WESTERN AUSTRALIA

PARLIAMENTARY DEBATES

(HANSARD)

THIRTY-FOURTH PARLIAMENT
FOURTH SESSION
1996

LEGISLATIVE ASSEMBLY

Wednesday, 18 September 1996

Legislative Assembly

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THE SPEAKER (Mr Clarko) took the Chair at 11.00 am, and read prayers.

PETITION - MT LAWLEY SENIOR HIGH SCHOOL, UPGRADE

MS WARNOCK (Perth) [11.03 am]: I present the following petition -

> To: The Honourable The Speaker and Members of the Legislative Assembly of the Parliament of WA in Parliament assembled.
>
> We the undersigned, ask that urgent attention be given to the upgrade of Mt Lawley Senior High School. We believe that the said upgrade is essential in the interests of health, safety and equity of our students. To ignore this need poses a major threat to the quality of education provided.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

0The petition bears 125 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 136.]

PETITION - ALINTAGAS, REBATES

DR GALLOP (Victoria Park - Deputy Leader of the Opposition) [11.04 am]: I present the following petition worded in a similar way to a petition I presented yesterday -

> To The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned call on AlintaGas to establish a scheme of rebates or discounts for senior citizens, pensioners and other low income earners.
>
> AlintaGas is alone among the public utilities in not providing some form of assistance for low income earners and the elderly and we call on it to display social responsibility in conducting its business affairs.
>
> Your petitioners humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 17 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 137.]

A similar petition was presented by Mr D.L. Smith (42 signatures).

[See petition No 139.]

PETITION - CROSSLANDS SHOPPING CENTRE, BUNBURY, REZONING ADVERTISING

MR D.L. SMITH (Mitchell) [11.06 am]: 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 petitioners call upon the Parliament to request that the Minister for Planning review his decision to withhold consent for the advertising of the rezoning of Crosslands Shopping Centre, Bunbury.

Your petitioners therefore humbly pray that you will give this matter your earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 133 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 138.]

PETITION - ALBANY HIGHWAY-CANNING HIGHWAY, LINK ROAD

DR GALLOP (Victoria Park - Deputy Leader of the Opposition) [11.07 am]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We the undersigned petitioners support the provision of a link road between Albany Highway and Canning Highway in that it will have long-term social and environmental benefits for the Victoria Park area and call on the State Government to provide a definite timetable and commit funds for the construction of the road as soon as possible.

Your petitioners humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears three 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 140.]

PETITION - ROYAL FLYING DOCTOR SERVICE - CARNARVON BASE, REOPENING

MR LEAHY (Northern Rivers) [11.08 am]: 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, call on the Parliament and the State Government to intervene to ensure that the Royal Flying Doctor Service reopens its Carnarvon base and maintains it as a fully staffed and equipped facility.

If the Royal Flying Doctor Service of Western Australia wish to provide a 24 hour service in the region then such a service can be adequately provided by sharing resources between the Meekatharra and Carnarvon bases.

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 63 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 paper No 141.]

MINISTERIAL STATEMENT - MINISTER FOR ENERGY

Western Power, Electricity Demand Forecast Reports, Tabling

MR C.J. BARNETT (Cottesloe - Minister for Energy) [11.09 am]: The State Government today presents two key documents relating to the ongoing deregulation of the electricity industry in Western Australia. The "Western Power Electricity Demand Forecasts 1996-2005" document projects demand for electricity in the south west interconnected system for the next decade while the "Power Generation Development Plans" document outlines the options for meeting that increased demand. I am pleased to say that these documents forecast increased demand for electricity in this State and indicate a healthy outlook for the Western Australian economy.

As members will be aware, on coming to office nearly four years ago, this Government gave a commitment to develop a competitive energy sector in Western Australia that would deliver lower energy costs and boost economic development. We are well on the way to meeting that commitment. The first stage of this process was the separation, on 1 January 1995, of the State Energy Commission of Western Australia into corporatised electricity and gas businesses - Western Power and AlintaGas. In recognition of the need to reinforce competitive pressures within the energy sector, the Government has also taken several steps towards deregulation of the gas industry through initiatives such as renegotiation of the North West Shelf Gas Contract, opening up the Pilbara and east goldfields gas markets and implementing access to AlintaGas' Dampier to Bunbury natural gas pipeline. Furthermore, we have brought forward plans to provide open access to Western Power's electricity transmission and distribution systems in a staged process commencing in January 1997. Another key step has been the introduction of competition in the supply of electricity to Western Power. This is being facilitated by the requirement for Western Power to secure any substantial new supplies of electricity through an open and competitive power procurement process. Through this process, private developers will be able to bid for the sale of electricity to Western Power in direct competition with Western Power's internal generation division. The electricity demand forecasts and the power generation development plans provide background information for companies that may wish to bid into the power procurement process.

The electricity forecasts show that Western Power is expecting electricity sales to increase at an average of 3.6 per cent per year during the next 10 years. It is anticipated at this time that the new plant being built at Collie and the installation of an extra gas turbine at Pinjar will meet this increase through to late 2002. Additional capacity, totalling approximately 400 megawatts, will then be required for the remainder of the 10 year period. This new capacity is required to meet only Western Power's forecast demand. It is in addition to the 116 MW co-generation plant being commissioned by Edison Mission Energy at the Kwinana BP oil refinery and in addition to the power stations being constructed by Western Mining Corporation and Normandy Poseidon using gas from the goldfields gas transmission pipeline.

Western Power is currently developing the competitive power procurement process and details of this are expected to be available early in the new year. Sufficient time will be allowed for public comment prior to finalisation of the process. To meet a commissioning date for new plant of late 2002, it is expected that Western Power will call for bids for supply during the 1997-98 financial year. The publication of the documents that I will table today will provide sufficient time for both gas and coal based generation options to be considered in an open and rigorous fashion. In this way, the opportunity for lower prices is maximised.

Competitive procurement is being used extensively in other countries for the provision of electricity. Considerable interest has already been expressed in Western Australia's future electricity requirements, and it is expected that a substantial number of bids will be received. The strong interest shown by numerous foreign investors in the recent sales of utilities in Victoria demonstrates that Australia is regarded as a sound investment region. Indeed, ongoing restructure of the energy sector has led to a surge of private sector investment in Western Australia, with a strong focus on the downstream processing of our primary commodity exports. BHP, for example, has already committed to a $1.4b direct reduced iron plant and infrastructure at Port Hedland and it is anticipated that three such plants could be operating in the State by 2001. There has been a 60 per cent increase in committed private sector power generating capacity since 1994, as evidenced by projects such as BHP's Pilbara energy project, Goldfields Power's Parkeston power station, Western Mining Corporation Limited's power developments at a number of sites in the eastern goldfields, and Mission Energy's co-generation project, which I mentioned previously.

A number of other downstream processing developments in the iron and steel, nickel and mineral sands industries - all in advanced stages of assessment - are looking at self-generation of electricity.

These are all positive signs for the future economic development of the State. The coalition Government remains committed to freeing up the energy market in Western Australia and welcomes the enormous benefits this will provide in both lower energy prices and increased economic growth.

I table the Western Power report on electricity demand forecasts for 1996-2005 and the Western Power report on power generation development plans 1995-96 to 2004-05.

[See papers Nos 515 and 516.]

The SPEAKER: Order! I should say briefly, before I call the next Minister, that perhaps Ministers could discuss with their staff the length of their statements. It has been our practice to allow such statements to go over time, but we should make sure that we maintain that time as our prime guide.

MINISTERIAL STATEMENT - MINISTER FOR SERVICES

"Buying Wisely" Policy Document, Tabling

MR MINSON (Greenough - Minister for Services) [11.13 am]: I have pleasure today in tabling the "Buying Wisely" policy document, which outlines the Government's overhaul of public sector purchasing. Whereas purchasing was once regarded as a low priority, statutory function within government, its role is now recognised as a key element of this Government's commitment to sound economic management. With "Buying Wisely", the Government's purchasing function has completed its journey from the back room to the boardroom. In essence, "Buying Wisely" presents significant opportunities to create an intelligent and effective pool of buying expertise, combined with active contract management. There is now one consistent set of rules for purchasing across the public sector, and the State Supply Commission will act as both educator and umpire to ensure the best possible outcomes for all parties concerned.

The policy has as its cornerstone four key principles:

> Integrity - To ensure the purchasing role is undertaken with high standards of probity, ethics and professional conduct, within an accountable process.
>
> Continuing competition - By providing and sustaining open and effective competition and developing a competitive market for government requirements while assisting local industry.
>
> Intelligent buyers - By providing information, guidance and education to develop buyers who are skilful, informed, innovative and discerning in managing the public purse..
>
> Active contract management - By actively managing contract outcomes to achieve the best value for money by working cooperatively with industry and fostering continuous improvement and quality.

As can be seen, Buying Wisely is not just a cost driven policy. It establishes a framework for government agencies to make intelligent buying decisions. This will involve taking into account the effect of those decisions on the marketplace and any social impact the decisions may have on the community. Under Buying Wisely, chief executive officers will now be required to assess any significant impact of purchasing decisions on local businesses and the flow on effect to local, state or regional economies. Clearly, not enough emphasis has been placed on these areas in the past and we are determined to see that this does not happen again and that local industry is utilised wherever possible.

We are committed to achieving a totally new approach to purchasing which not only prioritises value for money and quality but also is conscious of integrity, accountability and the future benefits for all Western Australians. I table that document.

[See paper No 517.]

JOINT STANDING COMMITTEE ON THE COMMISSION ON GOVERNMENT

Leave to Meet when House is Sitting, Wednesday, 18 September

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

That this House grants leave for the Joint Standing Committee on the Commission on Government to meet when the House is sitting on Wednesday, 18 September.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

Leave to Meet when House is Sitting, Thursday, 19 September

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

That this House grants leave for the Public Accounts and Expenditure Review Committee to meet when the House is sitting on Thursday, 19 September.

SELECT COMMITTEE ON ROAD SAFETY

Leave to Meet when House is Sitting, Wednesday 18 September

MR C.J. BARNETT (Cottesloe - Leader of the House) [11.16 am]: I move -

That this House grants leave for the Select Committee on Road Safety to meet when the House is sitting on Wednesday, 18 September.

In moving these three motions, I am conscious that to have select committees meet while the Parliament is sitting creates problems for the operation of this House. That has been drawn to my attention by the Clerk, and I agree with him, and I give notice that the Government, or I as Leader of the House, will be far less inclined to agree to these motions in future as we are in the run up to the end of the year.

Question put and passed.

STAMP AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr Court (Treasurer) and read a first time.

STATUTORY CORPORATIONS (LIABILITY OF DIRECTORS) BILL

Report

Report of Committee adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

MR PRINCE (Albany - Minister for Health) [11.18 am]: I move -

That the Bill be now read a third time.

MR KOBELKE (Nollamara) [11.19 am]: The Statutory Corporations (Liability of Directors) Bill is supported by this side of the House, but the extent of the coverage of the legislation is somewhat limited, and certainly far more limited than the Government would have the general public believe, because the corporations that are covered by the legislation are those listed in schedule 1, and we do not find in schedule 1 some of the major corporations, such as Western Power and the Water Corporation. A whole range of government entities will not be picked up by the provisions in this Bill. The Bill, even if it were extended to include a number of other corporations, would still leave a whole range of areas not covered. I am not suggesting that the detailed provisions in the legislation could be easily extended to a range of other agencies. However, it does need to be put on the record that the coverage of this legislation is quite limited.

