments that the delay in bringing forward this legislation was regrettable for all those upon whom it impacts. I can speak only for the past 18 months during which time extensive consultation has taken place on this issue. This legislation has been close to the top of my list of priorities. One member commented that although the legislation before us tonight is simple that belies the amount of consultation and the number of redrafts to it over the period in question. Simplicity therefore is not a guide to the amount of time, energy or effort put into this legislation.

An enormous amount of energy has been put into this legislation, not only by me, but also by a wide range of people. Consultation was extensive; people were heard; and endless meetings were held to ensure that we got it right. The member for Avon asked why the legislation passed in 1987 was not proclaimed. That decision was partly influenced by the comments made by a couple of people who contributed to the debate tonight expressing concern that electorate officers and the persons employed by this Parliament might still not be covered by awards. That is not the case. I am sure that members will be pleased to hear that following the passage of the 1987 legislation awards were struck for all those people. Different awards were struck for different people.

Mr Bloffwitch: Which award covers electorate secretaries, for example?

Mrs HENDERSON: Electorate staff are covered by Public Service regulations and are tied to conditions of service equivalent to similar levels within the Public Service.

Mr Trenorden: They have not been well treated. The Minister did not advise them they were entitled to superannuation. They had to find out for themselves.

Mrs HENDERSON: I cannot comment on superannuation. I was unaware that staff were not advised on that matter. If the member for Avon has a question on that matter, I will be happy to follow it up for him. The member for Avon asked why the 1987 amendments were not proclaimed so that no delay was experienced. A problem arose as a result of our seeking to introduce awards to cover these people after the 1987 amendments as to the definition of "employer". At that time industrial commissioner Fielding made a comment highlighting the need for a clearer definition of who the "employer" was. He said that his concern was not only to try to resolve the inter-union conflict that had emerged and settle the terms of an award, if one was to issue, but to attempt to identify who was the employer of the employees concerned. He said that try as he might he was unable to obtain from the parties any useful assistance as to who was in reality the employer or who were the employees. He said -

> The presiding officers in both Houses of Parliament claimed to be the employers. The Clerk of the Legislative Council and the Clerk of the Legislative Assembly argued that they were the employers of much of the staff in their respective Houses. To that end they relied, at least in part, on the provisions of section 74 of the Constitution Act, and more recently, on the provisions of the Financial Administration and Audit Act.

He continued -

> On that occasion -

That is, when they made separate applications for awards -

> - the Clerks sought to argue that they were in effect, if not in fact, the heads of various governmental departments and the employers of most of the staff the subject of the then proposed award.
>
> The Minister for Labour intervened and sought an adjournment of the matters on the basis that the question of the identity of the employers was in issue and that the Government wanted the matter to be stood aside pending enactment of legislation to overcome the problem.

He stated in his final comments -

> On that basis the parties have settled upon an award which cites the Governor-in-Council, the President of the Legislative Council and the Speaker of the Legislative Assembly. *Prima facie*, those persons can probably be said to be envisaged by the Industrial Relations Act as having the potential to employ the staff in question.

In other words, he said that the position was too vague and was not sufficiently clear.

Mr Trenorden: When was that dated?

Mrs HENDERSON: October 1989.

Mr Trenorden: That is three years ago.

Mrs HENDERSON: I have talked already about the last 18 months. In response to the member's question about why we need the legislation at all and why we did not just proclaim the 1987 amendments, I stated that the reason, as set out by the commissioner, was that it

was not sufficiently clear who was the employer to enable him to adequately address the issues that were before him in relation to an award.

Mr Cowan: October 1989 - that is fast tracking by the Government!

Mrs HENDERSON: I addressed that issue before the Leader of the National Party came in.

Mr Trenorden: You did not.

Mrs HENDERSON: I have said that I can speak only for the last 18 months. Over the last 18 months, extensive consultations have taken place. Members opposite can either accept that or not accept that. If they do not accept that, we can spend all night talking about it, but that will not get us any closer to fixing the problem.

The member for Avon and the member for Perth raised the issue of retrospectivity and said they hoped we would be able to provide support for people who had left their parliamentary or electorate staff employment so that they would not be disadvantaged by the fact that the amendments had not been proclaimed when they left. The Bill provides that salaried employees under the Industrial Relations Act can lodge an application claiming unfair dismissal under section 29 of the Industrial Relations Act, and there is no time limit upon how long after the dismissal that application can be lodged. However, salaried employees under the Public Service Act have a 21 day time limit under regulation 45 of the Public Service regulations within which they must lodge an appeal against their unfair dismissal. In order to ensure that those two groups of employees are treated in the same way, the legislation before the House provides a one off 90 day period during which the 21 day period is suspended and employees can lodge an application claiming unfair dismissal. At the end of that 90 day period, the gate will come down and the normal 21 day time limit will apply. That provision was deliberately put into the legislation because I gave a public undertaking that people who had been dismissed and who wished to take action but had not been able to because of the non-proclamation of the 1987 amendments would not be disadvantaged and would be able to bring forward their case.

Mr Kierath: That is not in this Bill. That is in one of the Bills with which we will deal later.

Mrs HENDERSON: I am referring to the package of three Bills that is before us tonight.

I thank members for their support and look forward to the further discussion of the other two Bills on this issue that are before us tonight.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Dr Alexander) in the Chair; Mrs Henderson (Minister for Productivity and Labour Relations) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Employer of Clerks, and Deputy Clerks, of Legislative Council and Legislative Assembly -

Mrs HENDERSON: I ask members to oppose the clause. My reason for wanting to delete it from the Bill is that the Clerk of the Legislative Assembly and the Clerk of the Legislative Council are appointed to their positions as a result of a warrant from the Governor and can be dismissed only as a result of a vote of the House. Therefore, it is inappropriate that they be included in an Act which is intended to provide an avenue for persons who believe that they have been dismissed unfairly, for example, to take their case before the Industrial Relations Commission, because their method of appointment is different from that of other people employed in the Legislative Assembly and the Legislative Council or as electorate officers.

Mr TRENORDEN: I am rather perplexed, because it has taken five years to bring this legislation to this Chamber, yet when the Bill is presented to us the Minister states that she needs to remove a clause. That is lunacy.

Mrs Henderson: Why not debate the Bill?

Mr TRENORDEN: It is absolute incompetence on the part of the Minister. Why should I as a member of the Opposition have to put up with this sort of rubbish? This Bill was meant to

be drafted through the Minister's office according to the normal drafting procedures. I do not doubt that this is an appropriate amendment, but this and the next amendment indicate the sloppy way in which this matter has been handled. It is an absolute disgrace.

Mr KIERATH: The Liberal Party opposes this clause and seeks the support of other members in this regard.

Clause put and negatived.

Clause 5: Employers of other staff of Legislative Council and Legislative Assembly, and of electorate officers -

Mrs HENDERSON: I move -

Page 6, line 17 - To delete "other" and substitute "certain".

This amendment is consequential upon the deletion of clause 4 because, with the deletion of reference to the Clerks and Deputy Clerks, we are not just talking about other staff of the Legislative Council but about certain staff, as we are not including all of the remaining staff.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 6 to 8 put and passed.

Title put and passed.

Bill reported, with amendments.

GOVERNOR'S ESTABLISHMENT BILL 1991

Second Reading

Debate resumed from 26 May.

MR KIERATH (Riverton) [8.13 pm]: This Bill, which is an integral part of the Government's package to cover various groups of employees, relates to employees associated with the Governor. Basically the Bill mirrors the Parliamentary and Electorate Staff (Employment) Bill 1991; therefore, the Liberal Party will support the Bill.

MR TRENORDEN (Avon) [8.14 pm]: I echo and support the remarks of the member for Riverton.

Question put and passed.

Bill read a second time.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mrs Henderson (Minister for Productivity and Labour Relations), and transmitted to the Council.

ACTS AMENDMENT (PARLIAMENTARY, ELECTORATE AND GUBERNATORIAL STAFF) BILL

Second Reading

Debate resumed from 26 May.

MR KIERATH (Riverton) [8.15 pm]: This Bill is one which, on the surface, the Liberal Party would support. However, it contains a provision about which we have grave concern. It is ironic that during debate on a previous Bill the member for Avon raised the matter of delay, because that is the cause of a dilemma which gives us a problem with this Bill. Clause 9, which provides the window of opportunity, could be termed a retrospectivity clause. As it stands, basically it means that anybody who has ever had any grievance, dispute or disagreement at this place can commence an appeal within the next 90 days. I believe that responsibility for the delay with this Bill lies fairly and squarely with the Government. The member for Avon asked why these measures had taken so long to be considered by the House. It has taken five years for this Bill to come here; even if we accept the Minister for

Productivity and Labour Relations' explanation - and I do not - it has taken her a further three years to get it to this stage. That is not good enough. All that time has elapsed, yet the Minister's answer is that the Government will introduce a Bill which contains a retrospectivity clause.

I have always been opposed to clauses providing retrospectivity, no matter what, and the Opposition feels that this one is unjustified. We feel very strongly and sympathetically for those people who have been denied justice, but the fault lies squarely with the Minister and the Government. The Minister should not bring a Bill into this place which provides for retrospectivity in order to try to undo what are, in effect, her own shortcomings. The member for Perth raised this matter earlier. The Liberal Party is opposed to this retrospectivity clause; however, I have a suggestion for the Minister: If she insists on pursuing that clause, at the very least she should confine it to that period during which the matter has been under her control - for example, since the proclamation of the rest of the amendments to the Industrial Relations Act in 1987.

We oppose clauses that are retrospective because they always create a dangerous precedent: As soon as we give in to one, another is brought before the House. I do not think we should ever make anything retrospective. If we have created a problem through our own inactivity or incompetence we must acknowledge and accept responsibility for it. I do not believe we will be doing people a great favour if we support clause 9 of the Bill. I acknowledge that the Minister is trying to address a problem created by her predecessors and partly by her but, more importantly, by her Government, and that this is an opportunity for her to do that. However, if the Minister insists on taking that path and the House supports her I hope she will confine any retrospective actions to the date in 1987 when that section of the Act was proclaimed along with the other amendments.

MR TRENORDEN (Avon) [8.19 pm]: The Acts Amendment (Parliamentary, Electorate and Gubernatorial Staff) Bill follows on from the two Bills we have just dealt with. I understand the points made by the member for Riverton about retrospectivity, which is something which makes the National Party cringe. However, the provision was passed by this Parliament in 1987.

Mr Kierath: It was not proclaimed.

Mr TRENORDEN: I know, but that is a contractual agreement.

Mr Wiese: It means that the intent of Parliament was bypassed.

Mr TRENORDEN: The other side of the argument is that it passed this place in 1987 and the intent was to put it to work in 1987. The members opposite are the ones that did not make it work in 1987 - or in 1988, 1989, 1990 or 1991. Our differences about retrospectivity are minor. I have no argument about the 90 days.

Mr Kierath: Would you support retrospectivity to 1987 and therefore not open the Pandora's box for the previous 50 years?

Mr TRENORDEN: All I have ever asked is that the provision be applied from 1987 onwards. I said that 15 minutes ago. Let us not go on about the issue. The Minister has made the position clear. My colleagues and I are concerned about the actions in 1987. One individual was given an undertaking that we would have the opportunity; so, I am very pleased that we have the opportunity now. This is an important matter. When serving on the Public Accounts and Expenditure Review Committee in recent months it became obvious to me that staff in this place are put in uncomfortable situations through no fault of their own. Two members with opposing points of view may be going hammer and tongs on a matter of principle, which means that staff members come between them somehow. From time to time the situation can become uncomfortable. People in the past may have made the same comments. I will not labour the point.

The Minister told us that the Bill could not be enacted in 1987; the finding was that the employer was difficult to identify. It has taken three years for the Minister and the Government to decide to bring the Bill forward. Now she tells us that these matters must be amended today; that the Bill must be amended after five years of drafting. This is a ridiculous proposition. All Ministers need to get their acts together. There is no excuse after a long break to produce such sloppy drafting. It is disgraceful drafting.

Mr C.J. Barnett: It is laziness.

Mr TRENORDEN: It is appalling to bring legislation of such poor quality to this place. It reflects the quality of the presentation of the Government.

MRS HENDERSON (Thornlie - Minister for Productivity and Labour Relations) [8.23 pm]: I thank members for their support of the Acts Amendment (Parliamentary, Electorate and Gubernatorial Staff) Bill. On the question of retrospectivity, as I outlined in my previous comments, wages employees under the Industrial Relations Act are able to take forward cases of unfair dismissal. There is no limit on the time between when they were dismissed and when they take forward that application.

Mr Kierath: That is not right. There is a time limit.