I draw members' attention to a Bill that went through this Chamber just a couple of weeks ago; that is, the Vocational Education and Training Bill, which provides that the Minister, for the purposes of the legislation, is a body corporate.

I am unsure how this is supposed to pick up the guiding principles contained in the Statutory Corporations (Liability of Directors) Bill. We are clearly hearing this Government saying, "We will make directors accountable. There will be a required level of prudential control to ensure that directors are held liable if they should step outside the appropriate practices and requirements of the Corporations Law." We fully support that approach; the standards required under Corporations Law should apply to state instrumentalities. However, the Vocational Education and Training Bill provides that the Minister himself or herself is to be a body corporate. How do we take the principles contained in this legislation to apply to a Minister in this case? That opens up a whole range of problems where a Minister not only is seen to be able to give guidance but is considered to be a body corporate.

The corporations listed in this Bill are quite limited. It clearly covers the port authorities, the Eastern Goldfields Transport Board, and the redevelopment authorities at both East Perth and Subiaco. Considerable concern has been expressed about the way in which the Subiaco Redevelopment Authority has been undertaking major redevelopment. The Minister for Planning tabled papers in Parliament last week as required by legislation. Those papers had been with the Minister for about five months before they were tabled. The requirement of sitting days went over the parliamentary break, so there was a gap of some months.

Mr Lewis: It was two days.

Mr KOBELKE: I take the Minister's interjection that he was two sitting days late with the tabling. However, the requirement was that it be brought down in 30 sitting days.

Mr Lewis: It is of no consequence.

Mr KOBELKE: It is of consequence, because it relates to an area where there has been a considerable amount of controversy, where people feel that deals are being done behind closed doors. Rightly or wrongly, that is the clear perception. We found that the Minister did not meet the requirements of the Subiaco Redevelopment Authority Bill. I accept that in terms of the technical requirement for the tabling of the papers, which related to very large contractual matters, the Minister was only two sitting days late. However, the requirement is laid down in sitting days and not actual days, which means that it was some months between the date on which the Minister signed off the papers and the date on which they were tabled here. Throughout that period there had been a great deal of controversy in the area about what was going on.

I have digressed as a result of the interjection from the Minister. However, this shows up the need to ensure that directors are responsible under the Corporations Law and raises the problem of the relationship between some Ministers and the various agencies. I was attempting to touch on the scope of this legislation, which is somewhat more limited than it should be. As I have indicated, we have a list including cemetery boards; the Government Employees Superannuation Board; the Lotteries Commission; the Metropolitan Passenger Transport Trust; the Perth Theatre Trust, which has trustees who will be treated as directors; some of the agricultural marketing boards; the Rottnest Island Authority; and, of course, the major insurance agencies - the State Government Insurance Commission and the State Government Insurance Corporation. It also includes the State Housing Commission; the Totalisator Agency Board; the Western Australian Shipping Commission; the Western Australian Development Corporation; the Western Australian Government Railways; and, of course, the Western Australian Land Authority.

We do not find included major agencies such as Western Power, AlintaGas and the Water Corporation. Those agencies have huge turnovers and are signing contracts involving hundreds of millions of dollars, and there is always a suspicion that things are not being done above board.

Mr Prince: They have exactly the same requirements in their own legislation.

Mr KOBELKE: Why are they not picked up here so that there is one piece of legislation covering them all?

Mr Prince: The same provisions are in the Acts.

Mr KOBELKE: Is that because they have been more recent? I thank the Minister for informing me on that point.

We have a difficulty in relation to people who have been nominated as community representatives on some of these organisations. They may not have the financial wherewithal to defend themselves if action is taken as a result of allegations of improper dealings on the part of the relevant board. It may be that an action is initiated because of a decision of the board itself. Such a person may become a respondent and not have the money to protect themselves. That is a fairly hypothetical case, because one hopes there would be a joint defence by the directors in such an

instance. This Bill includes provisions to ensure that there is some form of indemnity and one hopes that the regulations and the provision of that indemnity will be such that a community representative would not be caught in such an unenviable position.

It is important that there be community representatives on these organisations. This Government is not particularly keen to ensure that agencies have representation from specific sectors. We have seen in a range of legislation that this Government would prefer that Ministers appoint people to these boards at their discretion and that the Minister should be able to decide the mix of people who are to be seen as representative of the broader community. It is better if the legislation gives some guidance so that people will be drawn from specific sectors. Nevertheless, we hope there will be general community representatives on these boards. They may have only one or two such representatives and others will be appointed because of their professional background or experience in that industry or related industries. However, if we have community representatives and they do not necessarily come from a background where they have acquired wealth, they would be put in a very invidious position if they were caught up in an action taken by the whole board and there were not some form of financing of their defence and indemnity if, as is the case with this Bill, they were asked to accept a degree of responsibility. The Opposition supports the Bill.

MR PRINCE (Albany - Minister for Health) [11.30 am]: I will reply to a couple of the matters raised by the member for Nollamara. First, I reiterate the point I made by way of interjection; that is, the gas corporation, AlintaGas, the energy corporation, Western Power, and the Water Corporation have exactly the same provision in their empowering legislation, passed by this Parliament in the past couple of years.

Mr Bloffwitch: They are private companies and have directors. The same legislation applies to them.

Mr PRINCE: I will come to that. These statutory corporations are huge trading concerns and they have in their empowering legislation provision for liabilities, obligations, responsibilities and privileges which effectively are incorporated in the Corporations Law. These provisions apply to the membership of a board and it is not necessary to mention them in the schedule to this Bill. I advise the member for Nollamara who was not in this House yesterday that amendments were made to the schedule to include the Mid West Development Commission and the South West Development Commission to give them the power they need to deal with their land holdings.

With reference to community representation and the general liability of members of a board, I refer the member to the speech I made at the close of the second reading debate yesterday. I referred, among other things, to an excellent publication by the Australian Institute of Company Directors titled "Duties and Responsibilities of Company Directors and Officers" which sets out the duties in general and specific terms. A director of a company has a fiduciary duty and that incorporates a significant range of measures which must be taken into account. It is, in this Bill, a declaratory law. We are not creating new law; we are saying that the obligations of a director to a company shall apply to the board members of a statutory corporation - in other words, to those people who are in an equivalent position to the director. It is not in any way expansive; it is simply saying what the law is with regard to corporations; therefore, it will apply to statutory corporations. The law with regard to statutory corporations is not confined to the Corporations Law, but is also in the common law.

I said in the debate yesterday that even without this legislation members of boards of statutory corporations are covered by the common law relating to the fiduciary duty of a director, simply by reason of the fact that they are in the same position as a corporation. In that sense, we are, by this Bill, putting into the Statutes what I believe is the common law anyway. Irrespective of whether the board member comes from a commercial or non-commercial background, he is covered by exactly the same liabilities and has exactly the same responsibilities and power as any other board member.

The Bill states the common law position as well as the Corporations Law position, and I refer members to clause 19. It states that a director does not contravene certain provisions of the legislation if he does something or omits to do something in compliance with a lawful direction given by a Minister, or where the director was of the opinion that proposed section 17(1)(a) applied to the direction, if he or she made reasonable efforts to cause the governing body to give notice to the Minister under that proposed section. In that case, the director is protected. In other words, if the director of a board or the board, as a corporate entity, does something under the direction of the Minister which is imprudent, and the result is, for example, the loss of $480m, the position is that those directors, having acted according to a lawful direction of the Minister, are not personally liable. One might have severe reservations about what they did, but if they have been lawfully directed, they are not liable. Part 4 of the Bill is about relief from liability.

Mr Kobelke: Would a lawful direction of necessity be in writing?

Mr PRINCE: I am sure it would have to be. It does not have to be in writing to be lawful, but it would be highly imprudent for it not to be in writing. That which is not in writing is not worth the paper it is written on! People would question whether the direction was given and exactly what words were used. At the very least, it must be accurately minuted. At best, it should be in writing, under signature, dated and recorded. The boards, in their deliberations, must, through their secretaries or their equivalent, record all these things so that there is an accurate record of the direction. I cannot conceive of an instance where a Minister would give a board a direction which is not in writing. To do so would be to breach the ministerial responsibility which Ministers have as Ministers of the Crown and as members of Parliament.

Mr Cowan: It has been done.

Mr Kobelke: It has, and in the life of this Government. You are giving a point of view which seems to suggest that there is a great deal of certainty. I hope that is the case. However, we could end up with a position where a case will end up in the courts.

Mr PRINCE: The courts are full of cases which, to a certain extent, were never thought of when Statutes were passed. That is part of the reason for the courts to exist. They must look at factual situations which were not dreamt of and to apply the law, which is always a general statement, to a particular instance. The Minister for Energy said by way of interjection in the debate yesterday that he has given Western Power only one direction and that had something to do with the size of the power station at Collie, and it was given in writing. That is the way in which any direction should be given by a Minister.

With regard to relief from liability, I refer members to part 4 of this Bill which states that a court may grant relief from liability in certain circumstances. One circumstance could well be where a person comes onto a board and, in a sense, inherits a situation over which he has no control. He may then find himself in a position of liability and a court would grant relief because he had not been involved in the action which raised the liability. That is one factual example of what we are talking about.

I thank the member for Nollamara for his contribution.

Question put and passed.

Bill read a third time, and returned to the Council with amendments.

HOME BUILDING CONTRACTS AMENDMENT BILL

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

MRS EDWARDES (Kingsley - Minister for Fair Trading) [11.37 am]: I move -

That the Bill be now read a third time.

MR RIEBELING (Ashburton) [11.38 am]: I will reinforce a couple of the points I made last night and mention a couple of issues which I overlooked. The Opposition supports this Bill. It has been calling for this type of legislation for some time. This Bill provides the compulsory system for which the Opposition has been calling in the past three years. The legislation was required to provide protection to those people who, while having their homes constructed, find that the building company with which they have a contract collapses. Over the past three or four years many people in the housing market have suffered because they have had no protection. The voluntary system did not protect those people having their homes built.

The system proposed by this Bill will provide protection in a number of areas. However, I am concerned about an issue raised by the member for Northern Rivers; that is, the protection of deposits which people are required to pay. I understand that a deposit of approximately 6.5 per cent of the cost of the building is normal in a building contract. The problem I foresee is the money being lost if a builder falls over. My understanding from discussions with the

member for Northern Rivers is that proposed section 25C(2) provides a protection in that a builder cannot call for a deposit to be paid without producing proof that insurance has been obtained. I hope that is the correct reading of the legislation.

The SPEAKER: Order! If that is a mobile phone ringing, I urge the person to make sure it does not ring again. I think a phone rang yesterday. It is quite improper to have mobile phones turned on in this Chamber. It would be better if people did not have them in here at all.

Mr RIEBELING: I thought the call was for me for a second.

The SPEAKER: Yes; your bank manager!

Mr RIEBELING: We must ensure that people's deposits are protected at all costs. It has been suggested that one way around it is to make a deposit of only 1 per cent mandatory in any contract to ensure that the correct thing is done by the builder. Past history has shown that a number of building companies that have gone bust in recent years have made relatively frenzied attempts to save their companies by signing up a large number of prospective new homeowners and retaining the deposits. That involved huge losses in the last four or five years, and probably prior to that also. This legislation endeavours to rectify that. However, I am concerned there is insufficient protection for deposits and that people should be more certain that the money they pay will be protected. An argument has been put forward for replacing the normal 6.5 per cent contract price deposit with a 1 per cent deposit. That would mean, if nothing else, that smaller amounts would be put at risk rather than the larger amount of $13 500 if the contract price for the home is around $200 000. In today's economy many contracts would be in excess of $100 000 and many would be around $200 000. I reiterate what I said last night in reference to that point: The minimum insurance of $100 000 on these contracts is not sufficient at this stage. The Bill should reflect the market price and $200 000 would be a better figure. I am interested to know why the Minister has seized upon the figure of $100 000 in an effort to ensure that insurance companies are willing to take up the challenge in the marketplace. A higher amount would mean that amendments to this legislation would not have to be made soon after this legislation is passed.

Added to my concerns about the protection of deposits is a further suggestion that I hope the Minister will consider. A building company has to obtain a building permit from the local authority. There does not appear to be any provision in this legislation to allow for local authorities to insist on sighting the insurance cover prior to the issuing of a building permit. That requirement would provide extra protection for the public. If the builder hoodwinked or endeavoured to deceive the owner of the property by saying that insurance existed without the provision of a receipt, which I understand is an offence, the protection valve should be with the local government authorities. I know how local government authorities work. It would surprise me greatly if any builder could get through a local government authority without producing proof of insurance. The public would be better protected if the local authority were required to sight the insurance certificate before it issued a building licence. That does not appear to be the case in this legislation. It appears that the onus for complying with the legislation lies with the builder and there is a severe penalty of $10 000 if the builder does not comply. That $10 000 seems to be high. However, when we are dealing with a person's biggest investment, the amount is reasonable. I am concerned that if the builder does not comply with the requirements of proposed section 25C(2), there is no mechanism to ensure that prior to the building commencing, insurance is taken out. The Minister should amend the legislation to put that extra protective step in place. It would allow a local authority to decline a building licence because the insurance provisions of the Home Building Contracts Amendment Bill, when enacted, have not been complied with. That will give greater protection to the public.

Once again I refer to my concerns about the definition of "residential building work". It is too narrow especially when one considers the number of extensions being carried on, not only in country Western Australia, which I know best, but also within the metropolitan area. A large part of the building industry is engaged in extension and renovation work. Not including it may not make the insurance companies very happy. This legislation is designed to protect the public and to make sure that companies do not begin major works and then pull out or go bankrupt. The Minister may think that works of $6 500 or $7 000 are not major works. However, for many people in the community that level of expenditure is large and it deserves protection. The building industry should be mature enough to accept its obligations to its clients by taking out that insurance to cover the work, even though some people may think that the work being done is not sufficient to warrant insurance.

I am concerned at the scope of the protection that this Bill offers. I understand that the operations of errant builders are not covered by this legislation. Consumers should have more redress when the Building Disputes Committee issues orders against builders. The Minister for Fair Trading will know that many complaints relate to the way in which builders rectify faults. Although it is clear that insurance companies will not pick up a builder's indebtedness, that area requires legislation to protect the public from builders who refuse to correct their bad workmanship. I hope

that the Minister, either in this place or outside, can reassure me that legislation is being considered to give some sort of teeth to the orders issued by the Building Disputes Committee. I understand that even when an order is made by the Building Disputes Committee the builder can do absolutely nothing. A twist to the tale is that many people who take disputes to that committee do not want the builder to be involved in rectifying the problems that he created in the first place. When the Minister looks at improving protection for the community I hope she will look seriously at resolving disputes in the building industry, especially disputes involving bad workmanship and the like. At the moment the only way to enforce an order by the committee is to register it in the local court for enforcement of the debt if the builder fails to comply with the order. There was some suggestion that insurance should cover that. However, the premiums that would flow from an insurance which covered shabby workmanship would be prohibitive.

Some of the larger builders will attract smaller premiums from an insurance company for their building contracts, because of the volume of their market share. That will benefit the clients of that company; however, there is some argument that insurance of this type should be standardised so that regardless of which builder one chooses, the customer will pay the same or a similar premium. I doubt that clients of building companies will shop around for the lowest price in insurance. The builder will specify his insurance company and add the cost to the contract. Therefore, the purchaser will be locked into the building company's normal insurer. One concern is that builders with the greatest market share will gain a distinct advantage in the marketplace unless some sort of guideline is put in place about premium costs.

The Minister indicated in the second reading speech that $50 000 will be spent on an advertising campaign. Will that campaign disseminate an approximate cost for insurance to the public, so that people can ascertain whether they are getting the best deal possible in the insurance market? I thought the determining factor over a period would be the volume of claims made against insurance companies. I suppose that the larger the insurance company, the less the risk. Those companies will have to cover themselves. That will somewhat disadvantage the smaller companies in the building industry. The smaller companies deserve to be protected by ensuring that the premiums offered by insurance companies are similar in price, so that the entire community will benefit.

The Opposition wants this legislation to be the best it can be. The Bill is heading towards that, and I hope the Minister will take on board what I have said this morning and perhaps look at some minor amendments to the legislation to make it better reflect that position to the public.

MR KOBELKE (Nollamara) [11.58 am]: I will comment on three areas which were raised in the earlier debate on the Bill. The first area related to the $100 000 upper limit for insurance. The Bill allows for that to be varied and I assume that will be done by regulation. I hope that will take account of inflation. Does the Minister have any figures on residential building work above $100 000? We know that the definition of a residential building work contract excludes cost-plus contracts. I assume that many houses costing over $100 000 would be constructed on the basis of a cost-plus contract and therefore would not be covered by this legislation. Does the Minister have any idea of the percentage of residential buildings costing $100 000 or more that are built on a cost-plus basis?

Mrs Edwardes: I do not have the figures with me; I can provide them at a later time.

Mr KOBELKE: I am working on that almost blind assumption that a fair degree of the work at the high end of the market is on a cost-plus basis. If it is not, the figure of $100 000 is a little low. It is probably a reasonable amount and we must take into account that in most cases the cost of construction of a house is less than $100 000. If a higher figure were used, that might increase premiums across the board. On that basis it is not desirable to escalate the total amount covered by too much. Clearly, inflation will be a factor at various times and the legislation contains provisions for that to be taken into account.

The other point on which the Minister may wish to comment relates to the definition of a cost-plus contract. My understanding of contract law is minimal, but I assume there is a clear cut distinction between a normal contract and a cost-plus contract.

Mrs Edwardes: I am sure case law provides for a definition of cost-plus contracts.

Mr KOBELKE: Given that it is not defined in the Bill, I take it for granted that no problems will arise with regard to the definition.

Mrs Edwardes: It is a standard definition.

Mr KOBELKE: My next query relates to cases of default. I refer to proposed new section 25D which states that a policy of insurance complies with this division if -

> (b) In the case of residential building work to be performed by a builder on behalf of another person (whether under a residential building work contract or not), it insures that person and that person's successors in title against the risk of being unable to take advantage of an entitlement to, or to enforce or recover under, a remedy under section 12A of the *Builders' Registration Act 1939* by reason of the insolvency or death of the builder or by reason of fact that, after due search and enquiry, the builder cannot be found;

I hope the Minister can clarify the last requirement. Insolvency and death involve existing procedures that clearly establish the fact. However, no procedure exists for the purposes of the legislation to establish that a builder cannot be found. I am not sure whether a letter from the Builders Registration Board will be necessary or whether regulation will be required to set down a simple procedure to establish this. Very often the people caught out in these circumstances have invested all their savings and have taken recourse through every means available to them. However, if a builder cannot be found, they may not have the money to employ a private investigator or to move through the court system to establish that. A simple procedure is needed. Will it be established by regulation or is there an existing practice?

Mrs Edwardes: I will provide that information to the member later when the officer from the department is here.

Mr KOBELKE: It is a fairly minor point, but the Minister will be aware of the difficult circumstances in which people have been caught out. Requirements such as this could present a stumbling block, and a simple procedure is needed so that the legislation will work as smoothly as possible.

My third point relates to the way in which parts of the Bill have been drafted. I see no fault in the provision, but the wording is convoluted and difficult to understand. It may be that there is no simple way of expressing the provision. Of course, it cannot be changed now but I am concerned that it is not expressed in simple terms. Many people who contract to build a house will purchase a copy of the Act because it is the biggest investment many of them make in their lives.

Mrs Edwardes: The Ministry of Fair Trading is very good at providing notes which explain people's rights and responsibilities, procedures and the like. You will probably find most people will not buy a copy of the Act, but will obtain the relevant information from the Ministry of Fair Trading, the HIA, the BRB or some other organisation, such as local government. That information will be available in readily understood format.

Mr KOBELKE: The Minister points out that a range of advertising programs will be available. I support that and hope it is carried out. I do not intend to be negative and I accept what the Minister said. However, I made similar statements and requests with regard to the Strata Titles Act and we are all aware of the current shemozzle. Even though the Department of Land Administration has employed extra staff, has a number of hotlines and is doing a great deal to explain the Act, it is causing some concern in the community, particularly among elderly people. I accept that people will be able to obtain some explanation of the legislation if they need it, but we should ensure that the legislation is easily understood. Most people have little experience in signing contracts - they may sign a contract to purchase a vehicle - and certainly a home building contract is the most important they will sign in their lifetime. If they have some concerns about their builder, they may approach the Ministry of Fair Trading or the BRB for advice and be offered a range of explanatory pamphlets. However, it will in the end depend on the letter of the law.

I have difficulty making sense of one of the basic definitions. I shall go through the proposed new section and illustrate some of the difficulties people will have in understanding the letter of the law. In the Home Building Contracts Amendment Bill the key definition is "residential building work". Proposed new section 25A defines residential building work as home building work other than -

> (a) Home building work described in paragraph (d) of the definition of that term in section 3, unless -
>
> > (i) it is to be performed under a contract which also includes the performance of home building work described in paragraph (a), (b) or (c) of that definition; or
> >
> > (ii) it is associated work of a prescribed kind;
> >
> > and

(b) home building work where the cost of the building work is the minimum amount or less;

Residential building work is defined in relation to the definition of home building work in the principal Act. It may be necessary to provide two definitions because the difference between residential building work and home building work is confusing to start with. Residential building work is defined in terms of home building work, and there are two subsections under residential building work and four subsections under home building work. There is an interplay between the two. The legislation should make sense of that. Home building work is described in the principal Act as the whole or part of the work of -

(a) constructing or re-constructing a dwelling including an existing dwelling and/or strata-titled dwelling;

(b) placing a dwelling on land;

(c) altering, improving or repairing a dwelling, including a strata-titled dwelling; or

(d) constructing or carrying out any associated work in connection with -

(i) any work referred to in paragraph (a) or (b); or

(ii) an existing dwelling, including a strata-titled dwelling;

I do not think that is easy to understand. When we talk about residential building work we are saying that it is home building work described in paragraph (d) of home building work, unless it is to be performed under a contract, which also includes the performance of home building work described in paragraphs (a), (b) and (c) of that definition. If it is described in the home building work under (a), (b) or (c), it is not included. Yet under paragraph (c) it is picked up as associated work of a prescribed type. However, paragraph (d), which is the exclusion, is for the associated work. I am not saying the definition is not correct, but it is extremely difficult to follow. It is incumbent on us when drafting such legislation to ensure that a person of reasonable intelligence will be able to make some sense of it. That may be crucial to the legal basis of someone's claim that may arise due to a builder's failure to complete work for which a contract has been entered into. Residential building work is the basis of what we are dealing with in this amendment. I do not think I clarified the meaning; nonetheless I opened up some complexities in trying to understand the legislation.