Mrs HENDERSON: The member should listen. If a person were to seek to limit the wages employees in this building from taking forward a case of unfair dismissal between 1987 and 1992, we would need to amend the Industrial Relations Act to distinguish between those people and everybody else in the community. There has never been a time limit but the reason that is not a problem is that when one takes a case for unfair dismissal to the Industrial Relations Commission, one issue the commission looks at in determining a case is to what extent the employment relationship has been irrevocably severed, because the IRC has power only to turn around and order reinstatement. Therefore, the commission considers to what extent the relations between the employer and the employee have broken down. If a person has been absent for five years from a workplace one would find it difficult to argue that the person should be reinstated to a job and that one's relationship with one's employer has not been irrevocably destroyed. That has always been seen to be the counterbalancing force: Even though no limitation has applied on people in the workplace taking those cases to the commission, they would know that the longer they leave taking the matter forward, the less likely the chance of success and the more likely that the Bench will ask why it has taken two years to decide that a person was unfairly dismissed and to ask the commission to consider the case. That is the case for people in the community. The wages employees in this building were not able to do that because we had not proclaimed the amendments.

Mr Kierath: If what the Minister says is true, why have the limit of 90 days?

Mrs HENDERSON: Wages employees have a right anyway. White collar employees employed under the Public Service Act do not have that right. They do not fall under section 29 of the Industrial Relations Act but are covered by the Public Service Arbitrator under section 81 of the commission generally, and by regulation 45, which provide that those people have 21 days from when they are dismissed to take forward their case; therefore, we already have the distinction in the legislation between salaried employees and wages employees. Wages employees do not face any limitation. Salaried employees face a 21 day limitation.

Mr Kierath: There is no limitation on salaried employees -

Mrs HENDERSON: No, it is the other way around. There is no limitation on wages employees. There is a 21 day limitation on those people covered by the Public Service Act, the white collar people. If we did not provide the 90 days it would mean that wages employees would have an unlimited period in which to take forward complaints of unfair dismissal, unless we amend the Industrial Relations Act, and other staff working in this building would be disadvantaged by comparison. The two groups would not be treated equally. They should be treated equally. For that reason, we have provided a 90 day period in which the 21 day limitation is suspended. They can come forward within 90 days, put their case, and at the end of the 90 days the gate comes down. From then on, they are covered by the normal regulations under the Public Service Arbitrator which limit them to 21 days.

Mr Kierath: That is limiting them to the amendments that occurred in 1987.

Mrs HENDERSON: Yes. That gave them access to the Industrial Relations Commission and all the normal regulations of the commission that cover other people in the workplace.

Mr Kierath: Are you saying that in that situation anyone with a case pre-1987 has access anyway?

Mrs HENDERSON: Yes.

Mr Kierath: I disagree.

Mrs HENDERSON: That is the case. It is a matter of fact. That is the reason for the 90 days. It is a matter of ensuring equality of treatment of people who work in Parliament House whether they are wages employees or salaried employees.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Mr Watt) in the Chair; Mrs Henderson (Minister for Productivity and Labour Relations) in charge of the Bill.

Clauses 1 to 5 put and passed

Clause 6: Schedule 1 amended -

Mrs HENDERSON: I move -

Page 5, line 16 - To delete "Governor or".

This is a consequential amendment following the removal of the reference to the Clerk and Deputy Clerk in clause 4 of the Parliamentary and Electoral Staff (Employment) Bill. Therefore, it is unnecessary to identify the Governor as the employer of the Clerk for the purposes of this legislation.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 7 put and passed.

Clause 8: Section 7 amended -

Mrs HENDERSON: I move -

Page 6, line 12 - To delete "the Governor or".

This amendment is moved for the same purposes as the amendment to clause 6.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 9: Section 80C amended, and transitional -

Mr KIERATH: This is the part of the legislation on which the Minister and I have an argument, and I doubt whether we will see eye to eye. I disagree with her advice. By including this clause in the legislation the Minister will in effect open up all the possible cases which occurred in the years prior to the 1988 amendments to the Industrial Relations Act.

While we were debating this legislation, I checked this point and found that the legislation was proclaimed on 4 March 1988. The Bill passed through both Houses in 1987, but it was not proclaimed until 1988. My advice indicates that this clause will open up a Pandora's box, with people raising unfair dismissal claims going back 40 or 50 years - the only limitation would appear to be that the person must still be alive. That was never the intention when the Industrial Relations Act was amended. The intent of the 1987 amendment was to bring these claims under the auspices of the Industrial Relations Commission. On that basis, the Opposition would contemplate supporting retrospectivity in this Bill if the date of 4 March 1988 were to be inserted. In that case this provision would apply to the 1987 amendments to the Industrial Relations Act, which would be a responsible move.

If what the Minister says is true, no limitations will apply by inserting wording indicating that the clause will apply only to a certain time; however, it will ensure that a series of problems does not arise which the Bill attempted to avoid in the first place. The member for Avon may wish to comment on this point. I hope the Minister will take our advice. If she does not do so tonight, I hope she will have her advisers consider our proposal before the Bill reaches another place.

Mr TRENORDEN: It is important that the National Party's view be placed on the record: It was certainly our intention that the staff of this Parliament should obtain some access to

appeals, and that is all that we have asked for. The Minister may want to make those further changes. I agree with the member for Riverton that it is unnecessary to apply the provisions prior to 1987. I know of no problems which occurred prior to that time, and it is not necessary to apply this provision in this way.

Dr ALEXANDER: If this provision is to be included in the Bill, it must relate to the matters of alleged sexual harassment in this place which were debated in the Press recently. Some former employees were unprepared to make statements unless they had some formal protection, which this clause would provide. I do not know the veracity of those claims, but this is the kind of protection employees in this place and elsewhere require.

My question follows from that of the member for Avon: Is it correct that, if this clause were to be passed, it would allow employees - those employed prior to the passage of the original amendment - access to this protection? That may be desirable, but I wonder about the consequences of that. I am worried about the precedents - although I can see the logic of providing protection prior to the passage of the original legislation - and I am unsure about the protection applying prior to 1987.

Mrs HENDERSON: My understanding is that once the employees are given access to the Industrial Relations Act, waged employees will gain access to the unfair dismissal provisions within section 29 of that Act. Once they have access to that Act, they are covered by all its provisions. That Act has never placed limitations on anyone in the community regarding the time at which they lodge an unfair dismissal application. The only brake, so to speak, in that legislation is that the longer the person leaves the application, the less likely it is to succeed.

Obviously, plenty of precedents exists. Hundreds of cases of unfair dismissal have been before the commission under section 29 of the Act. These will show clearly that it would be difficult for someone to establish that he or she had a good case of unfair dismissal if it took that person considerable time to lodge that application. If we inserted into the legislation a provision that it applied only back to 1988, it would apply only to salaried employees. In that case, salaried and waged employees would be treated differently. Wages employees at Parliament House would have the same privileges as all other wages employees under the Industrial Relations Act; that is, there would be no time limitation. Under regulation 45, salaried employees have a 21 day limitation; however, since those amendments were passed through the Parliament more than 21 days have expired, so it has become necessary to open up that 21 day period. The Government has decided to give the salaried employees a 90 day period during which they can lodge an application. However, at the end of that 90 days that window will be closed and they will be treated the same as all other salaried employees who currently have 21 days in which to lodge an application. I understand what the Opposition wants to do, but unless the Industrial Relations Act is amended to create a special category for employees at Parliament House, which would be quite unpalatable, we would have the situation where a provision relates to only one group of employees in the Parliament and not the other.

Mr Trenorden: How many wages and salaried employees are there in Parliament House?

Mrs HENDERSON: Wages employees would include dining room and bar staff and salaried employees would include Hansard reporters, library staff and various other people around the Parliament. There would probably be more salaried employees than wages employees at Parliament House. I do not know the total number of wages employees, but it is a significant number. This legislation will create a situation of equity, not reintroduce a situation which makes it more difficult for one group than another, and that is why the 90 day provision has been introduced.

Mr KIERATH: The Minister is missing the point again. I do not accept what the Minister is saying, but if I were to accept it, provision must be made for those people who were covered by the legislation after 4 March 1988.

Mrs Henderson: Wages employees would still be able to go right back, but the Opposition's proposed amendment would create a situation where another group could go back only to 1988; that is inequitable.

Mr KIERATH: That is the situation anyway. The Government's legislation would give salaried employees 90 days in which to lodge an application, and after that period their options would be closed off.

Mrs Henderson: As the legislation stands, if a member from either the wages or the salaries group were dismissed at some time in the past, they would have a period in which to bring forward their grievances. If we do as the Opposition suggests, one group could go back without limitation.

Mr KIERATH: The Minister said that the wages group would have unlimited rights - whatever the Opposition does - so they will not be affected. At the same time the Minister is saying that if I move an amendment I would limit the rights of one of those groups.

Mrs Henderson: The member's proposition is to restrict the provision to dismissals between 1988 and now. I am saying that could apply only to one of those two groups, so the member would be creating inequity between the two groups.

Mr KIERATH: The Minister does not understand what she is saying.

Mrs Henderson: The member for Riverton is not listening.

Mr KIERATH: I have listened intently to what the Minister has said, and she has confused me at times. Is the Minister saying that if these employees do not come forward within the 90 day limitation period, the opportunity has been lost?

Mrs Henderson: That is right.

Mr KIERATH: Under normal circumstances, if this legislation had been proclaimed as the Opposition intended in 1987, those employees would have had access to that 21 day limitation period then, and anyone employed prior to 1987 would not have that access. My suggested amendment will ensure that the Minister does not open a Pandora's box for the period prior to the proclamation in 1988. The Minister agreed with me that prior to that proclamation employees had no access. The Minister is now saying that I am going to create two categories of workers.

Mrs Henderson: If the member for Riverton listened to what I was saying he would understand that under his proposed amendment the salaried employees would have no right to make a claim for the period prior to 1988. I am seeking to give both groups access. One group will have 90 days to lodge a claim - it is not being treated differently because it is being given access to the commission for the first time. Both groups can go back any length of time, but salaried employees have a 90 day limitation and after that they are covered by the normal 21 day period in which to lodge their application.

Mr KIERATH: The Minister has made statements that are untrue. She said that salaried employees could go back for an unlimited period and at the same time she said that once the 90 day period is up they have 21 days to bring a claim forward, after which that right expires.

Mrs Henderson: The Government is creating a situation where both groups are getting equal rights for a period of 90 days. Once the 90 day period has expired, if an employee wants to make a claim, it must be done within 21 days of his being dismissed.

Mr KIERATH: Is the Minister lifting the lid on salaried employees so they have access to the legislation because the 21 day period has expired?

Mrs Henderson: Yes. They do not have a 21 day limitation - they have no limitation. If the salaried employees want to go back to 1947 they can. If the wages group want to go back to 1947 they can. If the member for Riverton amends the legislation with a 1988 limitation it will apply only to the salaried group, because wages employees have no time limit placed on them, and that will create an inequity. I am creating a position of equality for only 90 days, and that is for people who have never had access before.

Mr KIERATH: I do not think that is what the Minister is doing. I hope that between now and when the legislation is introduced into the other place the Minister will take some advice on this matter.

Mrs Henderson: I have advice on it.

Mr KIERATH: I move -

Page 7, line 14 - To insert after "day)," the words "and after 4 March 1988,"

I am moving this amendment because I think the issue is reasonably able to be resolved here. If the Bill is to include a retrospective clause it should be confined to those people who would have had access to the provisions when the rest of the amendments were proclaimed.

The Bill was passed in the other place on 16 December 1987 and the associated amendments were proclaimed on 4 March 1988. If what the Minister said is true nothing in my amendment will alter that. It will ensure that a Pandora's box will not be opened whereby everyone who ever had a grievance in any shape or form can come forward in the 90 days. It is a safety net. From the Minister's tone I gather that she will not accept the amendment tonight. I hope she will seek advice on it and attend to the matter before it reaches the other place.

Mr TRENORDEN: The situation can be summed up by the fact that the Government has struggled to bring this Bill to the House, the draftsmen have struggled to draft the Bill and the Minister has struggled to present the information to us tonight. I hope that, as a result of this Bill, no individual will feel pain in another struggle. I have the same concerns as the member for Perth. His argument is valid, but I will not make a federal case of this issue. Nonetheless, I feel very uneasy about the fact that a relatively simple piece of legislation has been on such a tortuous path. The one important point about which I concur with the Minister is the precedence factor. It will be difficult for people to bring forward a case which is 20 years old and have it resolved. However, I cannot believe the battle that has taken place tonight.

Mrs HENDERSON: I oppose the amendment for the reasons I have already outlined. Irrespective of whether we include this amendment, once employees on wages in this House have access to the Industrial Relations Commission they can take an unfair dismissal case from as far back as they wish. Their opportunities for success and their capacity to mount a claim will be severely weakened by the time which has expired since they were dismissed. However, salaried employees will be limited to cases which occurred after 1988. As both groups received access to the commission as a result of changes to the Act in 1987 it would be inequitable to allow one group unlimited access and the other group access only after a certain date. We should seek to promote equity between those two groups whenever possible. This legislation seeks to do that and to allow them to lodge their claims should they choose. They may not succeed, but they should have that opportunity. Salaried and wages employees should not be treated differently in this respect.

Dr ALEXANDER: Having listened to both sides of the argument I believe this amendment is not practical. I accept the explanation of the Minister. It seems that if the amendment were to be agreed to an anomaly would exist in industrial relations which would create a discrepancy between the rights of blue collar and white collar employees. The important thing about this legislation is that it seeks to rectify some inequities of the past. Although my understanding of the industrial relations legislation is not all that good, I do not think it would be wise if the amendment were to achieve what the mover seeks. I am in sympathy with his points, as I have already explained, but the amendment would create greater complication than is intended. The clause would be better left as it is. At least then we will know that, under other provisions within the Bill, within a certain period, former or current employees of this place will have the same rights for those 90 days.

Mr KIERATH: In 1987 amendments were passed which did not include a 90 day provision. If section 7 of the Industrial Relations Amendment Act had been proclaimed, once the 21 days had expired there would have been no lifting the lid. The Minister has accepted that the employees would have lost that right. My amendment does not change that. I am simply confining the legislation to one group. I am ensuring that, if what the Minister says is true, it will target that group. I do not think that is unreasonable. I know that people in the other place have a great deal of concern about the legislation. I have gone to some trouble because I fear that they may try to mess around with it and move further amendments. I had hoped that we may have been able to reach a consensus here. My great fear is that, as a result of the Minister's intransigence, when the Bill reaches the other place it will be sent to the Standing Committee on Legislation and months will pass before it is dealt with. I had hoped she would have been prepared to concede some ground and, consequently, our concerns would have evaporated, thus enabling the matter to be speedily resolved. I do not want this House to be considering a message from the other place in the future. I have done everything I can to expedite the Bill. Any further delays in the passage of this legislation will rest squarely on the Minister's head.

Mrs HENDERSON: The amendment moved by the member for Riverton will impact only on public sector people. To suggest that it would provide a lead to people in the community

generally to seek this right is a nonsense. We are talking about people under the Public Service arbitrator's jurisdiction. The people in the private sector have unlimited access to the Industrial Relations Commission under section 29 of the Act. To suggest that the member's amendment, which limits the rights of salaried people, will somehow prevent a flow-on into the community is nonsense.

Mr Kierath: People in the community do not have unlimited access to the commission. I raised a case with the Minister last year which concerned a woman. The Minister knows that under section 29 a time limit prevented her from proceeding with her case.

Mrs HENDERSON: That is not true.

Mr Kierath: It is true. I will provide you with details of the case again. Did you say that she does not have a time limit? You told her that her time had expired.

Mrs HENDERSON: The member can bring forward his case again. I am telling him what is in the legislation. Any argument that he puts that limiting the rights of salaried employees is somehow protecting people in the private sector is nonsense. His suggestion will create inequity whereas the Bill seeks to create equity. For that reason, I oppose the amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 10 to 13 put and passed.

Clause 14: Section 130 amended -

Mrs HENDERSON: I move -

Page 11, lines 10 to 14 - To delete the lines.

This amendment results from the removal of the Clerks from the ambit of this legislation. It refers to the Governor and, as we have removed the Clerks, reference to the Governor as an employer of the Clerks is not necessary.

Amendment put and passed.

Mrs HENDERSON: I move -

Page 12, lines 21 to 29 - To delete the lines and substitute the following subclause -

(6) A reference in subsection (5)(c), (d) or (e) to an expression that is defined in the *Parliamentary and Electorate Staff (Employment) Act 1992* is a reference to that expression as so defined.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported, with amendments.

HEALTH SERVICES (CONCILIATION AND REVIEW) BILL

Second Reading

Debate resumed from 4 June.

DR TURNBULL (Collie) [9.05 pm]: This Bill is an important one for consumers and providers. It occupies an important place among the legislation that will be passed in this session of Parliament. I say that from three positions: As a consumer, as a parliamentary representative and as a registered general practitioner. From a consumer's viewpoint, there has been a proliferation of people who call themselves health providers. Clause 3 of the Bill provides an interpretation of "health service" and it means any service provided to the aged, infirm or disabled, palliative health care, and a preventive health care program including a screening or immunisation program. It includes also any ambulance service, welfare service, a service provided by a person who advertises himself or herself as providing that service, and a prescribed service. It is evident from that clause how wide the coverage of this Bill is. A health provider could also be a dentist, a naturopath, or the local herbalist who lived next door to one of the doctor's secretaries in Collie and who, incidentally, charged before his

customers saw him. Therefore, anyone who advertises himself or herself as providing health services will be covered by this legislation. It will cover also osteopaths, chiropractors and physiotherapists and institutions.

Clause 3 states also that a "provider" includes "the Commissioner of Health in respect of any health service provided or rendered by persons in carrying out the functions of the Health Department of Western Australia, but not in respect of a health service provided or rendered in a public hospital under the Hospitals Act". I would not be surprised if people advertising herbal remedies, even if they do not actually prescribe those remedies but sell them, could be considered as coming under this legislation. Therefore, this Bill will be very important for consumers because many of them are uneasy about whether they receive the best service or whether that service is being delivered appropriately to meet their needs. Why do consumers feel that way? They feel that way because people tell them that they are not receiving the right services. Women's magazines and pamphlets, for instance, often suggest that one's intake of minerals may be being incorrectly prescribed by a local doctor and that one should go to an expert in minerals to be treated.

I will not name them in this Parliament, but there are many macrobiotic and alternative therapies available and people may not feel comfortable with the treatment they have been prescribed by therapists. Initially, in most cases people will not complain to anyone that the treatment they are receiving is not appropriate and is not being administered in the correct way, but when the problem becomes more serious they will find someone to whom they can complain. Often that someone is their local member of Parliament and many members on both sides of the House would have been confronted by people who believe they have not been given the right treatment or that the institution they attend has not treated them appropriately. What do members of Parliament do when they receive these complaints? We do not have the means by which to assess whether the complainant has received the correct treatment. I may be in a better position than most members to make a judgment, but even then it would be impossible to make a correct judgment without investigating all the aspects of the problem. The Director of Health Services Conciliation and Review will have the capacity and legal right to make a judgment, which will be helpful to members of Parliament. It will also be very helpful to registered general practitioners and other registered health professionals, such as dentists and physiotherapists, to be able to go to the Director of Health Services Conciliation and Review when questions are put to them about the competence of another member of the health profession and the treatment he or she is prescribing. It will be of assistance to health professionals to have a Health Services Conciliation and Review Board to which they can direct people when they make complaints. It is important that the board and the director have the ability to listen to the complaint before they decide whether it will be investigated. Many people will want to air their complaint simply to let someone know that they have been badly treated. However, once the complaint has been analysed by an independent person it will be found, in the majority of cases, that there is no basis for the complaint. In that respect the Bill will provide a service to both the consumers and providers of health services in Western Australia.

We must ensure that the Office of Health Services Conciliation and Review does not become another huge bureaucracy which will generate reports and policies and publish more literature which will confuse the general public. It must become a specialised office which deals with the complaints of individuals. We do not need another organisation to produce pamphlets and glossy information brochures for distribution throughout the State. We certainly do not want another organisation which will make people feel uncomfortable and question the services it provides. We do not need the consumers of health services to suffer additional anxiety simply because they believe they are not receiving adequate or proper health services. This is a very important aspect to consider in the light of clause 11 of the Bill, which describes the functions and powers of the Director of Health Services Conciliation and Review. The functions of the director are too wide. He will be required to publish educational material, inform the public of the work of the office and to make available a list of other avenues to which consumers of health services can go. All the director really needs to do is to provide information to people on how they can approach the board to have their case heard.

This Bill is similar to legislation introduced in Victoria. It has been proved that the office established by the Victorian legislation has a useful role to play in the community. I repeat

that the role of the board is to reduce the anxieties people may have about the health services which health providers and institutions offer. The Bill has been accepted by the professional health boards in Western Australia - nurses, doctors and physiotherapists - and they all recognise that it will have a useful role in the community. Another reason this legislation will be useful is that it will bring an element of commonsense into discussions about what practical assistance health service providers can give to consumers.

The community should recognise that health service providers cannot perform miracles. They perform to the best of their ability to improve the lot of their patients. It is unfortunate that in many places in the world, particularly the United States of America, the litigation mentality is increasing because the number of people who feel they have been badly done by because of inadequate health services is increasing. In many cases people feel they have not received the correct services simply because the health service providers have been unable to come up with a miraculous cure for them. In many litigation cases in the United States the people concerned have made a wrong assessment of what they expected from the health service providers. Unfortunately, in the United States, where lawyers receive a percentage of the payment of a successful litigation, the public have developed the attitude that litigation and complaints about health services can lead to monetary gain. Fortunately, in Australia that situation does not exist, although the number of applications for compensation heard before the courts has increased and the level of compensation payments has increased. However, in the legal system in Australia we still rely on the judgment that if a health service provider provides a service according to common accepted practice within that specialty of health service, the practitioner is delivering a reasonable service to the patient. The Chief Justice of New South Wales, Gordon Samuels, made an important ruling in a case in New South Wales which is used as a standard for many other areas. He said that as long as a health service provider provides a service that is within the accepted common practice, it is sufficient to prove that the health service provider has not been negligent in delivering the service. The Director of the Health Services Conciliation and Review Board must adopt a similar attitude along those lines so that if the service provided is within the accepted practice of the specialty concerned, there is room for conciliation and no room for litigation. Since the director must adopt that attitude, there is no place for a code of practice within the Bill. The director of the conciliation and review board must adopt the codes of practice and standards of all the varying health providers' registration boards or professional bodies, such as the medical boards, physiotherapy boards, nurses' registration boards and so on. Those will be the standards by which the director will judge the activities and determine whether a complaint is justified. As a consequence, the Minister will be asked to delete from the Bill the clauses on codes of practice.

I agree entirely with this Bill. In fact, all members of the National Party support the Bill. In general, I find that members of the National Party are very suspicious of doctors. They always question my statements, and I am not quite sure whether they are questioning me professionally as a doctor or as a politician. They will be pleased to have available the means by which to make a complaint against a doctor, chiropractor, dentist or any other health service provider. The National Party regards this Bill as an important step forward for consumers.

Other areas of service in Western Australia would also benefit from a conciliation and review board and director. I refer, for example, to the legal profession. I see no reason for restricting this service to the health area. Such a conciliation and review board could operate for example, in the State Housing Commission. I recall at one stage the Minister for Housing indicating that he was considering setting up a review board within the State housing area.

I hope that you, Mr Speaker, will never need to consider this legislation from a consumer's point of view and that you will consider it only from a parliamentarian's point of view. I think you will find it as useful as the other parliamentarians will in this House. From my point of view, as a health professional, it is a great step forward in that it will help enshrine the commonsense, reasonable, management practices within current acceptable levels to which health professionals must adhere. Health care providers will then be reassured that if a consumer goes to the board they will be treated as responsible professionals and that cases will be heard without bias and in a balanced fashion. The most important aspect in the Government's considerations is the appointment of the director. The director must be a person who is prepared to be balanced when deciding a number of issues; for example,

whether to enter into conciliation or to direct the complainant to a higher board or professional body, whether to direct the complainant to some other area such as litigation or to the courts, or whether the case does not warrant further investigation. It has the potential of being a very important job in Western Australia. I hope that the person appointed as director uses this legislation to set up an impartial, conciliating body which will be of benefit to the consumers and the health professionals of Western Australia.

MR MINSON (Greenough) [9.29 pm]: The Opposition supports the main aims of the Health Services (Conciliation and Review) Bill, and in my opinion it has been needed for some time. As the Minister knows better than I, his office is continually approached by people with complaints. As Opposition spokesman for health - with the glorious title of shadow Minister - I inevitably receive copies of everything sent to the Minister, plus a few other things, so I have some idea of the weight of conciliatory type work that goes through the Minister's office. Quite frankly, most of it is outside the activities of a Minister's office, and certainly every time I open my mail I think it is outside the scope of a shadow Minister's work also because it generates a great deal of paperwork and rapidly eats into my postal allowance.

I will address the need that this legislation fills by giving a number of illustrations from my professional experience of how people can get their facts wrong, fly off at a tangent and complain. The idea of having a conciliator is a good one, particularly one who does not initiate proceedings. I recall three things which happened during my practising life which led to people becoming irate, but then, after settling down and talking over the situation, realising that they had been mistaken.

The first of those occurrences related to a six year old child who was brought to my surgery and had to be given an inferior nerve block. I warned both the patient and the parent that the child's lip would be numb for probably an hour and a half and that the parent should keep an eye on the child because it was common for children in that situation to bite through their numb lip. Lo and behold, I received a letter from a solicitor a week later complaining that I had run a high speed drill into the child's lip. Of course, I had not. The child had walked out and bitten its lip. Instead of coming back to the surgery and confronting me with the problem the parent had gone to a doctor next door who had decided I had run a high speed drill into the child's lip. If a conciliator had been involved the people who complained would have been spared the expense - and the embarrassment, in fact - of going to a solicitor and paying money only to find out that they were wrong.

A similar thing happened when I took a denture impression of an edentubus patient. The patient was coming down with flu and in the evening developed a sore throat. On the Monday morning the patient attended an ear, nose and throat specialist who said I must have used a thermoplastic material to take the impression and burnt her throat. In fact, all she had was a sore throat. Once again a situation arose where a conciliator would have solved the problem without the need for the person to go to those lengths.

Another incident that sticks in my mind relates to a patient who, returning a week after I had restored a tooth, lay in my chair complaining bitterly that the tooth I had filled the week before was aching. When the patient pointed to the aching tooth it was not only the wrong tooth but also on the wrong side of the mouth and in the wrong jaw. Once again, instead of the patient going off half cocked, had a conciliator been available much unpleasantness would have been avoided.