I am not saying that there is likely to be any legal problem with what is contained in this clause of the Bill. However, it will be extremely difficult for people to make sense of it. It is certainly incumbent on us to ensure that legislation is understandable to the wider community. People should not have to rely solely on a range of explanatory pamphlets and information put out by agencies. Although that sort of information is important and the complexity of some legislation will require explanatory information and some members of the public may not be able to make sense of it, a Bill which is important to ordinary, everyday families, should be drafted in simple terms. In this area we have failed. That does not detract from the overall importance of the legislation. I hope that point will be considered and, if the legislation is reviewed, we may find an alternative form of drafting for that provision so that people can easily make sense of it.

MR LEAHY (Northern Rivers) [12.12 pm]: I will raise a few points that we covered last night along the lines of those raised by the member for Nollamara; that is, clarification of various areas. The Minister has drafted two amendments to clarify some confusing elements in the Bill. The first area of concern raised last night was where the onus to ascertain whether insurance has been taken out will be on the home-buyer builder. I am aware that the legal liability is on the builder and that he faces fairly hefty fines if he fails to take that action. The Act is ambiguous in some areas. My upper House colleague Hon Alannah MacTiernan thought that the provision for insurance "to be arranged before the commencement" could be interpreted to mean insurance prior to progress payments rather than the deposit. The Minister may want to make those words clearer so that there is no doubt about the meaning. The Minister clarified the position last night by saying that insurance must be in place before payment, including deposit, is collected. My upper House colleague said that from her perspective it could be interpreted either way. If a person with legal background interprets the wording that way, it could be open to another interpretation. I ask that the Minister reconsider that wording.

Again Hon Alannah MacTiernan said that if it were a requirement that the deposit be paid prior to the insurance, she would have suggested that the amount be restricted to 1 per cent of the deposit. I did not raise that because the

Minister clarified it for me and said that none of the deposit should be collected before an indemnity insurance certificate was given.

On the other area we raised last night, about which I spoke to the Minister subsequently, she pointed out in the debate that the Western Australian Municipal Association was the only sticking point to having the requirement for the insurance certificate to be lodged with the local shire council prior to issuing a building licence. On reflection overnight and this morning, if we can convince WAMA that is a good idea, it would eliminate many of the difficulties. It would also be an additional safeguard to home builders who were not aware of the provisions if local government, which deals with them on a daily basis, were to ensure that the builder carried out his obligations. The builders under the sort of pressure we have discussed are the ones which may fold up or do a runner. Not too many predict their own death. It is common practice for building companies with a cash flow problem to try to get in deposits to maintain some cash flow and pay off some of their creditors. That is the very situation that caused the collapse of the Mansard group. The reason for this legislation is to protect people who are enticed into those building contracts by advertising campaigns and low deposits, etc. They find that a month or two down the track their home has not been started even though they have advanced $10 000 or more in deposit. Money they have saved for two or three years towards their first house is lost and they are back to square one. The Opposition fully supports the intent of the legislation. Clarification and tightening up of some areas would make these provisions better than they are now.

MRS EDWARDES (Kingsley - Minister for Fair Trading) [12.17 pm]: I thank members opposite for their considered views on the legislation. As I indicated, it is very important, consumer based legislation. Home buyers have wanted it for a long time as a safeguard. Any way that the provisions can be improved will be considered. We will be considering seriously the issue raised by the Housing Industry Association that at the time of application for a building licence, the certificate of insurance be sighted by the local council. We are working through that. It is a pity it was not resolved prior to its being debated in this House. However, the opportunity is available to have that resolved when the Bill goes to the Legislative Council.

As I indicated, I will respond to the member for Nollamara on the other points. I addressed most of the other issues last night. Obviously they are matters of concern and we will continue to follow them through. The amendments to this legislation concerning indemnity insurance will be reviewed in two years. It is always difficult when we bring in something new. It is a matter of monitoring and seeing whether it will work as well in practice as it reads. We will continue to monitor it very carefully.

Question put and passed.

Bill read a third time and transmitted to the Council.

CENSORSHIP BILL

Council's Amendments

Amendments made by the Council now considered.

Committee

The Deputy Chairman of Committees (Mr Day) in the Chair; Mrs Edwardes (Minister for Fair Trading) in charge of the Bill.

The amendments made by the Council were as follows -

No 1

Clause 6, page 9, line 22 - To insert after the word "apply" the words "radio or television".

No 2

Clause 100, page 73, after line 26 - To insert the following new subclause -

(5) A code of practice approved and published under this section is a regulation for the purpose of section 42 of the *Interpretation Act 1984*.

Mrs EDWARDES: I move -

That the amendments made by the Council be agreed to.

Ms WARNOCK: Because of my interest in the subject, I will take this opportunity to comment on both amendments. The amendment to clause 6 relates to the federal Broadcasting Services Act 1992 which applies to radio and television, matters not dealt with by this Bill. Other members and I have alluded to that during previous major debate on censorship in this place. I have previously mentioned the fact that, as a former radio journalist, I was aware of the system of regulation and control that existed in that medium, and of the very proper constraints that were placed on people like me who worked in the media. Having tested those boundaries once or twice in my career - notably as a producer for Bob Maumill at 6PR - I was made very aware of the meaning of the phrase "community standards" - the phrase frequently used in reference to discussions like this.

One may ask whose standards we are talking about here. One may also ask in reference to this Bill who is a "reasonable adult", but it is evident that, even in a pluralistic, modern democracy like Australia we choose, as a group of people, to establish boundaries outside which we do not expect people to go - particularly the people who undertake public work such as journalists or radio persons. Thus, even people who have strong civil libertarian views can agree that, above all, society needs to protect its children from harm. That is the major purpose and thrust of this Bill and the drive for uniform censorship throughout Australia. Therefore, we agree that this Bill is attempting to protect children from harm. When I speak of the present Censorship Bill I am talking about protecting children from harm in the areas of films, videos, publications, computer games and the Internet.

Perhaps the Minister can indicate whether I am on the right track about the amendment to clause 6. It appears that the amendment seeks to provide that this Bill not apply to broadcasting services covered by the commonwealth Broadcasting Services Act. When that legislation was enacted it was to apply only to television and radio. It is now thought that those provisions should be mentioned in this Bill. That is my understanding of the amendment, and I seek clarification from the Minister. I understand that the addition of the words "radio and television" is to indicate that they are two matters not dealt with by this Bill, but are covered by the commonwealth legislation.

Mrs EDWARDES: When this Bill was debated in the other place, radio and television was all that was contained within the Australian Broadcasting Authority. Following the review conducted last year and completed recently, it was considered that on-line services - which are to be encompassed in this legislation - did not fall within the definition of broadcasting services under the commonwealth Broadcasting Services Act. The Federal Government intends to amend its legislation to bring on-line services within the terms of that Act. Accordingly, while we will have legislation to deal with on-line services - and we need the Federal Government to be able to deal with those services - the two areas within which our Bill will still not operate are radio and television. Because the Commonwealth will change its definition to include on-line services, we need to exclude those two areas.

Ms WARNOCK: That confirms my thoughts on that amendment. On the face of it the amendment to clause 100 seems to be slightly more complex. However, I understand that effectively it means the code of conduct referred to in the clause can be dealt with as delegated legislation.

Mrs Edwardes: It will become a regulation.

Ms WARNOCK: It may be ungallant to say this, but when reading *Hansard* recently I noticed that in the other place both Hon Max Evans and Hon Nick Griffiths appeared to agree with something that the present Minister had difficulty in supporting. As we are debating this matter today, I assume that the Minister supports the amendment. The argument advanced in the other place was that a code of conduct would be agreed to by the community at large and, therefore, it should be included in this legislation. A member in the other place pointed out that the Minister handling the Bill may change the code of conduct or cancel it as the regulations are changed, but at least someone will be aware of what has happened and can report on it. They seem to have agreed in the other place that it was a good and necessary amendment. Insofar as I understand the reasoning for the amendment, it seems to be a good one to which we can agree as well.

Mrs EDWARDES: A good aspect of this amendment is that any approved code of practice will be tabled before both Houses of Parliament and will obviously be subject to the normal scrutiny and disallowance procedure applicable to regulations. This proposal had previously not been considered because our discussions with the WA Internet Association, with which we have been working closely in developing a code of practice, indicated that the development of the code is still fairly fluid. The code of practice we put in place at the beginning of the year, which is in force, continues to change regularly as a result of a review being conducted in the east as the Commonwealth

wants to put in place a code of practice as well. We will be working with it to make any changes. At the same time, enabling both Houses of Parliament to be aware of, and to monitor, those changes as they occur is a good amendment to the legislation.

Ms WARNOCK: The Opposition supports these two amendments. Its aim in supporting this Bill has been to be aware at all times that we have an obligation as a society to protect our children from harm. In this case we are talking about possible harm from films, videos, computer games, publications or on-line services. Although we are anxious to protect our children from harm, we must be aware in a pluralist, modern democracy that we must retain the ability for adults to see, hear and read that which they feel they have the right to see, hear and read. The Opposition certainly supports those rights.

We will watch with interest the newest provisions in this Bill regarding the innovative - as the Minister made clear in her second reading speech - Internet and on-line services and we are anxious to see how they operate. All members will be watching to see whether it serves the purposes for which it was introduced.

Mrs EDWARDES: I thank members opposite for their support. I wish to table the revised film classification guidelines, as I indicated I would do in earlier debate. These are amended guidelines which were published in the commonwealth *Gazette* of 11 September 1996. In accordance with the intergovernmental agreement entered into between the Commonwealth and the States and Territories on 28 November 1995, all Ministers are required to table the guidelines in the respective Parliaments within 30 sitting days from 11 September.

The DEPUTY CHAIRMAN (Mr Day): The Minister cannot table the document in Committee; she must do so in the House.

Mrs EDWARDES: I will seek to table it from my seat.

[See paper No 518.]

Question put and passed; the Council's amendments agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Council.

ELECTORAL LEGISLATION AMENDMENT BILL

Second Reading

Resumed from 4 September.

MR RIPPER (Belmont) [12.33 pm]: The Opposition supports the Bill, although it will move a number of amendments in the Committee stage. The legislation has two broad purposes: First, a range of miscellaneous changes are to be made to the Electoral Act and, second, the legislation introduces a scheme for disclosure of political donations into our electoral legislation. Undoubtedly, such a scheme is greatly needed. As politicians we all know that the cost of elections and campaigning is increasing inexorably. As more sophisticated campaign techniques are developed, the cost of electioneering will increase further in the future. Regrettably, too few sources of political funding required for electioneering are available, and the funding required does not allow campaigns to be financed entirely by small, individual donations. Inevitably, the corporate sector must play a role in providing the finance for the campaigning required in the operation of our political system.

Both sides of politics seek donations from the corporate sector of politics but, as the National Secretary of the Australian Labor Party pointed out, that does not mean that both sides benefit equally from corporate donations. At the moment a considerable imbalance exists between the coalition and the Labor side of politics regarding the amount of money received from the corporate sector. The Australian Labor Party is putting arguments to the corporate sector in that regard. As it is the only real source for political campaign funding apart from public funding, the corporate sector should accept responsibility to institute some equity; otherwise, an imbalance in the political system will be institutionalised.

A difficulty arises with the funding of the political system by the corporate sector; namely, the nature of decisions Governments are required to make. No matter what sort of Government is involved, it must make decisions which

inevitably mean profits for some and losses for others. I do not suggest that the decisions are necessarily improper or illegal; however, when a decision is made about planning issues, railway or road routes or the provision of assistance to one industry rather than another, some people benefit and others lose. One cannot be in government without making decisions which will bring gains to some and losses to others. That is a particularly worrying situation.