I seek to illustrate the fact that patients often feel aggrieved and say that they have not received proper service from a professional provider or a hospital, but when one gets down to the facts of the case one finds that the patient was treated reasonably, and in many cases was well treated and quite mistaken about what he imagined happened. I understand that the complaint divisions of the Australian Medical Association and the Australian Dental Association suggest that around 90 per cent of health complaints turn out to be unfounded.

I am pleased that this Bill is apparently modelled on the Victorian and not the New South Wales legislation, because the Victorian legislation is conciliatory and involves a mediator whereas the New South Wales model has apparently resulted in the formation of a complaints bureau that is highly consumer orientated and, I understand, often aggressively so. In these days of consumerism people are often whipped into a frenzy imagining that their rights have been impinged upon and that they should litigate. I am concerned about the level

of litigation occurring in the health professions. We are beginning to follow the American model far too closely. Had we used the New South Wales example to arrive at this legislation that would have aggravated and exacerbated the problem rather than doing what we really want it to do; that is, lead to the resolution of conflicts.

I see the success of this legislation resting on the personality and skills of the director and the conciliators. The Minister will have to be particularly skilful in selecting the director. Similarly, the director will need to be skilful in selecting conciliation staff. I have no doubt that the success or failure of this legislation will rest in the people handling and negotiating skills of those involved in cases of voluntary conciliation. This Bill concentrates on conciliation. I applaud that approach. I have already mentioned that in a majority of cases complaints turn out to be mistaken or wrong. I saw with relief that under this legislation the director is to have the power to refuse to proceed further with a complaint when he is not convinced the complainant has made a reasonable attempt to arrive at some sort of negotiated settlement before approaching him.

I have been approached by a couple of people who hold reservations about the title that should be used for the person who will run this bureau. I tossed around the idea of the person being called either "commissioner", "ombudsman" or "director". I was unsure whether there was much difference resulting from the name used. However, having read the Bill this person will not have the powers of an ombudsman and will serve a different purpose. Therefore the use of that title would be inappropriate. Similarly the use of the title "commissioner" could create an aura of importance, responsibility and power that the person involved will not have. Other common usages of the word "commissioner" in our legislative process apply to the Health Commissioner and the Equal Opportunity Commissioner. Those people have powerful teeth. It would be a mistake to confuse the role of this person with the role of the commissioners to whom we are used. Therefore, I am happy to stick with the title of director because that describes fairly accurately what will be the role of this person. It was put to me by the Australian Medical Association that this person will be particularly important and, therefore, ought to be called a commissioner. Although I regard this person as important, I would not like to see this body take on a high profile, either in the media or in professional circles, because that would defeat its objective and it would start to become excessively consumer oriented.

I am interested in who will set the salary and conditions of employment of the director. I notice that although the director will not be a member of the Public Service, the Minister will have the power to determine his salary and conditions of employment, on the recommendation of the Public Service Commissioner. I suggest to the Minister that between this debate and the Committee stage, which I understand will be some time in the future, consideration be given to making the conditions of employment and salary of the director the responsibility of the Salaries and Allowances Tribunal. That would be the appropriate body because the position of the director cannot be equated to any other position that currently exists.

The personality of the person who will occupy the position of director will be paramount to the success or failure of this legislation. I hope that persons with a particular ideological bent will be purposefully steered clear of. I would not like to see the person who will occupy this position have an axe to grind. The person will not need any particular skills, other than the demonstrable qualities of conciliation and the ability to handle people. We should certainly put up a sign that stirrers are not required.

There is a real need for this legislation. I believe the Minister for Health and his office will breathe a sigh of relief when this body is in operation because many of the complaints of people who are dissatisfied with the treatment that they have received will be sent to an independent third party, which will assess the situation and, if necessary, bring together the two parties involved. I suggest that that will result in a satisfactory and amicable settlement, without the need to go to litigation in probably 99 per cent of cases. I endorse this legislation, and I hope that all members will do likewise.

MR BLOFFWITCH (Geraldton) [9.44 pm]: The Health Services (Conciliation and Review) Bill is extremely necessary. During the short time that I have been a member of Parliament and have gone about my electoral duties, the most difficult thing that has confronted me has been to deal with complaints that are made about medical professionals. I

can tell members that those people do not take very kindly to my telephoning them and asking them questions. In some cases, they get rather haughty about it. It is probably fortunate that we will put a middle person into the role of arbitrating in such cases.

However, I wonder whether we have gone far enough, because although I agree that we will solve the majority of cases by enabling one party to understand the point of view of the other party, in this country we do not have, as the member for Collie stated, a legal system that will take on board what appears to have been a malpractice and settle the damages. In fact, a person who enters into any sort of legal action in this country, and particularly in this State, needs to be very well heeled, and even more well heeled when he is up against a professional body which has behind it an insurance company with an almost bottomless pocket. It is fairly daunting to find oneself in court. One of my roles as a member of Parliament is to talk to people who wish to apply for legal aid. Probably 99 per cent of the applicants for legal aid are knocked back, and in civil actions about 100 per cent of the applicants are knocked back because the Legal Aid Commission will not endorse taking civil action on behalf of people, no matter how much wrong they may appear to have been done. The Bill does not deal with that problem. The Bill provides some safeguard to prevent people from making false statements, and there are also substantial fines to ensure the confidentiality of the people who make a complaint.

I believe, like previous speakers, that we will need a special type of person to fill the role of director. However, I have met Mr Eadie, the Ombudsman, and have seen the capable job that he is doing, and he does not appear to have come from a particular special background, so I am sure there are other people like him who will be able to fulfil the role of director.

I wonder whether the fact that people will not be able to take their complaint further may reduce the effectiveness of this body. For example, most of the people who will make a complaint to the director will feel very aggrieved, and if they are not satisfied with the explanation that is given to them, I do not know that they will feel any less aggrieved by the fact that they have here a toothless tiger which, apart from telling them that they should settle their differences by talking to each other, will leave them with nowhere else to go. I urge the Minister to examine this matter to see whether there is some avenue whereby, if after their investigations they believe there is some cause for complaint, some assistance could be given to them in furthering an action that they may be financially unable to pursue.

MR WILSON (Dianella - Minister for Health) [9.50 pm]: I thank members of both Opposition parties for their support of the Health Services (Conciliation and Review) Bill, and take note of their comments and of the likely event of some amendments being moved during Committee. I am pleased with the general support for the main principle of the Bill - namely, that the basis of this newly created office is one of seeking to settle complaints by conciliation - because, as the member for Greenough has said, quite often a grievance is due to a misunderstanding on the part of the patient or the consumer. On the other hand, it may simply be a matter of brusqueness or rudeness on the part of the provider. These are minor issues which can grow out of all proportion into something that seems to be major. I think that in endorsing that general principle we are all of one mind.

I also agree with the member for Greenough that the success of the proposed Office of Health Services Conciliation and Review will depend upon the skill with which the appointed director goes about his or her work. I do not know whether any member here has met Dr Siggins, the equivalent person in Victoria, who has now moved to establish an equivalent office in Queensland. He certainly does not have the sort of background one would expect an appointee to such a position to have. In fact, when I met him he had just been appointed in Victoria, having recently returned from an appointment with a university in the United States, where his expertise had been in medieval theology.

Mr Minson: Was he a doctor or a lawyer?

Mr WILSON: No. At least, he was a doctor but not a medical doctor, nor a doctor of dentistry, if I can use that term. However, after several years in office he had won wide acclaim from consumers and providers for the very great skill he exercised in that office, and he was able to prove that a good conciliator can have a high rate of success in such an office. That point is taken on board. Obviously it would not be appropriate for any Minister to appoint a person, and that will be done through a panel process in a very impartial way to ensure that the appointee is a suitable person.

In response to the member for Geraldton, I am sure it is only a coincidence that the member for Greenough and the member for Geraldton have joined this debate concerning a complaints office about health professionals. I am sure there is nothing else to be drawn from that at all.

Mr Bloffwitch: Nothing at all. We are very interested members sitting in the House.

Mr WILSON: I accept that, and I will make sure that this inference goes no further. However, I can assure the member for Geraldton that the Bill does contain a provision that if conciliation is not appropriate or does not resolve the complaint the director has power to initiate an investigation into it. The Bill also allows the Minister or the Parliament to decide that a matter needs investigation by the director - for example, where there are said to be substandard health institutions or evidence of incidents of misconduct or malpractice, especially in the case of unregistered providers where there is no registration board to maintain standards. The Bill further provides that the director works with registration boards, and parallel with them, and can advocate that a matter be referred for investigation by a registration board where appropriate. Therefore, some of the concerns expressed by the member for Geraldton are covered in those provisions of the Bill. While they may not go the whole way to satisfying what he was saying, probably no provision can, short of straight out litigation. Even then, in cases of deep grievance I think one would often find that even if litigation is successful it does not satisfy an aggrieved person.

Mr Minson: Except the lawyers - they love it!

Mr WILSON: If we can make sure that some of that business evades the lawyers, we will be doing the community a great service. I say that with due deference to any lawyers present. Again I thank members for their general support of the Bill and urge all members of the House to support the second reading.

Question put and passed.

Bill read a second time.

House adjourned at 9.57 pm

QUESTIONS ON NOTICE

DISABLED - DEVELOPMENTAL DISABILITIES
Supported Accommodation Needs, Budget Allocation 1992-93

960. Mr WATT to the Minister for Disability Services:

In respect to Government financial assistance to meet the supported accommodation needs of people with a developmental disability -

(a) will the Government provide an allocation in the 1992-93 budget to provide supported accommodation to meet the known existing needs as expressed by a public meeting held on 10 June 1992;

(b) will an allocation be provided in the 1992-93 budget to provide additional supported accommodation to meet the needs which are likely to become known at the conclusion of the Minister's present review into accommodation needs;

(c) if no to (b), does this mean that no funds will be provided in the 1992-93 year regardless of the recommendations of the review?

Mr RIPPER replied:

(a)-(c)

Details of the Government's financial commitment to the supported accommodation needs of people with developmental disabilities will be announced in the forthcoming Budget.

WESTERN AUSTRALIAN COUNCIL OF SOCIAL SERVICES - YOUTH AFFAIRS COUNCIL
Youth Policy and Action Coalition - Government Funding

990. Mr NICHOLLS to the Minister for Community Services:

What funding allocations have been made by the State Government to the following groups for each of the previous five years -

(a) Western Australian Council of Social Services;

(b) Youth Affairs Council;

(c) Youth Policy and Action Coalition?

Mr RIPPER replied:

(a) The Western Australian Council of Social Services receives funding through the Department for Community Services as below -

1987-88	1988-89	1989-90	1990-91	1991-92
$141 000	$170 651	$187 388	$203 368	$231 456

(b) The Youth Affairs Council receives funding through the Office of the Family and previously the Youth Affairs Bureau. The Youth Affairs Bureau files are not readily available and it would be difficult to provide the figures for previous years without considerable delay.

1990	1991	1992
$129 000	$101 000	$117 000

(c) The State Government does not provide financial support to the youth policy and action coalition.

RAILWAYS - PERTH-JOONDALUP
Promotion Campaign and Opening Cost - Construction Cost

998. Mr LEWIS to the Minister for Transport:

(1) What is the all inclusive total amount of monies, budgeted or otherwise, set aside for the promotion campaign and opening of the Perth Joondalup railway?

(2) What is the latest revised all up cost of construction of the Perth to Joondalup

railway inclusive of all buildings, electrification, parking areas and other infrastructure?

Mrs BEGGS replied:

(1) $1.15 million for all phases of the project - 1989-1993 - as defined in the master plan; for example, planning, construction and introduction phases.

(2)

Infrastructure	$168.33 million
Railcars	$106.25 million
Total	$274.58 million

RAILWAYS - PERTH-JOONDALUP
Revised Completion Date

999. Mr LEWIS to the Minister for Transport:

What is the latest revised date of completion of the rail track and electrical infrastructure to a stage that would allow the first rail cars to traverse the Perth to Joondalup railway?

Mrs BEGGS replied:

The exact date for completion of the rail track and electrical infrastructure depends on a number of factors, particularly weather conditions. However it is still anticipated that the completion date for this aspect of the project will be December 1992.

SCHOOLS - FIRE EXTINGUISHERS
Primary Schools - No Supply and Maintenance Decision

1006. Mr KIERATH to the Minister representing the Minister for Education:

(1) With respect to the provision of fire extinguishers in schools has the Ministry of Education issued a statement to school principals that no fire extinguishers will be supplied and maintained at primary schools except where secondary facilities are provided?

(2) Does this apply to areas such as the canteen, art-room, computer rooms etc where electrical equipment is used?

(3) (a) Has the Ministry received any objections from school principals and Parents and Citizens organisations regarding this decision;

(b) if so, how many?

(4) If primary schools wish to retain extinguishers, who will be responsible for the associated maintenance and replacement cost?

(5) Will this in effect mean that parents will be expected to fund the cost of keeping fire extinguishers in primary schools?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

(1) Yes. The school fire code does not require primary schools to have extinguishers.

(2) Yes.