On the one hand the Government is required to make decisions which will inevitably bring profits to some corporations and losses to others; yet, on the other hand, the politicians making those decisions are in need of significant campaign donations to enable them to participate and succeed in elections. Inherently, a great potential conflict of interest arises and the potential exists for corruption and improper influence. The Royal Commission into Commercial Activities of Government and Other Matters drew attention to these matters, as page 17 of chapter 5 of part II of the report reads -

> The Parliamentary system will malfunction if it allows significant, but undisclosed, political donations.

It goes on to say -

> . . . our inquiries have convinced us that a wide ranging disclosure Act is essential if the integrity of our governmental system is to be secured. The secret purchase of political influence cannot be tolerated.

There is only one way out of the dilemma I have outlined; that is, for information on political donations to be openly available to the public, although I do not think that answer is entirely satisfactory. Even when donations are disclosed and the information is publicly available, there will still be allegations that people have made decisions on the basis of their having received a donation or expecting to receive one. I do not think disclosure legislation is the final answer, nor do I think there is a totally satisfactory answer to the dilemma I have outlined; however, disclosure and the public availability of information about donations is much preferred to the prospect of secret donations which have great potential for conflicts of interest that arise as a result of that secrecy.

There are other answers. The Commonwealth and New South Wales have public funding of elections which reduces the reliance candidates must place on donations from people who may have vested interests in particular decisions to be made by government. The Commonwealth Government also attempted to restrict the amounts people would spend on election campaigns through limitations on electronic advertising. Unfortunately, the High Court of Australia decided that limitations on electronic advertising during election campaigns constituted an infringement of the implied freedom of speech provisions in the Australian Constitution; therefore, that measure by the Commonwealth was struck down. The High Court placed its view of freedom of speech and the extent of it above the need to ensure there is integrity in our political system.

The overriding problem is the expense of election campaigns and the need to obtain donations from the corporate sector to fund campaigns. Disclosure is only a partial solution. Others are the provision of other sources of funding, and limiting the amount people can spend on election campaigns which should be explored further.

I know what the Parliamentary Secretary is likely to do in this debate. I have seen him in operation in recent days. I know the energy and aggression he is likely to bring to a discussion of this matter. I fully expect a fairly scurrilous response from the Parliamentary Secretary.

Mr Wiese: What a dreadful misjudgment.

Mr RIPPER: I fully expect the Parliamentary Secretary to get out his bucket and throw a bit of the proverbial substance across the Chamber. I want to deal with his actions before they happen.

Mr Wiese: Does that mean that it has more substance than the dust that has been thrown around the Chamber already?

Mr RIPPER: Unfortunately, it is just stickier. Whether it is justified or not, specks of it are hard to remove.

Mr Shave: That course of action had not been suggested to me.

Mr RIPPER: I will deal with that in advance. Under the standing orders, the Parliamentary Secretary gets the right of reply and that closes the debate; therefore it will not be possible to return the favour after he has spoken.

Mr Wiese: The only way you can deal with that in advance is to wear a raincoat.

Mr RIPPER: This needs to be said: It is possible for one side of politics or the other to draw attention to particular donations and particular decisions. All members must acknowledge there is potential for wrongdoing by those on all sides of the House and the potential for human weakness is not confined to one side of politics or the other. The recent period of Labor Government has been extensively examined by a very expensive royal commission and subsequent inquiries by other authorities, and that has meant donations relating to Labor's period of government have been extensively scrutinised. It is not the case that donations relating to this period of coalition government have been scrutinised as extensively, or investigated. We have a somewhat unbalanced public position with one side of politics having been subjected to an extensive investigation on this matter, while the other side of politics - because it was in opposition during the relevant period and only now is in government - has not been subjected to quite the same scrutiny.

In response to the Royal Commission into Commercial Activities of Government and Other Matters, the Premier has been inclined to say, "It is all okay; the bad people have been turfed out of office and we have elected good people; now that we have elected good Liberals, there will be no problem; it is all a matter of the bad people being replaced." That is a Pollyanna view of human nature; a Lion King version of recent history. The fact that Simba has ascended to the throne is no guarantee of probity and integrity in the future.

Mrs Parker: You are mixing up your stories. Simba did not happen in the time of Pollyanna. There was a couple of decades' difference between the two stories.

Mr RIPPER: In response to the member for Helena, it is possible to use two different analogies. It helps to explain the situation.

Mr Shave: Does the member know there is a strong rumour around that the Lord, himself, was a Liberal, and that is why we are good people!

Mr RIPPER: I am temporarily lost for words in response to that interjection. It only reinforces my point; that is, we need to implement systemic reforms to deal with the dilemmas I have outlined. We cannot simply trust and hope good people will be elected and will not go astray. In fact, there is potential for human weakness - for wrongdoing - by members on both sides of the House. That potential is all the more threatening because of the direction our political system is taking. Election campaigns cost more. Decisions we make in government inevitably bring profits and losses to people. To finance our campaigns, we need to rely on those same people who profit, or who may lose, from our decisions.

I do not like that situation. I wish it were different; however, I see no way out of it at the moment, or any totally satisfactory solution. I said at the beginning of my speech that this legislation introduces into the State's Electoral Act a scheme for the disclosure of political donations. A disclosure scheme exists already. That scheme was embodied in the Electoral Amendment (Political Finance) Act 1992, which passed through both Houses and received the Governor's assent in 1992, when Labor was in power. This Government has given a back-handed compliment to Labor and its legislation by using that Act as the basis for the disclosure scheme embodied in this legislation, subjecting it to some amendment, but leaving the basic structure intact. That 1992 legislation was not proclaimed. We are sure to have an interesting argument about why it was not proclaimed. I put on record the Opposition's view of this history. In the other place, led by Hon Phillip Pendal, now the member for South Perth, the then coalition Opposition inserted into the Electoral Amendment (Political Finance) Act restrictions on government advertising and government travel.

Mr Pendal: We felt very strongly about it at the time. I might remind a few people about that a little later.

Mr RIPPER: I hope the member for South Perth will enter this debate to defend the position he advanced in 1992. Those amendments inserted by the coalition Opposition in the upper House were accepted by the Legislative Assembly and thus became part of the legislation. However, the insertion of those amendments led to the legislation not being proclaimed because the then Government received advice from the Crown Law Department, I understand, that technical problems could result if the legislation containing those sections were proclaimed. A fear existed that the election could have been declared invalid had there been technical transgressions of the amendments that were promoted by the coalition. Given the result of that election, perhaps the legislation should have been proclaimed. We could then have had it all over again and perhaps had a better go the second time.

That was the case then. There was no time for the then Government to amend the legislation to remove the risk that Crown Law saw, but there has been plenty of time for this Government to have the Electoral Amendment (Political Finance) Act amended and proclaimed. This Government has delayed and delayed. One reason after another has been advanced for not dealing with this legislation until now: The first was the need to wait for changes to commonwealth legislation. A number of other ostensible reasons have been given for the Government's not bringing this legislation to the House before now. We face a real risk that this legislation will not be in place before the next election. The Premier has told this House that there will be no early election; in other words, that the election will be held at the normal time. However, he told the state conference of the Liberal Party that any election between now and February would not be early.

Mr Minson: He also had a smile on his face at the time.

Mr RIPPER: He may simply have been trying to encourage the lazier members of his back bench to get on with their campaigns.

Mr Minson: I am glad you didn't refer to the lazier members of the front bench.

Mr RIPPER: Nevertheless, the point I make remains valid. The Premier through that statement caused speculation about an election occurring earlier than February. The risk I see is that this legislation may not be proclaimed and come into effect if an election occurs earlier than February. It is not simply a matter of the legislation passing through this House; regulations must be drafted and gazetted. The legislation must be proclaimed. I do not know whether the Premier was doing anything more at the state Liberal Party conference than exciting a few journalists and encouraging a few members of Parliament to get on with their campaigns. If he meant what he said, and if the implication that there could be an election in a month or two is accurate, there is a risk that the Government's procrastination on this legislation will mean that at the time of the next election, state legislation will contain no provision for the disclosure of political donations. Perhaps the Parliamentary Secretary to the Minister will give more definite information on election dates, so I will stop in case we get a pearl of wisdom and an accurate prediction.

Mr Shave: I favour a 30 November legislation. My daughter wants to go to France in January and I think 30 November would be fine for an election. However, if you want to be absolutely sure that it is 30 November, watch the polls. If your boss keeps sliding any more, if that is possible, it will be 30 November.

Mr RIPPER: That is the sort of prediction I expected from the Parliamentary Secretary. If that prediction is correct and an election is held on 30 November, can the Parliamentary Secretary guarantee to this House that this legislation will be in effect in time for that election?

Mr Shave: I will answer you in due course.

Mr RIPPER: Why does the Parliamentary Secretary not answer me right now? He just made the prediction. I know what will happen: By the time he gives his second reading response he will have forgotten that he made that assurance.

Mr Shave: If you keep holding up the legislation with this waffle, there is a fair chance that you will be right.

Mr RIPPER: This legislation must be scrutinised. It is important. The Opposition will not delay it unduly, but it would like an assurance from the Parliamentary Secretary that it is relevant for this House to consider it now. What is the point of debating this legislation now if the State Government calls an election before this legislation can be effectively implemented? I want an assurance from the Government that it is dinkum about this legislation and that it will implement it before an election is called. I will listen to the Parliamentary Secretary's speech with interest.

This is another example of the State Government not being enthusiastic about the recommendations of the Royal Commission into Commercial Activities of Government and Other Matters and the recommendations of the Commission on Government. As far as this State Government is concerned, the main purpose of that royal commission was to secure the removal of the previous Labor Government and to ensure that in its view good people were elected.

Mr Bloffwitch: That is a fair assumption.

Mr RIPPER: That is my argument. The State Government has not been concerned about implementing the recommendations of the royal commission because as far as this State Government is concerned, the royal

commission served its purpose - it got rid of us from government. The Government does not want to embark on the program of reforms to the system recommended by the royal commission and by the Commission on Government. That is why this legislation has taken so long to get to the House. That is why so many outstanding recommendations from the royal commission and the Commission on Government have yet to be implemented.

[Leave granted for speech to be continued.]

Debate thus adjourned.

[Continued below.]

CURTIN UNIVERSITY OF TECHNOLOGY AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

ACTS AMENDMENT (ICWA) BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr C.J. Barnett (Leader of the House), read a first time.

Sitting suspended from 1.00 to 2.00 pm

[Questions without notice taken.]

ELECTORAL LEGISLATION AMENDMENT BILL

Second Reading

Resumed from an earlier stage of the sitting.

MR RIPPER (Belmont) [2.33 pm]: I have discussed the approach this Government has taken to the implementation of the recommendations of the royal commission and the Commission on Government.

The SPEAKER: Order! It is difficult to hear the member on his feet. Will members either vacate the Chamber to continue their conversations or lower their voices.

Mr RIPPER: I sought an assurance from the Parliamentary Secretary that if an election were held before February, this legislation requiring the disclosure of political donations would be in effect before that election. The Parliamentary Secretary was bold enough to predict an election date of 30 November. I sought an assurance that this legislation would be in effect before that date, should his prediction be correct. The Parliamentary Secretary declined to give an assurance by interjection. Therefore, I ask the Premier whether he will give an assurance that the legislation will be in place before the next state election.

Mr Court: Yes, it will be.

Mr RIPPER: Will it be proclaimed and the regulations gazetted, and will it be in effect?

Mr Court: Yes, and we shall know how much you are being funded.

Mr RIPPER: I do not think my campaign funds will excite the interest of any observers.

Mr Shave: You had better boost them because the bloke against you is pretty good.

Mr RIPPER: I hope the member for Melville is campaigning hard because I understand he will have a most interesting array of opponents.

Despite the fact that the Government has been tardy with this legislation and has failed to implement a number of recommendations by the royal commission and the Commission on Government, some of the changes to this legislation are worthwhile. It is worthwhile that the legislation provides for the disclosure scheme to cover entities associated with, and controlled by, political parties. It is appropriate that there be provision for disclosure of donations following a state election. It is appropriate that there be provision for some of the definitions, administrative arrangements and reporting dates to be harmonised with those applying under commonwealth law. They are worthwhile features of the legislation.

The legislation does not fully implement the recommendations of the royal commission and those of the Commission on Government, but the Opposition view is that where the Government has chosen instead to harmonise the state scheme with the commonwealth administrative arrangements, that is reasonable justification for departing from the administrative detail of particular recommendations from the Commission on Government. Where those recommendations from the Commission on Government relate principally to administrative matters, there can be no argument if they have been departed from. Some recommendations of the royal commission and the Commission on Government are not purely administrative and they go to matters of principle that this legislation does not take up. I refer, for example, to the threshold amount that will apply before a donation is declared. The legislation is deficient in some other matters, to which I will now refer.

I have said one way to overcome the potential conflict of interests in this area is for there to be public funding of election campaigns, as applies in the Commonwealth and New South Wales jurisdictions. Although it is not popular with the electorate, it helps preserve integrity in the political system because it removes the dependence of politicians on the donations of those with a vested interest in the direction of public policy because the decisions will affect the level of their profits. This Government does not propose to support the public funding of election campaigns; however, it is using public funding for political purposes and it is not prepared to support those restrictions on the use of public funds for political purposes for which it argued when in opposition. At that time it included in the Electoral Amendment (Political Finance) Bill of 1992 restrictions on government advertising and travel. It shows every indication of not wishing to pursue that matter now that it is in government. Public funding of election campaigns is justifiable, but I do not think public funding of one party's political propaganda on a partisan basis is at all acceptable. The use by this Government of taxpayers' funds to promote its own policies is outrageous. I draw attention to the disgraceful workplace agreements television campaign promoted by the Minister for Labour Relations, which in no way is an information program explaining to people how government services can be made available to them. It is a straight-out political campaign designed to convince the public of the merits of the Government's policy on a highly partisan issue. Taxpayers of this State are paying for the Minister for Labour Relations to stuff propaganda down their throats in support of his policy. That is a disgraceful use of taxpayers' funds. Some restrictions should apply on such use of taxpayers' funds, certainly in a pre-election period.

This situation applies with not only the workplace agreement campaign but all sorts of government advertising campaigns. I understand that last year the Court Government spent $22m on advertising. Some of that $22m would be legitimate expenditure to inform the public of services, or to advertise for vacancies, tenders, contracts and so on. However, a lot of that expenditure was similar to that directed to the workplace agreement campaign; namely, purely to support the Government's political position.

The coalition recognised the problem when in opposition: In the upper House, led by the current member for South Perth and the now Attorney General, restrictions on government advertising and travel in a pre-election period were inserted into legislation. However, those restrictions, upon Crown Law advice, eventually made the proclamation of the Electoral Amendment (Political Finance) Act difficult. What has the Government done about that problem? It has not come back to the House with any amendments to overcome that technical difficulty. It has not proposed any amendments in this legislation to deal with the matter. As is the favoured approach of members opposite in government circles, when difficulties arise they propose to muck about with the proclamation of this legislation. It proposes in the Bill to allow for different dates for proclamation of different provisions.

The intention is clear. The provision relating to political donations will be proclaimed, but those restricting Government advertising and travel during a pre-election period will never be proclaimed. Members opposite are not interested in having restrictions on their activities, yet they thought that restrictions should apply when they were in opposition. It is the Opposition's firm view that the Government should be required to proclaim those provisions of the legislation. We will be moving amendments in Committee to the effect that if the Government proclaims the disclosure of political donation provisions, the provisions relating to Government advertising and travel will automatically come into effect before the next election. I understand that other members will move amendments which will have the same effect of requiring the Government to proclaim all of this Bill.

Mr Strickland: Would you accept the first-past-the-post amendment?

Mr RIPPER: To the electoral system?

Mr Strickland: To the Electoral Act - the one we have here?

Mr RIPPER: No.

Mr Strickland: I'm surprised.

Mr RIPPER: I believe our preferential system of voting is very fair.

The legislation does not deal with prohibiting the receipt of donations from overseas, and the Opposition will move another amendment in that regard in Committee. There seems to be no reason for overseas people, who are not citizens or residents of this country, to seek to influence our political process. Our political processes belong to the citizens and residents of this State, and we should not open it up to the possibility of large donations from people overseas who probably would not have the interests of the public of Western Australia at heart. No political party or politician in this State should be receiving donations from outside this country. I am surprised that the legislation does not provide for the prohibition of such donations. Allowing donations from overseas will contribute to the development of loopholes which will enable the purposes and principles of this legislation to be subverted.

I turn now to another class of donation that should be prohibited. We now have massive contracting out by this State Government. My colleague the Deputy Leader of the Opposition has examined this issue and estimated that about $1b a year of government expenditure pays companies to take on work previously performed in the public sector. A clear potential exists for conflict when a company's profits depend upon work provided to it by the Government, and when that company makes political donations to the governing party or, indeed, to the Opposition. Wherever a Government is in business, the potential for conflict of interest or corruption arises in relation to political donations. That issue was dealt with by the Royal Commission into Commercial Activities of Government and Other Matters.

Wherever business is in government the potential for corruption and conflict of interest also arises through vested interests. Any company that is receiving work from the Government - those receiving an allocation from the total of $1b a year - has a vested interest in the direction of public policy. The company would want to influence public policy in the interests of not the State, but their profits.

Take the case of school cleaners. At the moment about one-third of schools are cleaned by contract cleaners, and about two-thirds are cleaned by cleaners on the government payroll. School cleaning for private cleaning companies is big business. Obviously, these companies have a vested interest in the Government's policy as the future of their business, their profits and growth, depend on them gaining those school cleaning contracts. They would have a vested interest in two-thirds of, or all, schools being cleaned by private contractors. That is not necessarily the direction that public policy should take; in fact, this side of the House considers that public policy should not be directed in that way as schools are not being cleaned to the appropriate standard in that contracting out system.

Mr Johnson: You can use the same argument with the union movement in relation to your party.

Mr RIPPER: Perhaps the member for Whitford might like to make a speech in that regard. We have had plenty of complaints from his side of politics about union donations to the ALP, and on many occasions we have had legislative restrictions placed on unions making such donations. The Minister for Labour Relations is proposing in his second wave of legislation to impose some restrictions upon political contributions by unions.

I suggest that the member for Whitford look at this issue of big profits from government work, not a worker making a small contribution or a union making a modest contribution to the Labor Party on the basis of union membership. We are talking about massive contributions because massive profits are involved, decisions about which can possibly be made by a relatively small number of people.

Another example is Transperth and MetroBus. Transperth routes are being taken away from the publicly owned operator, MetroBus, and given to various private bus companies such as Swan Transit. Those private companies have a vested interest in the development of public transport policy in this State. We will have a debate in this community in the next few years over the expansion of our railway system. Some people will argue that we should not invest in an expansion of our metropolitan railway system; that we should spend the money on buses instead. Who has an interest in buses being used instead of trains? Obviously it is the private bus companies that have won the tenders.

They have an interest in making a donation to the side of politics that will support buses rather than trains. They have an interest in making a donation to anyone in politics who says that we should get rid of MetroBus entirely and questions the need for a publicly owned operator. If companies are making profits from Government decisions, they should not be allowed to make donations to political parties. They should be forced to make a choice: If they want to be in business with the Government or if they want to sell to the Government, they should stay out of the field of political donations.

I will give another example. A number of companies are being awarded contracts to manage hospitals that formerly were publicly owned. They have a vested interest in that phenomenon being extended. Their growth, and profits, depend on more hospitals being made available for private management through the arrangements this Government is entering into. Those companies, regardless of the public interest, have a vested interest in making political donations in the hope that they can encourage a government to open up more hospitals to the work they seek. The potential for a conflict of interest and corruption is great. I am not the only one who says that.

Mr Bloffwitch: What do we do about it?

Mr RIPPER: Under this legislation people who contract to the Government should be prohibited from making donations to candidates participating in state elections.

Mr Johnson: I can probably go along with that if you would agree that unions will not contribute to the Labor Party's campaign.

Mr RIPPER: What is the connection between a union contributing to a political campaign and my example? Do unions make a profit out of a State Government decision?

Mr Shave: You bet they do.

Mr RIPPER: Is the member saying that a union is making a profit out of the State Government to the tune of millions of dollars a year?

Mr Bloffwitch: Yes.

Mr Shave: Why don't you tell us about some of the grants they used?

The SPEAKER: Order! It is one thing for the member for Belmont to accept an interjection from the member for Whitford; however, other members should not interrupt during that interjection.

Mr RIPPER: I will simplify this matter; I will leave the member for Whitford to make his own speech. I am concerned about this issue, and I am not the only one. Many members on the other side of the House will have read a book called *Reinventing government: how the entrepreneurial spirit is transforming the public sector* written by Gaebler and Osborne. It has been described as the "bible of entrepreneurial government". It is a very interesting book. It suggests all sorts of ways in which services can be delivered by contracting out, privatisation and the use of market mechanisms, rather than by the traditional public service structures. I think many members on the other side would have looked at it.

Mr Shave: It must have been a best seller.

Mr RIPPER: It has been a very popular book in the United States, and has been endorsed by both sides of politics in that country.

Mr Shave: What do you think about it?

Mr RIPPER: There are some very interesting ideas in the book.

Mr Shave: Interesting ideas or ideas that you would support?

Mr RIPPER: I support some ideas in that book. For example, it has a chapter on early intervention in which it suggests that there should be a concentration on prevention by early intervention, rather than on investment in crisis management services. That is a very good idea, and encompasses the sorts of policies we were following in the community services area while we were in Government.

Mr Shave: Is that crisis management?

Mr RIPPER: No, it is early intervention. The authors of that book specifically recommend the proposal I am putting to the House today; that is, to maintain a properly competitive environment, to avoid a conflict of interest, if companies contract to the Government, if they take advantage of those entrepreneurial governmental measures, they should not be allowed to make political contributions to candidates and political parties. It is not as though this idea comes from people who would be regarded as totally hostile to small business and to contracting out; this idea is put forward by people who promote privatisation, contracting out and all sorts of market oriented solutions to the problems of Government.

I am not making a crude allegation that we should stop people donating in return for obtaining specific contracts. I do not think the problem is one of companies making a donation and then receiving a favour by being awarded a contract unjustifiably. That potentially is a problem, but the major problem is the perversion of public policy. I see the problem being more about the bus company that lobbies against trains, rather than the bus company that gets a contract over another bus company unjustifiably. During the Committee stage we will move an amendment to deal with this issue. I hope those members of the Government who think carefully - if there are any - about the implications of the privatisation and contracting out policies will support the amendments.

I will now look at the next class of amendments proposed in this legislation. They might broadly be described as housekeeping amendments. Many administrative changes are proposed to the electoral legislation, most of which are unexceptional. When the legislation was originally introduced in the upper House, it was proposed to increase the nomination fee for candidates running for election from $100 to $500. The Minister has been subjected to some attack over that issue. He introduced an amendment in the other place to reduce the increase from $500 to $250. His original proposal was outrageous, in my view. It was a tax on democracy; an infringement of people's democratic rights to stand for election in Western Australia. It dealt with a problem that is not evident to any significant extent in this State. The argument of the Minister was that we need to prevent people frivolously nominating to stand in an election. I have no evidence that candidates are nominating frivolously in this State. There is no significant problem.