(3) (a) No.

(b) Not applicable.

(4)-(5) Optional equipment in schools may be provided and maintained from school resources, in accord with individual school priorities. Ministry priority in the event of fire, is for the safe evacuation of students and staff.

CARAVAN PARKS - DWELLINGUP

Conservation and Land Management, Department of - Ogilvie and Syndicate, Lease Agreement

1007. Mr KIERATH to the Minister for the Environment:

(1) With respect to the Dwellingup Caravan Park will the Department of Conservation and Land Management sign a lease for this project with its proposed partner Mr Paul Ogilvie and Syndicate?

(2) (a) Who are the members of his syndicate;

(b) what are their names and those of their companies (if applicable)?

(3) Can the Minister give an assurance that no CALM officer or other public official or their family will financially benefit from this development?

(4) (a) Are CALM employees at Dwellingup permitted to undertake private contracting work;

(b) have any done so this year on public land in Dwellingup?

(5) Will any CALM employees be permitted to undertake site clearing for the proposed caravan park?

(6) (a) Exactly what size is the caravan park site area;

(b) will the Minister table a large-scale map showing the location?

(7) (a) Why were tenders not called for this lease;

(b) what method of selection was used?

(8) (a) Was the Department of Land Administration consulted about this deal;

(b) if not, why not, since DOLA is now offering town blocks for sale in Dwellingup at $29,000 per quarter acre?

(9) As CALM'S 1991 "Dwellingup Caravan Park Call for Expressions of Interest" document stated that 10 hectares was to be initially available, with potential for future expansion into adjoining State forest, will the Minister state how much State forest will be available for this future expansion?

(10) In view of statements from the Environment Protection Authority that a herbicide chemical dump is buried 40 metres from the current proposed boundary, will the Minister order drilling and testing of the entire area before any development is permitted?

(11) Will the Minister table a drilling plan and test results of soil and water samples from drilling already carried out near a gravel pit in the site area, including the names of the chemicals found, in any quantity no matter how small?

(12) (a) Were the test samples tested for dioxins;

(b) if not, why not?

(13) Have CALM officers stated that the herbicides 245T, 24D and Vorox have been found in this test area, even though local people say it was not located on the main dump site?

(14) Are these herbicides strongly linked with cancer and birth defects, and is the dump area in a high rainfall area close to the Dwellingup water supply dams and the Perth water supply dam at South Dandalup?

(15) Will the proposed park, with a capacity for 400 people when full (as the developer has publicly stated), seriously add to local water pollution problems in this unsewered area, and is likely to affect the Peel Estuary?

(16) As over 100 Dwellingup residents have already signed a petition against development of this site - although not against the park itself - will the Minister personally investigate all aspects of this matter?

Mr PEARCE replied:

(1) A lease is still to be negotiated. When a lease document is finalised it will be with Mr Ogilvie as a lessee not partner.

(2) (a) Members of his family.

(b) Not applicable.

(3) Yes.

(4) (a) Yes, in accordance with the provisions of the Public Service Act.

(b) Yes.

(5) No.

(6) (a) 19.5 hectares.

(b) I will forward the member a map of the area.

(7) (a)-(b) Expressions of interest were called.

(8) (a) No.

(b) The land is to be leased not sold.

(9) None. The lease area will be the 19.5 hectares indicated above.

(10) No. The area where it is claimed that chemicals were buried has been tested. That area is downslope from the proposed caravan park.

(11) The full report is available.

(12) (a) No.

(b) For dioxins to have been found there would have to be traces of either 245T orchlorophenols. In their absence there was no justification for looking for dioxins.

(13) No traces of herbicides have been found in either the soil samples or water sample taken.

(14) As no herbicides were found there is no risk to health.

(15) No.

(16) Yes. I have investigated this matter and am satisfied that provision for the development of tourism infrastructure in country towns such as Dwellingup is a worthwhile objective of Government, providing an improved economic base and local employment opportunities.

SOUTH WEST AREA TRANSIT (SWAT) - FREMANTLE-ROCKINGHAM SECTION BUILDING PROPOSAL

Environmental Protection Authority Consultations

1010. Mr LEWIS to the Minister for Transport:

(1) Did the Government or any of its agencies, prior to taking a decision to build the Fremantle to Rockingham section of the South-West Area Transit (SWAT) in 1996, refer to the Environmental Protection Authority either its -

(a) planned intentions for the railway from Fremantle to Mandurah;

(b) its route locations;

(c) the democratic vision?

(2) If no, why not?

(3) On what basis has the decision been taken if the EPA's input and considerations have not been made?

Mrs BEGGS replied:

(1) (a)-(b) Detailed alternative routes for south west area transit were only

developed after the Government's announcement of in-principle commitment. Since then the Environmental Protection Authority has been consulted on specific matters. Comprehensive consultation with the Environmental Protection Authority is expected to occur next year when a specific route is developed in the master plan stage.

(c) The Environmental Protection Authority policies and guidelines were comprehended in the development of the land use and settlement vision for the south west area.

(2)-(3)

Not applicable.

SOUTH WEST AREA TRANSIT (SWAT) - FREMANTLE-ROCKINGHAM SECTION BUILDING PROPOSAL

Statutory Group (A) Planning Committee of the South West Region Consultations

1011. Mr LEWIS to the Minister for Transport:

(1) Did the Government or any of its agencies, prior to taking a decision to build the Fremantle to Rockingham section of the South-West Area Transit (SWAT) in 1996, refer to the Statutory Group (A) Planning Committee of the South West region either its -

(a) planned intentions for the railway from Fremantle to Mandurah;

(b) its route locations;

(c) the democratic vision?

(2) If no, why not?

(3) On what basis has the decision been taken if regional planning input and considerations have not been made?

Mrs BEGGS replied:

(1) No.

(2)-(3)

Specific decisions on route and type for the proposed rail link from Fremantle to Rockingham have not yet been made. The south west area transit planning to date has included consultation with the Department of Planning and Urban Development, the south west regional planning committee and all six local governments.

EDUCATION, MINISTRY OF - WEST ED MEDIA CLOSURE

Advanced Communications Technology for Delivery of Educational Services Plans

1013. Mr AINSWORTH to the Minister representing the Minister for Education:

(1) Given that West Ed Media has been closed and will soon stop producing "Livescience", how does the Government propose to expand the use of advanced technology in the delivery of information, education and training to regional and remote areas as stated in its publication *Education and Training: Foundations for the Future*?

(2) Will the facilities at West Ed Media be used to enhance the access of people in regional and remote areas to educational and information facilities?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

(1) The transmission of DEC Live Science will continue. On Thursday, 20 August 1992, the Minister for Education announced the formation of a strategic planning group to prepare a plan for the application of advanced communications technology to the delivery of educational services. This group will report to the Minister for Education by December 1992.

(2) The future use of the West Ed Media facilities is being examined at the request of the Minister for Education. Proposals for the future of the West Ed Media facility will result from this examination.

GWN - EDUCATIONAL TELEVISION FUTURE USE
Education and Training: Foundations for the Future Publication

1014. Mr AINSWORTH to the Minister representing the Minister for Education:

Given that the telephone link to GWN is to be disconnected in September, how is it intended to make greater use of the GWN educational television; as stated in the Government's publication *Education and Training: Foundations for the Future*?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

The use of GWN educational television will be an issue examined by the strategic planning group, the formation of which was announced on Thursday, 20 August 1992 - see question 1013.

AQUICULTURE - DEVELOPMENT COMMITTEE
Profile

1017. Mr McNEE to the Minister for State Development:

Would the Minister provide a profile of the Aquiculture Development Committee being chaired by the Department of State Development?

Mr TAYLOR replied:

The aquiculture industry was identified as a key industry in the recent WA Advantage statement. One of the commitments made in support of the industry was the intention to establish an aquiculture development advisory council. The establishment of the council constitutes an important step in the development of the aquiculture industry in Western Australia. The council will establish a policy framework that will guide the evolution of the industry from its emergent phase through to an established industry.

Membership is drawn from Government agencies with decision making capacities that will impact on aquiculture, relevant peak industry groups and education interests. The inaugural meeting of the council was held at the Department of State Development on 13 August 1992. The council will comprise representatives from the following organisations -

The Department of State Development - one - chairperson.
Fisheries Department - one - deputy chairperson.
Aquiculture Council of Western Australia - two members.
WA Fisheries Advisory Council - one.
Pearling Industry - two.
Department of Agriculture - one.
The Environmental Protection Authority - one.
Department of Land Administration - one.
Department of Planning and Urban Development - one.
Department of Transport - one.
The tertiary institutions and TAFE - two.

COASTS - LIST OF MARINE PARKS, NATURE RESERVES, NATIONAL PARKS, ETC. AFFECTING COASTAL ACTIVITY
Kilometres of Coastline Affected

1020. Mr McNEE to the Minister for the Environment:

(1) Would the Minister provide a list of marine parks, nature reserves, national parks, etc., which affect or influence activity along our coast?

(2) How many kilometres of coastline are affected?

Mr PEARCE replied:

(1)-(2)

This information, as it includes islands, would take a considerable amount of staff time to collate. If the member will provide details in support of his requirement for the information in the form requested, I will further consider this matter.

BUILDING AND CONSTRUCTION INDUSTRY TRAINING FUND LEVY - REVENUE

Training Programs Funding Allocations

1026. Mr HOUSE to the Minister representing the Minister for Employment and Training:

(1) Can the Minister provide details, for each industry involved, on how much money has been collected by the Building Construction and Industrial Training Levy since its inception?

(2) For each industry involved, can the Minister outline the distribution of the above funds into training programs?

Dr GALLOP replied:

The Minister for Employment and Training has provided the following reply -

(1) The BCITF has to date - 26 August 1992 - collected funds under the following four categories -

Housing	$2 960 956
Commercial	$962 505
Engineering	$1 182 819
Government	$690 631
Total	$5 796 911

(2) Funds spent to date on training programs are -

Housing	$707 704
Commercial	$174 118
Engineering	$136 308
Government	$268 322
Total	$1 286 452

For the 1992-93 financial year the BCITF Board has budgeted for training programs to the value of $3.95 million.

AUSTRALIAN COACHLINES - AUSSIE EXPLORER PASSES COACH NETWORK

South West and South Coast Regions Exclusion

1027. Mr HOUSE to the Minister for Tourism:

(1) Are the south west and south coast regions of Western Australia not part of the Australian Coachlines Aussie Explorer Passes coach network?

(2) If yes, what steps has the Minister taken to promote the inclusion of these regions on this coach network?

(3) If no, will the Minister undertake to examine this issue as an important regional tourism initiative?

Mrs BEGGS replied:

(1) Yes.

(2) The Department of Transport has recently encouraged initiatives from Australian Coachlines and Westrail with a view to improving tourism and travel opportunities for the region. A submission from Australian Coachlines offers a package of coach services in and through the south coast and south west regions, including a connection to the national coach network. Westrail has also submitted a proposal to introduce services between Albany and Esperance/Norseman linking with interstate services. Australian Coachlines has placed a particular focus and reliance on carrying intrastate passengers

over parts of the Westrail network, including the Albany Highway. In that regard, the Department of Transport will be assessing the proposal in the context of some previously stated guidelines. These are aimed at protecting Westrail's market share, while providing the scope for private operators to target niche markets in order to achieve a wider choice of service to the travelling public.

(3) Not applicable.

EDUCATION AND TRAINING - *FOUNDATIONS FOR THE FUTURE* DOCUMENT

TAFE - Students with Disabilities Services Commitment

1036. Mr MacKINNON to the Minister representing the Minister for Education:

(1) Is there a commitment given in the Education and Training document entitled *Foundations for the Future* that the Government will provide a major boost in services at Technical and Further Education to students with disabilities?

(2) (a) Will the funding for this program be an extra budget allocation to the ministry, or will it come from the reallocation of funds to other programs within the ministry;

(b) if so, which programs?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

(1) Yes.

(2) (a)-(b)

The funding will be made available through an internal reappraisal of program priorities, in the 1992-93 Budget process.

EDUCATION AND TRAINING - *FOUNDATIONS FOR THE FUTURE* DOCUMENT

Non-Government Schools - Students Needing Special Assistance Commitment

1037. Mr MacKINNON to theMinister representing the Minister for Education:

(1) Is there a commitment given in the Education and Training document entitled *Foundations for the Future* that the Government will give a $300 000 boost in support for parents of students needing special assistance in non-Government schools in 1993?

(2) (a) Will the funding for this program be an extra budget allocation to the Ministry, or will it come from the reallocation of funds to other programs within the ministry;

(b) if so, which programs?

(3) Who will be responsible for establishing the formula under which non-Government schools will receive additional resources under this program?

(4) (a) Will this assistance be provided to both primary and secondary school students in non-Government schools;

(b) if not, how is it to be allocated?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

(1) Yes.

(2) (a) An extra Budget allocation.

(b) Not applicable.

(3) The formula has already been agreed and it is the formula recommended by the non-Government schools special education committee.

(4) (a) Yes.

(b) Not applicable.

DISABLED - REVIEW OF ACCOMMODATION SERVICES

1050. Mr MacKINNON to the Minister for Disability Services:

(1) Is the Government conducting a review into care for handicapped persons?