Mr Shave: Have you never heard of Alf Bussell?

Mr RIPPER: I have heard of him. To seek to increase the nomination fee to $500 simply to deal with the nomination for election by Alf Bussell is using a sledgehammer to crack a walnut. Despite Alf Bussell, there is no significant problem in Western Australia in this regard. I do not think his nominations have in any way affected the efficiency with which our elections are conducted. A very large number of candidates are liable to be affected by increases in nomination fees.

I took the trouble to look at the 1993 election results.

Mr Strickland: Would you have supported the $100 before it was put in place?

Mr RIPPER: That was in 1973 or 1974. I am not sure what nomination fee applied before that.

Mr Strickland: Are you aware of what inflation would have done to that $100?

Mr RIPPER: I am aware that if we adjusted the $100 figure for inflation since it was first introduced, we would come up with a considerably higher figure. I am saying that there is no problem of frivolous nomination in Western Australia, Alf Bussell notwithstanding. However, there is a problem where a large number of other candidates might be affected negatively.

Mr Strickland: In real terms, we have halved the amount.

Mr RIPPER: Yes, and we do not need to increase it beyond the $100 that it is now, because $100 is a sufficient amount to dissuade anybody who might want to nominate for the "Screaming Loony Party", or any other frivolous party. However, significant numbers of people will be affected. A candidate must get 10 per cent of the vote in the lower House and 5 per cent of the vote in the upper House in order to retain the deposit. At the 1993 state election, 37 Greens candidates, 51 Democrats candidates and 105 other candidates failed to reach the required threshold.

Mr Shave: How many did reach the threshold?

Mr RIPPER: Among the 193 candidates who failed to reach the threshold were five candidates from the Parliamentary Secretary's coalition partner, the National Party of Australia. Therefore, this proposal to increase the nomination fees will have an impact on even the Deputy Premier's colleagues in the National Party. Only four of the 37 Greens who stood for election kept their deposit.

Mr Shave: You said 37.

Mr RIPPER: I am just trying to reconcile these figures. I had not intended to cover those particular figures in my speech. The Parliamentary Secretary has successfully distracted me.

Mr Wiese: Are you filling in for somebody?

Mr RIPPER: No. I am trying to provide to the House as much information as I can on the basis of some research that I did several months ago. I will deal at the Committee stage with the number of Independents who retained their deposit at the last state election, but very few Independents, Greens or Democrats retained their deposit at the last state election, and 193 candidates did not retain their deposit.

Mr Cowan: How did Alf Bussell go?

Mr RIPPER: He lost his deposit. Had the Government retained its original proposal to increase the fee to $500, there would have been a tax on all of those Independent, Greens and Democrats candidates of $96 500. We are now looking at a $250 nomination fee, and if we had a similar experience at the next state election, those unfortunate candidates would contribute around $48 000 to consolidated revenue. I do not think a fee increase to $250 is necessary. It will simply make it more difficult for minor party candidates to contest an election and, Deputy Premier, it will make it difficult for some National Party candidates to contest an election.

Mr Cowan: Why?

Mr RIPPER: Five of them lost their deposit last time around, so it would affect even the National Party.

Mr Cowan: They do that knowingly. That is the last consideration that they have.

Mr RIPPER: When we get to that clause, I will give more information. We will seek to keep that nomination fee at $100.

I turn now to some of the other housekeeping changes. The determination of the formality of ballot papers will be changed, and people who make mistakes in the numerical sequence will not necessarily lose their vote. I applaud that change. Our preferential voting system is very fair, and much fairer than the British and Canadian first past the post system, but it does have the disadvantage that the votes of people who do not number all of the candidates correctly in order are not counted. If the intention of those people can be determined from the way in which they have marked the ballot paper, that will be good, because it will preserve the advantages of the preferential system without losing some of the votes that are now lost through informality.

This is not a small problem in some electorates in some elections, because from time to time there can be a very high informal vote. I do not think it will make a tremendous difference to the votes for particular types of candidates, although there is often a view that this side of politics loses more from a high informal vote than does the conservative side of politics. I recall that, to test this and similar arguments, in 1989 the Electoral Commission counted all the votes that would otherwise have been declared informal, and in the final analysis in my electorate my vote increased slightly.

Mr Shave: In that 1989 election, at Hilton Park Primary School the Labor Party put out a how-to-vote card that said, "Fill 1 in the square", and about 187 of the 237 informal votes had 1 in Barry Hodge's square and 40 or 50 of them had 1 in my square. When we consider that I subsequently won the election by just 32 votes, that was very unfortunate for him, don't you think?

Mr RIPPER: It might have been, but, as I recall, that was the election where the Electoral Commission did recount by ignoring the rules which applied to formality. Presumably the Parliamentary Secretary would have noticed had that changed the election result when that research was done.

Mr Shave: I did not have to worry about the research. I know that your scrutineer was heartbroken at the polling booth.

Mr RIPPER: Whether it has a big impact or a small impact, the change that the Government proposes will reduce the chances of people missing out on a vote because they have simply put down two 3s or two 5s, and it is a very good change.

Mr Shave: That shows how democratic we are.

Mr RIPPER: Even the member's side of politics occasionally gets things right. We do not always disagree with members opposite.

I turn now to some of the other proposals. We are quite happy for the declaration of political neutrality that is required of people working on elections to be exempt under the Equal Opportunity Act. We think it is sensible that the Electoral Commissioner and the Deputy Electoral Commissioner be automatically the Clerk of Writs and the Deputy Clerk of Writs. It is quite appropriate for official election paper to incorporate security features other than watermarks. The changes with regard to initials, and the removal of the requirement for electors to fold their ballot paper in a way which hides their vote and shows the initials of the presiding officer, are quite appropriate. It is a good thing to provide for computerised counting of the Legislative Council ballots. This procedure has been used in ballots in other jurisdictions and is used in this State for elections conducted by the Electoral Commission on behalf of various organisations. The experience with that sort of counting system has been sufficient for people to have confidence in it. It will certainly produce quicker results and recounting will be much easier when people leave the Legislative Council and a casual vacancy must be filled.

The Bill provides for the streamlining of the payment of fines by those people who fail to vote. It is a sensible proposal. I support the system of compulsory voting because it provides for the best accountability to the electorate that can be achieved. I fear for those jurisdictions where voting is not compulsory. In many cases an underclass of people is not participating in the electoral system. The result is that they are not being delivered anything by the politicians and are becoming more alienated from the system to the ultimate detriment of the community. I wish voting in local government elections was compulsory. Local authorities would then be in a position to make decisions which would be more in the public interest than they are at the moment. Currently, they feel hostage to the small number of people who vote. This proposal does not bear on whether we should have compulsory voting, but it makes it less bureaucratic to penalise those people who have not voted.

In summary, the Opposition supports the legislation but in Committee it will move amendments to that part of the Bill dealing with political donations and it will debate them vigorously.

MR PENDAL (South Perth) [3.12 pm]: When I was a small boy growing up in the south west of the State my family and I would glue our ears to the wireless, as it was called in those days, on a Tuesday night to listen to a program called "CIB". It was a half-hour story on, as the name indicates, a police investigation. The narrator was Roland Strong who had a beautifully modulated voice. He would introduce the program by saying, "Only the names, place-names and dates have been changed, otherwise the story remains the same." I am reminded of that today by this Bill. Needless to say, I welcome the Bill and I intend to support it. However, in this part of the proceedings I will concentrate on only one aspect of the Bill which is the subject of an amendment which I have placed on the Notice Paper.

I understand that the Bill has four parts. It has an unusual, but highly significant, commencement clause at clause 2. I will not canvass the detail of it, because I know you, Mr Speaker, would not permit it at this stage. It is central to my concerns about the Bill and I will signal the reason that I intend to move an amendment. In doing that, I will give a little of the history to the one element I will comment on; that is, the way in which governments use taxpayers' funds to advertise and promote their reputations immediately prior to an election.

Prior to the 1989 election, one of the great determining issues of the day was that of grey power and its impact on the Western Australian voting public. The then Government, led by Mr Dowding, actually conducted research, at the expense of the then Government, which showed those areas of public policy to do with seniors which would change people's voting patterns. There was a lot of objection to the Government doing that with taxpayers' funds. The result of that research was the Care and Respect for Seniors program. When the then Opposition pursued the matter - I happened to be the opposition spokesman for Seniors at that time - the Government saw the point of its objection and withdrew the advertising on the eve of the election. One would think the matter would have ended there. However, the same Care and Respect for Seniors program which had been researched and developed at the

expense of the taxpayer re-emerged as part of the advertising paid for by the Australian Labor Party. I thought it was wrong then, and I think it is wrong now. The then Opposition agreed to the introduction of a Bill in late 1989 and it was introduced into the other House by me. It was titled "General Elections (Prohibition of Government Advertising) Bill". It sought to determine that there should be no public funding or promotion at taxpayers' expense of any of the Government's activities six months out from an election. We worked out the prescribed period by saying that it would come into effect three years and six months after the last state election. Members will see it was clearly designed to prevent the Government of the day using taxpayers' funds for, without putting too fine a point on it, improper purposes.

In 1992 - this gets nearer to the point of this Bill - the then Opposition in the other House moved, at the behest of the now Attorney General, to insert those prohibitions into the Bill which was then being sponsored by the Lawrence Government. At page 4703 of *Hansard*, 16 September 1992, Hon Peter Foss moved to incorporate the provisions of my Bill into the then Government's Electoral Amendment (Political Finance) Bill. To this day, that forms part of the unproclaimed Act which we are seeking to amend by this Bill. It inserted section 176A which is subheaded "Prevention of Government advertising prior to general election" and reads -

> The Government shall not, during the prescribed period, advertise or cause to be advertised by or through any communication medium any existing, new or modified service provided or funded by the Government or any policy of the Government or the party to which the Government belongs unless the same is required in order to respond to an emergency or disaster.

The amendment by Mr Foss then went on to pick up not only the Bill I introduced, but also government travel prior to an election. At page 4704 of *Hansard* it states -

> 176B. (1) A person being a member of the Government shall not, during the prescribed period -

Again, that was worked out to be six months from an election -

> - at the expense of the State, travel to or within an electorate in the State in which an election or by-election is to be held except to the extent that such travel would, without the exercise of any discretion or granting of any permission by the Government, be available to any member of Parliament.

It said a number of other things. However, that was the principal focus of that amendment by Hon Peter Foss. People other than me, including Hon Peter Foss, felt quite passionately about that. Simply put, we said that the system should not be rorted so as to allow government or Treasury funds to be used prior to an election for purposes that should require party political funds to be expended. I remind people of what Hon Peter Foss said and I ask the Parliamentary Secretary through you, Mr Speaker, what has brought about the change in view on these matters on the part of the now Attorney General, because I repeat: The now Attorney General was the person who assisted the Opposition to achieve the end of the Bill which I introduced.

At page 2644 of *Hansard* on 27 May 1992, Hon Peter Foss said -

> Members may recall the seniors advertising campaign which occurred during the last election campaign. Under the Westminster tradition, during election campaigns a Government should consider itself as the caretaker Government; that is, it does not as a Government announce any new measures or advertise the things that it does.

He referred a little later to the Bill that I introduced and at the bottom of the page from which I am quoting he said -

> The fact is that this Government is blatant in its misuse of Government money in trying to get itself re-elected.