(2) Who is conducting the review?

(3) What are the terms of reference for the review?

(4) When will the review be completed?

Mr RIPPER replied:

(1) Yes. The Minister has established a review of accommodation services for people with disabilities in Western Australia.

(2) A 10 member steering committee is conducting the review. The committee includes community representatives, the Authority for Intellectually Handicapped Persons, Homeswest, psychiatric services and other disability organisations. Five members are from non-Government organisations. The Bureau for Disability Services is co-coordinating the review.

(3) The terms of reference for the review are -

(a) To review accommodation options for people with disabilities having particular regard to the range, qualities, accessibility and costs of emergency, respite, short term and long term options.

(b) To investigate and provide information about the existing occupancy, immediate demands, unmet needs and future accommodation options and supports for people with disabilities.

(c) To determine the impact of existing policies and legislation on the development and provision of accommodation services for people with disabilities.

(d) To make recommendations as to a range of models and principles for the organisation of and operation of accommodation services for people with disabilities in both country and metropolitan areas.

(e) To devise a strategy for the development of future accommodation options for people with disabilities.

(4) The steering committee is to report by the end of December 1992.

WESTERN AUSTRALIAN GREYHOUND RACING ASSOCIATION ACT - AMENDMENTS

Current Session Introduction Intention

1053. Mr MacKINNON to the Minister for Racing and Gaming:

Is it the Government's intention to introduce amendments to the Western Australian Greyhound Racing Association Act 1981 in the current session of the Parliament?

Mrs BEGGS replied:

No.

ABORIGINES - LIVING AREA EXCISIONS

Sanctioning Exploratory Drillings for Water Supply without Lessee's Consent Policy

1063. Mr COURT to the Minister for Aboriginal Affairs:

Is it Government policy to sanction exploratory drilling to establish water supplies for a proposed Aboriginal living area excision on a pastoral property without the knowledge or consent of the lessee and prior to agreement for that excision being reached with the lessee?

Dr WATSON replied:

Capital infrastructure on Aboriginal living areas is provided under

Commonwealth funding. The matter should be pursued with the Commonwealth Minister for Aboriginal Affairs.

ABORIGINES - LIVING AREA EXCISIONS
Approvals on Pastoral Land, Private Freehold, Crown Land

1064. Mr COURT to the Minister for Aboriginal Affairs:

How many Aboriginal living area excisions have been approved to date in Western Australia on -

(a) pastoral;

(b) private freehold;

(c) Crown land?

Dr WATSON replied:

(a) 32.

(b) None.

(c) 29.

ABORIGINES - LIVING AREA EXCISIONS
Pending Applications, Kimberley, Pilbara, Gascoyne, Goldfields, South West Land Division

1065. Mr COURT to the Minister for Aboriginal Affairs:

How many applications for Aboriginal living area excisions are pending in the -

(a) Kimberley;

(b) Pilbara;

(c) Gascoyne;

(d) goldfields;

(e) south west land division?

Dr WATSON replied:

(a) 71.

(b) 12.

(c) Seven.

(d) Four.

(e) None.

ABORIGINES - LIVING AREA EXCISIONS
Criteria for Establishing Bona Fides and Determining Application Support

1066. Mr COURT to the Minister for Aboriginal Affairs:

What is the criteria for establishing bona fides and determining whether an application for an Aboriginal living area excision should be supported by the Government?

Dr WATSON replied:

An Aboriginal group's living area application will be accepted where -

it has a strong commitment to reside permanently on the land, consistent with seasonal conditions;

it has traditional ties to the area, or has the support of the traditional custodians;

in the case of pastoral excisions, it can be demonstrated that there will not be a significant impact on the viability of the pastoral lease; and

there is a strong commitment from relevant agencies for the provision of appropriate community infrastructure.

ABORIGINES - LIVING AREA EXCISIONS
Applications Shut-off Date

1067. Mr COURT to the Minister for Aboriginal Affairs:

Does the Government propose any shut-off date for applications for Aboriginal living area excisions?

Dr WATSON replied:

Current Government policy provides for the establishment of secure land tenure for Aboriginal groups wishing to locate on areas of traditional significance and away from unsatisfactory social and environmental conditions in towns. Given that community situations vary it would be inappropriate to have a shut-off date for applications.

ABORIGINES - LIVING AREA EXCISIONS
Success and Cost to Taxpayers, Public Review

1068. Mr COURT to the Minister for Aboriginal Affairs:

Does the Government propose to conduct a regular public review of the success and cost to taxpayers of the Aboriginal living area excision program?

Dr WATSON replied:

The State-Commonwealth Aboriginal Land Agreement of 1986 provided that the State would ensure the granting of secure land tenure. As the capital infrastructure on Aboriginal living areas is provided under Commonwealth funding it is not appropriate for the State Government to review this program.

TOXIC WASTE - FRANCE DISPOSAL
Volume and Type; Handling on Arrival Responsibility; Cost

1070. Mr COURT to the Minister for the Environment:

(1) What was the volume and type of toxic waste sent to France for incineration?

(2) Who is handling the toxic waste on its arrival in France?

(3) What is the cost of its disposal?

Mr PEARCE replied:

(1) 18 tonnes of PCB waste, including packaging, was exported on 29 July 1992.

(2) PEC Tredi.

(3) Subject to commercial arrangements between the parties.

NATIONAL PARKS - MT LESUEUR
Two Gravel Pits, Excised Areas

1079. Mr COURT to the Minister for the Environment:

(1) Have two gravel pits been excised from the Mt Lesueur National Park?

(2) If yes -

(a) how large are these areas;

(b) what was the Environmental Protection Authority assessment of the flora and fauna in these areas?

Mr PEARCE replied:

(1) No. There have been no excisions from Mt Lesueur National Park for gravel or for any other purpose. The proposal to establish Mt Lesueur National Park, approved by Parliament on 5 December last year, required the phased closure and rehabilitation of a reserve for marl vested in the Shire of Coorow and a reserve for gravel, vested in the Shire of Dandaragan, both of which were within the area proposed for national park. It was a condition of parliamentary approval that the Shire of Dandaragan retain access to the gravel resources from within reserve 35593 for five years. As gravel

extraction from within a national park is not permitted this area has been retained outside the national park and will shortly be reserved and vested in the National Parks and Nature Conservation Authority - NPNCA - for five years, for a dual purpose that provides for conservation, managed gravel extraction and rehabilitation. The shire will have access to gravel from within the reserve during this period, after which the area will be included in the national park. The marl reserve vested in the Shire of Coorow has already been cancelled and replaced with a similar dual purpose, vested in the NPNCA for a period of three years. After this period this reserve will also be included in the national park.

(2) Not applicable.

WATER AUTHORITY OF WESTERN AUSTRALIA - SEWERAGE INFILL, MANDURAH OR MURRAY AREA

Funding Allocation - Water Treatment Plants, Peel Region

1091. Mr NICHOLLS to the Minister for Water Resources:

(1) Will any funding be allocated to sewerage infill in either the Mandurah or Murray area, this financial year?

(2) If so, in which areas?

(3) What is the current usage, as a percentage of the maximum capacity, of each of the water treatment plants within the Peel region?

(4) Are any extensions planned for any of the current water treatment facilities in the Peel region?

(5) Are there any plans for the construction of new plants within the Peel region?

Mr BRIDGE replied:

(1) No.

(2) Not applicable.

(3) It is assumed that the question refers to wastewater treatment plants, as there are only minor water treatment plants, variously comprising filtration, chlorination, fluoridation and iron removal processes, within the Peel region. Peak week loadings on the wastewater treatment plants for 1991-92 in the Peel region were -

	%
Gordon Road, Mandurah	46
Halls Head, Mandurah	59
South Yunderup, Mandurah	74
Pinjarra	100% of design capacity

Note that the peak week figure for Pinjarra is high due to ground water infiltration during winter. Effluent quality is satisfactory.

(4) Yes; question is again assumed to refer to wastewater treatment plants

(5) Yes.

TRANSPERTH - PARK AND RIDE PARKING SPACES

Metropolitan Public Transport System Statistics

1092. Mr LEWIS to the Minister for Transport:

As of 30 June 1992 how many park and ride parking spaces for motor cars are provided for all transport modes in the complete metropolitan area Transperth public transport system?

Mrs BEGGS replied:

5 465.

JUVENILE CRIME - AND REHABILITATION
Groups, Committees Responsible for Development of Common Approaches and Methods by Various Agencies

1095. Mr COWAN to the Minister for Community Services:

(1) What group(s) or committee(s) have the function of encouraging co-operation between and the development of common approaches and methods by the Children's Court, the Department for Community Services, the Police and other agencies involved in the issue of juvenile crime and rehabilitation?

(2) What is the membership of each of these groups/committees?

(3) How are the members appointed?

Mr RIPPER replied:

(1) Committees with main responsibility for encouraging interagency cooperation -

The primary committee to give impetus to policy coordination across relevant Government departments, the Children's Court and other relevant Government and non-Government agencies is the State Government Advisory Committee on Young Offenders. The authority to oversee and implement policy and program initiatives rests with respective departmental chief executive officers who have specific line accountability to Government Ministers.

(2) The State Government Advisory Committee on Young Offenders is chaired by Supreme Court Judge Justice Owen and is constituted by chief executive officers of the Department for Community Services, Ministry of Education and AAPA, the Commissioner of Police, the President of the Western Australian Children's Court, and three community representatives one of whom is Aboriginal. Membership of this committee will be changed in the near future to include the director of the Youth Justice Bureau.

(3) Committee appointments and membership to the State Government Advisory Committee on Young Offenders is by authority of the Premier. The committee's role is to advise Government on policy and other initiatives concerning young offenders.

GOVERNMENT EMPLOYEES HOUSING AUTHORITY - PRIORITY TO CERTAIN AREAS POLICY

1101. Mr COWAN to the Minister for Housing:

(1) Does the Government Employees' Housing Authority have a policy that gives priority to certain areas of the State?

(2) If so, what is it?

Mr McGINTY replied:

(1) No. Priorities for additional accommodation are determined by each individual department or agency subject to resources being available to GEHA.

(2) Not applicable.

RURAL HOUSING AUTHORITY - FINANCED HOUSES STATISTICS
Assistance Applications - Level of Inquiries

1102. Mr COWAN to the Minister for Housing:

(1) How many houses have been financed through the Rural Housing Authority in each of the years since it was established?

(2) How many applications for assistance have been received by the Rural Housing Authority in each of the years since it was established?

(3) What has been the level of inquiries to the Rural Housing Authority from prospective home buyers for each of the last three years?

Mr McGINTY replied:

(1) Since 1977 -

1977	5	1985	42
1978	36	1986	25
1979	31	1987	21
1980	71	1988	30
1981	71	1989	22
1982	75	1990	15
1983	62	1991	11
1984	47	1992	9

(2) Since 1977 -

1977	106	1985	61
1978	111	1986	55
1979	66	1987	29
1980	119	1988	40
1981	89	1989	27
1982	104	1990	33
1983	92	1991	29
1984	64	1992	15

(3) Past three years -

1990	231
1991	170
1992	133

WATER RESOURCES - UNDERDEVELOPED

Future Development Assessments - Estimated Capacity and Development Cost

1104. Mr COWAN to the Minister for Water Resources:

(1) Which of the State's undeveloped water resources are currently being assessed for future development?

(2) What is the currently estimated capacity of these resources and the currently estimated cost of developing them?

Mr BRIDGE replied:

(1) The undeveloped water resources of the State are subject to an ongoing assessment program. The assessment program for surface water resources has focused on the south west - Geraldton to Albany - Pilbara, and the Kimberley. The ground water program has focused on the Pilbara and the Perth sedimentary basin with an emphasis in recent years on the southern Perth basin - Bunbury to Augusta.

(2) The currently estimated capacity of the State's undeveloped water resources potentially available for development is in the order of 10 000 gigalitres per year, 80 per cent of which lies in the Kimberley. The estimated cost is not known at this time.

CARMICHAEL REPORT - KEY RECOMMENDATIONS

Government Support and Non-support

1114. Mr COWAN to the Minister representing the Minister for Employment and Training:

(1) Which of the key recommendations of the Carmichael report are supported by the State Government?

(2) Which of the key recommendations of the Carmichael report are not supported by the State Government?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

(1)-(2)

At the meeting of Ministers of Vocational Education, Employment and Training on 5 June 1992, State, Territory and Commonwealth Ministers discussed and endorsed an extensive range of resolutions arising from the Charmichael report. In view of this, I will write to the honourable member providing details.

EDUCATION, MINISTRY OF - MERREDIN DISTRICT EDUCATION OFFICE
Closure Plans - Staff Reduction Plans

1117. Mr COWAN to the Minister representing the Minister for Education:

(1) Is the Ministry of Education planning to close the Merredin District Education Office?

(2) Is the Ministry of Education planning to reduce the staff at the Merredin District Education Office?

(3) If yes to either (1) or (2), when will this happen?

(4) If yes to (2), by what amount will the staff be reduced?

(5) What services will be affected?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

(1)-(2)

No.

(3)-(5)

Not applicable.

WOMEN'S INFORMATION AND REFERRAL EXCHANGE - NEW AGENCY
Previous Services not to be Offered

1122. Mr COWAN to the Minister assisting the Minister for Women's Interests:

Which of the services offered formerly by the Women's Information and Referral Exchange will not be offered by the agency created to replace WIRE?

Dr WATSON replied:

Referral to private individuals or agencies.

EDUCATION, MINISTRY OF - ISOLATED STUDENTS
Social Justice Policy Completion

1125. Mr COWAN to the Minister representing the Minister for Education:

(1) Has the social justice policy for geographically isolated students, promised in the 1991-92 budget papers, been completed?

(2) If yes, will the Minister table it?

(3) If no, when will it be completed and made public?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

(1) No.

(2) Not applicable.

(3) The policy is currently at the final draft stage and it is anticipated that the final document will be completed by the end of 1992 to be implemented in 1993.

EDUCATION, MINISTRY OF - REVIEW OF THE STANDARD RATE INDEX COMPONENTS AND CONTRACT STATEMENT
Overturning of Conditions

1127. Mr McNEE to the Minister representing the Minister for Education:

(1) Has the Minister for Education overturned two or the three conditions that the Premier, when Minister for Education in 1989, not only agreed to, but supported when establishing the "Review of the Standard Rate Index Components and Contract Statement"?

(2) (a) Are the following conditions still valid -

(i) no alternations to the standard rate formula or the contract statement are implemented until the full review has been completed;

(ii) that suitable timetables for change be developed to protect existing contractors from any disadvantages arising from changes to the standard rate formula and contract statement;

(b) if not, why not?

(3) When will the Western Australia Road Transport Association be receiving a reply to, or an acknowledgement of, the letter they wrote to the Premier about this matter, dated 17 July 1992?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

(1) No.

(2) Yes. However in accepting the Western Australian Road Transport Association's new condition for the review to continue, "that until the Government reaches agreement with the Western Australian Road Transport Association, no decisions will be implemented to either decrease or increase payments to school bus contractors", it was considered more appropriate for the review committee to make recommendations as to a suitable timetable for change. The new condition provides bus contractors with the increased assurance that the association would not reach agreement with the Government unless a suitable timetable for implementing change is developed.

(3) A reply to the Western Australian Road Transport Association's letter received by the Ministry of the Premier and Cabinet on 29 July 1992 is being finalised.

SCHOOL BUSES - REVIEW OF THE STANDARD RATE INDEX COMPONENTS AND CONTRACT STATEMENT
Next Step

1128. Mr McNEE to the Minister representing the Minister for Education:

(1) What is the Government's next step in the school bus "Review of the Standard Rate Index Components and Contract Statement"?

(2) Why did it take a full year to convene the inaugural meeting of the review?

(3) Does the Minister's apparent urgency to conclude the matter have anything to do with the parlous state of the Government's finances?

(4) Why did the Government decline invitations to put its point of view to a general meeting of school bus contractors held 7 July 1992?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

(1) The joint ministry and Western Australian Road Transport Association review committee to complete the review and report to the Government.

(2) The first meeting of the review group was held on 3 November 1989 less than one month after formal acceptance to the review was received from the Western Australian Road Transport Association.

(3) No. While there is no urgency to finalise the report, nearly three years have elapsed since the joint committee was established.

(4) As the joint committee had not finalised its report, and due to the lateness of the invitations, it was not considered appropriate for senior officers of the Minister to address the meeting.

SCHOOLS - $6 MILLION ALLOCATION
'Education and Training Foundations for the Future' Document

1131. Mr BRADSHAW to the Minister representing the Minister for Education:

As in the document "Education and Training Foundations for the Future" it states "the Government has allocated $6 million so that every child has the opportunity to benefit from participation in the first steps numeracy and literacy program" -

(a) when will the $6 million be allocated;

(b) will non Government Schools be included;

(c) if yes to (b) what amount of funds will be made available to non Government schools;

(d) will teachers from non Government schools be trained in the principles of first steps?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

(a) The $6 million is to be allocated incrementally over the next three years. The first $1.5 million has already been allocated.

(b)-(d) Teachers from non-Government schools are able to access First Steps through the Professional Development Consortium situated at Edith Cowan University, at relatively low cost.

EDUCATION, MINISTRY OF - MANJIMUP REGIONAL OFFICE
Closure Intention

1157. Mr OMODEI to the Minister representing the Minister for Education:

(1) Will the Minister advise whether the Government intends to close the regional office of the Ministry of Education in Manjimup?

(2) (a) If yes, will the Minister give reasons why this decision has been taken;

(b) if not, why not?

(3) Will the closure of this regional office severely disadvantage schools and hence students in the area covered by the Manjimup regional office?

(4) (a) If the closure is intended, will the Minister reconsider any such decision;

(b) if not, why not?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

(1) There are no plans to close the district office of the Ministry of Education in Manjimup.

(2)-(4) Not applicable.

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - LOGGING, DENMARK AND SMALL RURAL TOWNS
Contracts Retention Consideration

1160. Mr OMODEI to the Minister for the Environment:

(1) Has the Minister or the Department of Conservation and Land Management considered the retention of logging contracts for Denmark and other small country towns?

(2) If no, will the Minister give reasons why the Department of Conservation and Land Management and/or the Minister cannot ensure that small country towns who rely on the timber industry as an economic base retain timber contracts?

Mr PEARCE replied:

(1) Yes, CALM prefers to provide for forest industry stability in country towns and designates its forest production arrangements to support existing mill operations; however, the Government does not interfere with commercial decisions made by timber companies.

(2) Not applicable.

QUESTIONS WITHOUT NOTICE

BUDGET 1992-93 - BALANCED BUDGET

286. Mr COURT to the Treasurer:

(1) In presenting the Budget for 1992-93, did the Treasurer say, "I am pleased to present to Parliament, a recurrent Budget which is in balance . . ."?

(2) Is the Treasurer claiming that the Budget for 1992-93 is balanced?

(3) If yes to (2), can the Treasurer explain why there is a net financing requirement of $375 million for the general Government sector.

Dr LAWRENCE replied:

(1)-(3)

The Leader of the Opposition will be well aware of the conventions provided for in this Parliament by legislation. He will also be aware that during the course of my Budget speech I indicated that in future we will provide a consolidated Budget. It is important for members to understand that the longstanding convention in this Parliament is that the Consolidated Revenue Fund is reported on the one hand and the General Loan and Capital Works Fund on the other. Over successive years we have provided information that enables the State's net financing requirements to be properly outlined and recorded. The Leader of the Opposition will be aware also that the Budget papers for this year and the Treasurer's annual statement -

Mr C.J. Barnett: Have you balanced the Budget?

Dr LAWRENCE: We have balanced the Consolidated Revenue Fund Budget, and that is a longstanding tradition. It is also a longstanding tradition that Governments borrow for various purposes, and that the net financing requirement - which, incidentally, is not equal to borrowings, as some commentators might think - is reported correctly, according to the Australian Bureau of Statistics' figures in the Budget papers.

This financial year, from our taxation receipts we are providing for an increase in expenditure of just 2.2 per cent - a result that is already being described, probably much to the chagrin of the member opposite, as a responsible and prudent Budget. At a time when inflation is expected to be around two per cent that is a very reasonable outcome for Western Australia. We have, at the same time, managed to ensure stimulus in key areas of the economy, no increases in taxes, no new taxes, and reductions in the costs of various charges including five per cent on electricity. There will be a slight

increase in the amount of borrowings the State has undertaken particularly to provide housing for Western Australians.

The key question about the net financing requirement and the State's level of borrowings is that it has the capacity to borrow, the capacity to repay, and the capacity to provide for the social and infrastructure needs of Western Australia while maintaining, in the eyes of the international community, a very high credit rating.

Members might wish to observe that whereas in the past the ratio between the taxation funded sector of debt and the trading enterprise Government sector was 40:60, it is now 30:70; that is, less of the taxpayers' dollar is being used to fund the repayment of those borrowings.

It might be a reasonable comment for the Leader of the Opposition to make that we have responsibly and modestly stimulated the capital works side of the Budget and kept the current expenditure to a very small increase consistent with the state of the economy. Ours is a pro-business document. It is not full of hot air, such as the propositions put by members opposite. I am sick and tired of hearing their carping comments. Our economy needs confidence. The business sector is receiving the Budget well, and it has every reason to do so.

Government members: Hear, hear!

PAYROLL TAX - ABOLITION
Cost to Western Australia

287. Mr CATANIA to the Treasurer:

What would be the cost to Western Australia of the abolition of payroll tax?

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr MacKinnon: You can't do it; we can!

Dr LAWRENCE replied:

This Budget contains no new taxes. It is one in which significant relief is provided to the business sector. We know the view of members opposite; they would abolish payroll tax, one way or the other. The way that worries me the most is the goods and services tax because that not only puts greater financial control in the hands of the Commonwealth Government, if it were to be a Liberal Government, but also it slashes expenditure to the State by five per cent. It also makes very substantial inroads into the Health budget. I have said all along that if the trade-off for the abolition of payroll tax is the imposition of the GST, then I am having none of it. If Dr Hewson and the "Fightback junior" proponents on the other side had their way we would not be able to reduce electricity tariffs by five per cent because they would increase the impost on all consumers by 15 per cent.

Several members interjected.

The DEPUTY SPEAKER: Order!

Dr LAWRENCE: I will not stand by, as State Premier, and allow the imposition of the GST on electricity. If the nation were unfortunate enough to have Dr Hewson as leader we would mount from this State a very substantial legal challenge against the capacity of the Commonwealth to impose taxes on State Government instrumentalities. We will not allow an increase in electricity charges, water and local government rates. They are ours to set.

Several members interjected.

The DEPUTY SPEAKER: Order!

Dr LAWRENCE: Everyone in this House knows that electricity tariffs are higher in Western Australia than they should be. Part of the reason for that is the very

substantial borrowings, the very substantial capital needs provided for, and the bringing forward of capital works programs before they were needed in the Budget climate - as they would seek to do with the Collie power station before it is needed in this economic climate. However, the remedy proposed by the Opposition - that is, to impose the GST on top of that - would not make our position better; it would make it worse. The State Government will make every effort to prevent the imposition of those charges. We cannot afford it; the business sector cannot afford it, and the nation cannot afford it. If the abolition of payroll tax is to be achieved by the GST I am afraid simply increasing thresholds and reducing rates will be the best we can do until such time as there is a more reasonable proposition from members opposite.

Several members interjected.

The DEPUTY SPEAKER: Member for Balcatta, I thought you had already asked your question. It is tempting to continue debate after the question has been answered and during the time that the person answering sits down and the next person pops up, but it does not add anything to the proceedings. I thought at the start of question time that it was very quiet and orderly and that it was too good to last. I guess that is normal. I ask that members not get drawn into cross-Chamber interjections. Let us try to listen to the questions in a reasonable amount of peace.

QUESTION ON NOTICE 952 - ADVISORY BOARDS, COUNCILS OR COMMITTEES, WESTERN AUSTRALIA

Information in Newspaper Advertisement Reason

288. Mr COWAN to the Premier:

My question relates to question on notice 952. As the Premier has been preoccupied with the Budget, I will refresh her memory. That question related to the number of advisory boards, councils or committees which exist in Western Australia. I remind the House of the Premier's answer in which she said she was not prepared to instruct departmental officers to devote time and resources necessary to respond to the question.

(1) Why did the very information I sought appear, three days after the question was asked, in an advertisement in *The West Australian* in which the Premier announced that there were just over 600 boards and committees comprising 5 000 individuals giving advice?

(2) Why is that information available to the public in an advertisement and not available to this House?

(3) What was the cost of the advertisement?

(4) Why was it necessary to have the Premier's photograph in it?

Dr LAWRENCE replied:

(1)-(4)

I find it most extraordinary that this is a matter which occupies the Leader of the National Party, particularly given that the Budget was brought down today. As members would know, the Parliament requires precise answers.

Several members interjected.

Dr LAWRENCE: The observation made in the advertisement is precise for its purposes also, but it gives an approximate figure. We are attempting to indicate to the people of Western Australia that the Government requires a large number of people for advisory boards, councils and committees to give an indication of the number of positions it requires to be filled. Unlike members opposite, who would just have conservative parties cronies on the bodies, we invite members of the community who have an interest in the matter, particularly those who are often otherwise overlooked. It is an important part of democracy that people know, in general terms, what the

Government requires of its citizens, where they can be of assistance, and how to nominate to be part of that process. That is what this advertisement is about.

If the Leader of the National Party were observant, he would know that it is very rare indeed for the Premier's photograph to appear in any advertisement.

Several members interjected.

The DEPUTY SPEAKER: Order!

Dr LAWRENCE: It is very rare indeed. I challenge the Leader of the National Party -

Several members interjected.

Dr LAWRENCE: The member for Jandakot, sitting where he does, does not have much cause to make that observation. I know I am not God's gift to Michelangelo - never have been. Nevertheless, the advertisement is properly constructed. It is an important part of our democracy that we seek the participation of members of the community, no matter what their background, race and sex. To signal that we regard this matter as important, a very modest photograph of the Premier is attached to the advertisement.

AUSTRALIAN BUREAU OF STATISTICS - HOME BUILDING APPROVALS STATISTICS

289. Mr KOBELKE to the Premier:

(1) Has the Australian Bureau of Statistics released its latest figures on building approvals throughout Australia?

(2) If so, what are the indications for Western Australia?

Dr LAWRENCE replied:

(1)-(2)

That body, which members opposite frequently seek to discredit, has released figures which give good cause for optimism for Western Australia. These figures reveal that the Western Australian economy is showing clear signs of recovery, and that the State housing industry in particular is a key contributor to that turnaround. The latest ABS figures for building approvals for July of this year indicate a 5.8 per cent increase in the number of houses approved for construction. When other residential dwellings are taken into account, a slightly different figure is produced; however, the number of houses being built is critical from my point of view.

The figures indicate that 2 014 dwelling units were approved in July, which is a 30.6 per cent increase on the same time last year. Private sector approvals were up by seven per cent. One of the reasons for the Government's contribution in this year's Budget to the housing sector was to ensure that this improvement continued, that employment was provided in the housing and construction industry, and that opportunities were provided to enable people on low incomes in our community to purchase housing when the general housing sector is recovering.

This is in stark contrast to the proposals put forward by the Opposition. The Opposition would not have the State borrow money for any purpose, and would pay back the State debt at an alarming rate leading to considerable reductions in Government expenditure for such things as schools and hospitals. Also, the Opposition thoroughly approves of Dr Hewson's GST package.

Point of Order

Mr C.J. BARNETT: The question relates to the Australian Bureau of Statistics and what its figures imply. The Premier is now canvassing a wide range of issues.

The DEPUTY SPEAKER: It is permissible under Standing Orders for a person answering a question to do so in any way that person sees fit. I do not regard

that as a point of order; however, I imagine that the Premier is drawing her reply to a close.

Questions without Notice Resumed

Dr LAWRENCE: I am, Mr Deputy Speaker; I was outlining the improvements in the Western Australian economy, and the Government's commitment to ensuring that the benefits are shared by the low income members of the community. It is important for members of Parliament to understand that the GST initiative - by admission of the Federal Leader of the Opposition, and presumably approved of by members opposite - will add some $7 300 to the cost of a house and land package worth $120 000. Rather than making housing affordable in this country, the Opposition would put housing beyond the reach of middle class and middle income Australians. The Opposition would not only cut the budget for low income earners, but also significantly reduce the ability of middle income Australians to acquire a land and house package. Members opposite care about that not one whit!

TREASURER'S ANNUAL STATEMENT - STATE DEBT OR NET LOAN LIABILITY

290. Mr C.J. BARNETT to the Treasurer:

I have a brief question, and I would appreciate a brief answer.

(1) In the Treasurer's Annual Statements for 1990-91, was it correctly reported that the State debt, as measured by "net loan liability", amounted to $10.2 billion as at 30 June 1991?

(2) Given that it is now a full two months after the end of the financial year, can the Treasurer provide at least an estimate of net loan liability, or State debt, as at 30 June 1992?

Dr LAWRENCE replied:

(1)-(2)

This question pursues the same theme, and it is interesting -

Mr C.J. Barnett: No answer!

Dr LAWRENCE: I can give the Deputy Leader of the Opposition a short answer: The Treasurer's Annual Statements will soon be tabled in the Parliament!

Mr C.J. Barnett: You do not know.

Dr LAWRENCE: Of course I do. The member asked for a short answer and he chose to interrupt me.

Several members interjected.

The DEPUTY SPEAKER: Order! A request was made for brief answers.

CAPITAL WORKS PROGRAM - EXPENDITURE
Underexpenditure 1992-93

291. Mr STRICKLAND to the Treasurer:

Having regard for the total of the proposed capital works program announced for 1991-92 being $1 355 million and the announced actual expenditure in the 1992-93 Budget papers being $1 145 million, and as this represents an underexpenditure of some $210 million in last year's capital works program, I ask -

(1) How does the Treasurer reconcile this fact in view of statements that job creation has become the top priority which will be partly driven by an increase in capital works expenditure?

(2) In view of the pattern of underspending in capital works, what guarantee can the Treasurer give that the proposed works will eventuate?

Dr LAWRENCE replied:

(1)-(2)

As members will be aware, the total Government capital works program - not the programs funded by the General Loan and Capital Works Fund - is variable. If members go back over previous Budget papers, they will see that for various reasons on some occasions work is not completed by the end of a financial year, and the project carries on to the next financial year. On some occasions - I am pleased to say more often than not these days - the actual expenditure for a project is not realised. In some cases Government trading enterprises regard it as prudent not to undertake expenditure which is not required at the time.

On all three counts I would have thought the Opposition might applaud that. It is very curious that at the same time as the Opposition is berating us during question time and in other places about the level of State debt, it is complaining simultaneously about the level of underspending. I am mystified!

"BUY WA" CAMPAIGN - BIRTHMARK SYMBOL
Products Made in Western Australia Guarantee

292. Mr HOUSE to the Premier:

Following her announcement yesterday of the re-launching of the WA birthmark symbol as a way of supporting local producers, can the Premier guarantee that all products that will use the birthmark will be made entirely in Western Australia?

Dr LAWRENCE replied:

It is important that this matter has bipartisan support, and this is the view of the private sector and those involved in the scheme. As members would be aware, most of the funding for this scheme comes from the private sector, the media and the business sector. The Government is contributing up to $100 000 for the program, which will have considerable benefits to Western Australian companies. I pay tribute to the member for Jandakot who had a role in the early development of this symbol. The program still enjoys a very high level of recognition and, hence, it is considered important that it continue. The understanding of the private sector proponents involved in this program and those who seek to become involved is that the products containing substantial Western Australian content will be marketed with a birthmark.

Mr House: What will that be?

Dr LAWRENCE: That will be very much up to the people involved in developing the outcomes.

Mr House: Will it be 90 per cent?

Dr LAWRENCE: We cannot afford to be too cute about it because the key point about the birthmark -

Mr House interjected.

Dr LAWRENCE: The Deputy Premier, who has done most of the developmental work on this - I appreciate his helpful advice - is telling me that a Western Australian product will be birthmarked for two reasons. The product will be made in Western Australia. It may be owned by a company which has its head office outside Western Australia, or indeed overseas, but which provides employment in Western Australia. The company may use some input from outside Western Australia, but the key issue will be that Western Australians will be on the job. Some products are provided by companies which are owned in Western Australia, but which do not necessarily use much local labour. It will be up to the private sector group to "give points" or allocate the appropriate products. Two separate categories will apply. Members of the

public will be able to make their judgment when they get to the supermarket. However, at least they will be aware of the fact that a product will have used Western Australian labour and Western Australian input and will generate employment in the Western Australian economy and not in another State or country.

ROYAL COMMISSION - PETROCHEMICAL INDUSTRIES CO LTD
$400 Million Purchase to Save Rothwells Ltd, Minister for the Environment's Advice

293. Mr MacKINNON to the Minister for the Environment:

(1) Does the Minister recall advising the Royal Commission that the Government purchase of the Petrochemical Industries Co Ltd from Messrs Connell and Dempster for $400 million was arrived at to save Rothwells Ltd and that "it was put to Cabinet that the Government guarantee would be lost as Rothwells could collapse without that action being taken"?

(2) If so, why did the Minister, as Leader of the House -

(a) continue to support Government motions in this Parliament which rejected the proposition; and

(b) fail to disclose this information to the Parliament and the public of Western Australia at the time?

Mr PEARCE replied:

(1)-(2)

It was only a short time ago that the member for Applecross, who is not with us this evening, was kind enough to praise my submission to the Royal Commission on this matter. He said that my response was a little fuller than some of my colleagues' responses. The only reason he rather uncharitably gave for that was that I could not help myself. I gave the Royal Commission my clear recollection of the way the matter was explained to Cabinet. I have no difficulty in saying that. That information is now very public. Can the member show me chapter and verse where I have said something different in the Parliament?

Mr MacKinnon: Absolutely. I have chapter and verse with every division on the motion for which he voted.

Mr PEARCE: The member for Jandakot is merely holding a book. McCarthy did that when he said, "I have here a document that says there were 95 000 communists in the State Department." If the member for Jandakot can read to me something I said in the Parliament which is different from what I said to the Royal Commission, I will consider my position. He should be a bit careful about throwing stones because he is living in a glasshouse. I remember too well the debate about whether Alex Clark, from the Teachers Credit Society, had rung the then Leader of the Opposition. I raised the matter in the Parliament in 1988 and the then Leader of the Opposition denied he had received a call from Mr Clark. However, he said before the Royal Commission that he had. The member for Jandakot should be careful in assuming that everybody else acts like he does.

BUDGET 1992-93 - NON-GOVERNMENT AGENCIES COST RECOVERY POLICY
0.2 per cent on Loan Guarantees, Effect on Small Business

294. Mr BLOFFWITCH to the Treasurer:

(1) In view of the Government's policy on cost recovery of non-Government agencies, what effect does the Premier think the 0.2 per cent on loan guarantees, resulting in the additional $14 million, will have on small business?

(2) Can the Treasurer assure the House that it will not be borne by the public and business?

Dr LAWRENCE replied:

(1)-(2)

As I indicated in the Budget speech today, the loan guarantee of 0.2 per cent has become standard practice in other jurisdictions and has been urged on State Governments by those commentators who have examined commercial practice for Government trading enterprises. Simultaneously, the Government has indicated to those enterprises that they are expected to increase their efficiency and that it is important that they keep their tariffs and charges below the inflation rate. They have succeeded in doing that.

Indeed, I indicated in today's Budget speech an additional reduction would apply for electricity tariffs. It is important that those enterprises make their decisions on borrowings and capital investment on a basis which is comparable with the private sector. The loan guarantee certainly provides a move in that direction. It is a prudent microeconomic reform which should have been undertaken some time ago. It provides comfort to the taxpayers who, after all, are guaranteeing the loans of those organisations.

SWAN VALLEY - HOUSING PLANS FOR 80 000 PEOPLE AND SALEYARDS SITE POLICY

Inconsistency in Plans

295. Mr TRENORDEN to the Minister for Planning:

Does the Minister see any inconsistency with the Government's plans to house an additional 80 000 people in the Swan Valley and the Government's policy to site the saleyard in the same region?

Mr D.L. SMITH replied:

I do not know how slowly the news travels to Northam. The Government has no firm plan for the Swan Valley. In 1985 the Swan Valley policy committee distinguished two areas: One was west of the railway line and the other was east of the railway line. It recommended some urban development east of the railway line and suggested that it be considered as part of the review of the metropolitan region town planning scheme. That was undertaken as part of the review of the north eastern corridor. The Department of Planning and Urban Development suggested originally in the papers circulated that it was considering an additional population figure of 60 000 for that area. Since then it has made it clear that it is considering 48 000. I understand that the Swan Shire Council is considering a figure of about 36 000.

Through the Department of Planning and Urban Development, the Government has established a community consultation committee which is considering all the options for the north eastern corridor structure plan. A person from each area east and west of the Swan Valley has been appointed to that committee. The Minister and the Government will consider its views and the views of the Shire of Swan most seriously when the recommendations are made. No-one should presume that the Government is planning an additional population of 80 000 in that area. It will certainly be less than that.

If the member for Avon had read the material about the proposed saleyard closely - I think three alternatives are being considered - he would have realised that none of those areas will impinge on the proposed residential area.

BUDGET 1992-93 - PUBLIC SECTOR EXPENDITURE CONSTRAINTS POLICY

Premier and Cabinet Ministry and Health Department Funding Increases

296. Mr MINSON to the Treasurer:

(1) Did the Treasurer, in today's Budget speech, say that the Government has adopted a disciplined policy of public sector expenditure restraints?

(2) Can the Treasurer reconcile that statement with the increase in funding of her ministry, the Ministry of the Premier and Cabinet, of 19.3 per cent, while expenditure on health has been increased by only 1.7 per cent?

Dr LAWRENCE replied:

(1)-(2)

I also said that, whereas in the past matters such as rental costs and cleaning costs were borne by the Department of Infrastructure and Government Assets they would now be properly borne by the departments concerned. That has never been the case for the Health Department. In addition, changes have been made to arrangements in various departments and agencies. The member for Greenough will find that, overall, that is not the case. Most of it is related to increases which have nothing to do with the operations of the department.

If members take account of the savings from the voluntary severance scheme last year, as they must, they will see that the health increase is between 4.4 per cent and 4.5 per cent. They should add to that, as the Government expects it will be able to do later this year, funds from the Commonwealth Government. As a result, the Government expects significant improvements in the lengths of the waiting lists in Western Australia. The 4.4 per cent to 4.5 per cent increase in the Health Department's allocation is a very important outcome for the health system in Western Australia. Nonetheless, it is an outcome about which we are not complacent and the Minister for Health is going to Canberra to ensure the best possible result for Western Australia. When looking at the Budget figures members need to be careful because some expenditures have been transferred. I said that when delivering my Budget speech and I hope members will be very cautious not to attribute an increase in expenditure to a given agency or department without looking at what else comes under that heading, what additional costs have been ascribed to that agency or department and what additional costs must be met because of the way the Budget has been framed.