A little later he referred to the actual prohibition. At page 2645 he said -

> In fact, I propose that this Bill be amended to insert a new part 6A. Firstly, the amendment would prevent the Government from advertising new or modified services during what is the prescribed period. The prescribed period is one of three things:

A little later he said -

> Another of these amendments would not allow a member of the Government to travel at the expense of the State within an electorate in which an election or by-election was being held, . . .

I have outlined some of that reading directly from the amendment of the time. I want the Parliamentary Secretary to tell me when he replies to the debate why the now Government has changed its tune. The Parliamentary Secretary told us when he introduced the Bill in this House some weeks ago -

> Part 3 of this Bill commences with an amendment to section 2 of this Act enabling the section of the Act dealing with disclosure to be separately proclaimed from those dealing with publications and travel.

Why are we putting through a Bill that, by the Government's admission, will only be part proclaimed before the election? I will return to that in a moment. The quote continues -

> The priority in this legislation is to ensure that those sections of the Electoral Amendment (Political Finance) Act dealing with disclosure are made workable. The other sections are under review, . . .

If the other sections are under review, what are they doing in this Bill before the Parliament? If they are under review, they should be excised and left under review until they are ready and until the Government can justify either bringing them to the Chamber and passing them or scrapping them altogether. I will tell the House what I think is the motive behind the Bill. The motive behind the Bill is not to be upfront and honest and withdraw those sections which this Government sponsored while it was in opposition; it does not want to risk the odium of the public by taking out of the legislation the very things that it, while in opposition, put into the legislation. Why would the Government do that?

Clause 2 of the Bill with which we are dealing is the commencement clause and it is a very unusual commencement clause. I suggest it opens the possibility of the same sort of abuse of the parliamentary process that we saw recently - it was an abuse of the parliamentary process - when the Governor was asked to excise a part of the Bill which Parliament should have been asked to deal with. Clause 2, Commencement, states -

> Subject to subsection (2) this Act comes into operation on the day on which it receives Royal Assent.

So far so good. If my amendment succeeds that will happen. However, the next two or three lines state -

> The provisions of Parts 2 and 4 come into operation on such day as is, or days as are respectively, fixed by proclamation.

That is not good enough. It borders on the dishonest. The Government says the matter is under review. Why has it taken four years to review something that will not be proclaimed but which is left in the Bill? It is a parliamentary nonsense. If the Government were honest about this, it would say it made a blue when in opposition four years ago and it will not proceed with those things that it found to be distasteful and dishonest when they were being dealt with by the Dowding and Lawrence Governments. Rather than take them out of the Bill, because by the Government's admission they are still under review, the Government is leaving them in and, by the admission in the second reading speech, will not proclaim them at the same time as the rest of the Bill.

A few people in this place have short memories. Something that was wrong, immoral and improper conduct four years ago cannot be right and just today. That is why every one of us in this Chamber stands in the low esteem of the public, because these sorts of things happen. People are not stupid. They pick up the motives behind such a transparent move by the Government when it says that it will proclaim the bits of this Bill that will make other people wriggle, but it will not proclaim those bits that will make demands on the Government. We are going into that period now. I can only assume from the words used by the Parliamentary Secretary in the second reading speech that the Government has set itself the task and probably created a Budget to promote things that it has done and that will be in what we said four years ago was the proscribed period; that is, during a period when we said it would be wrong, improper and immoral to bring about that end.

I repeat in the last minute or two of my speech that this is a good Bill.

Mrs Roberts: You can have another 10 minutes if you want.

Mr PENDAL: Thank you for that but I will not need it.

That is why the whole lot of us are in such disrepute. People from outside say that we felt so passionately about it four years ago that we brought in a Bill - which we did in 1989 or 1990. It was passed in the upper House and when the then Government - I make no bones about it - rorted the system, not only with government travel and advertising, the current Attorney General, Hon Peter Foss, introduced those provisions based on the Bill I had introduced earlier. I regard Hon Peter Foss as a good friend of mine, but I think it is wrong that he should maintain a position today as the Attorney General sponsoring a Bill of this kind when he said four years ago that it was wrong, wrong, wrong.

In 1992 Hon Peter Foss referred to the "traditions under the Westminster system". I remind the Attorney General what is the Westminster tradition. From the moment an election is called in Great Britain the Prime Minister of the day travels by transport paid for by the party to which he or she belongs. They do not muck around there. When Hon Peter Foss said four years ago that that was the tradition, he should have gone further.

[Leave granted for the member's time to be extended.]

Mr PENDAL: My point is that there should probably be no occasion on which the Government of the day uses its air travel capacity and taxpayers' funds to promote and congratulate itself on its policies. In England they go even further and say that the minute an election is called the Government of the day has no right of access to the public purse.

We have slipped further away from the standard of Westminster than even we or the present Attorney General believe. Although I believe he is an honourable man, it is wrong that he should be part of a Cabinet that can feel so comfortable that it brings in a Bill which, on the surface, seeks to outlaw a practice it found distasteful four years ago, but which by its own admission in the second reading speech will not be proclaimed simultaneously. I am not unduly suspicious by nature but I could give you this as a watertight prediction, Mr Deputy Speaker: The Government has no intention whatsoever of proclaiming those sections of the Bill that are now the unproclaimed part of the Electoral Act - I think section 175, to name but one. It will disappear into oblivion once the election is called.

I suggest that in four years we will be back here arguing about who could be more pure in politics in this State. Is it the Labor side of politics or the coalition side?

Mr Cowan: It is always the Independents.

Mr PENDAL: The Deputy Premier may be right.

Mr Shave: You are biased.

Mr PENDAL: I agree I am a bit biased. No-one has the answer to the issue I have raised: How is it that something that was wrong four years ago is not wrong today sufficient for us to proceed with that part of the Bill? Members will be put to the test. If they think I have gone on a bit here, they should wait until we reach the Committee stage. The first amendment in the Notice Paper will be dealt with. I alert the House to the fact that a slight amendment will be made to that amendment I circulated but only to correct an error.

It is a good Bill. It is four years overdue but there is no explanation why the Government will refuse to proclaim, arguably, the most important pieces of it.

Surely disclosure provisions are picked up in the main by federal law because those bodies must report to the federal commissioner. The real effect is to extend the State law to take in - it is perfectly reasonable - Independents and other entities. I think there is direct reference in the Bill to trustees of trusts. Despite all that, the good work of this Bill will be undermined unless the Government is prepared to go along with that amendment. The amendment will insist that all parts of this Bill be proclaimed at the same time, or - let us call the Government's bluff - that no part of the Bill be proclaimed. Maybe that is the agenda; I do not know. One thing is for certain, the public of Western Australia is entitled to have the whole of the Bill proclaimed. There is no excuse for saying that the matter is still under review after four years.

Mr Cowan: You were not here during question time. A question was asked of the Premier and he indicated that all that would be proclaimed prior to the election.

Mr PENDAL: I do not think he said that. That may be a helpful interjection. I understand that there are four parts to the Bill and that not all parts will be proclaimed.

Mr Shave: That is my understanding.

Dr Constable: The member for South Perth may be quite correct.

Mr PENDAL: My suspicion still is that the part that will not be proclaimed is that which we in opposition said four years ago was a rotten misuse of public funds in government advertising prior to an election. I will be happy to be disabused of that. If the Deputy Premier is right, I will be the first in Committee to congratulate the Government. Although I would still proceed with my amendment, it would mean that the Government would support it. I look forward to the Parliamentary Secretary's response to that.

In the meantime I congratulate the Government on the bulk of the Bill and its provisions, which will go at least a little way in the right direction towards better scrutiny of the conduct of public elections in Western Australia.

MR KOBELKE (Nollamara) [3.38 pm]: I welcome this move by the Government, albeit four years late, to finally put on the Statutes of this State legislation requiring public disclosure of party political fundraising. The Bill also covers a number of issues referred to as "housekeeping" matters. I doubt I will have time in my contribution to cover those matters and I will refer to them in Committee.

The Bill also indicates that the requirements on the Government with respect to political publications and travel are not to be proclaimed under this amending Bill. In that respect the member for South Perth said many things with which I thoroughly agree.

I wish to speak mainly about the importance of electoral laws in a democracy and the role that needs to be played by this type of legislation, both in the disclosure of party political donations and in the need for Governments to be under some form of control when using taxpayers' money for political purposes. A democracy cannot work unless various mechanisms and systems are set up to ensure that elections are fair, free and open, and that the population in general has respect for the political process. That has been established in Australia at both the state and national levels. Considering what happens in other parts of the world it is fortunate that we have a democracy in Australia. However, that does not mean that we can rest on our laurels and simply say that the way our democracy functions is healthy and that it is the best possible system. Therefore, we need to consider how we can improve the situation. This legislation in some way seeks to improve democracy in Western Australia.

We would all be totally outraged if anyone should suggest that he could buy votes directly. That has happened in other countries, where people have been offered food, money and services to convince them to vote for a certain political party. With the level of sophistication in this State and Australia that would be totally out of court. People would not countenance that taking place. We have legislation to make such actions illegal, but it goes beyond it being illegal to do those things; it would be totally unacceptable to the vast majority of people in Western Australia. In many ways, votes can be bought indirectly, where elections are not fair, because one political party has a decided advantage from the amount of money it can spend on a campaign. Therefore, we need to ensure that parties are, for most purposes, on an equal footing when fighting an election. We know from the need for access to the media and the modern means of campaigning that it takes a great deal of money to be able to take the message of a party into the wider community. We need to consider where that money comes from, and the strings that are attached to it.

The member for South Perth alluded to the fact that the money involved in campaigning does not relate only to campaigns proper. The Government of the day has decided advantages when it enters an election campaign. Some of those advantages are naturally a part of the system. We must live with that, whether we form part of the Opposition or the Government of the day. The advantage lies with the Government because it has certain apparatus available to it; it is seen through its period in government to be able to position itself; and it decides the date of the election.

Mr Cowan: It is not necessarily the case that it is just the Government. I have seen it done by an Opposition as well.

Mr KOBELKE: What is done?

Mr Cowan: In 1982 the Opposition launched a program called Bunbury 2000, in which it made commitments to develop Bunbury. That was buying the seat of Bunbury. It even committed the South West Development Commission to a debt in excess of $20m to honour those commitments. Perhaps you could spend some time on that.

Mr KOBELKE: The Minister is distracting me. I could take up those points, but it is not central to this debate. My point is that, while Oppositions may be able to promote particular policy proposals and sell them, the Government

has the advantage. With this type of legislation, we cannot tackle those types of issues. I accept them as part of the arena in which the political fight occurs. However, in some areas the Government goes well beyond the pale. The member for South Perth alluded to those. In those areas, things have been done which have been judged to be improper. I make no defence of former Labor Governments which contravened propriety in a couple of instances. Unfortunately this Government has developed that into an art form. It has been able to abuse the system in such a wholesale way that it makes the mind spin. I wish to go through a few of those issues.

Comparing what this Government said in opposition with what it now does, I note a total contradiction. When in opposition, it referred to something being totally wrong and improper and not being allowed to continue. However, now this Government is not only continuing those actions but to a far greater degree, to the stage where it has accepted what it previously declared to be improper conduct. The member for South Perth emphasised that aspect. One must consider what the Government said in regard to press secretaries. Recently this matter was the subject of debate in submissions to the Commission on Government. The Government has not cut back on the number of press secretaries; it has increased the number. It has produced a campaigning team within government, paid for by the taxpayers. In addition to press secretaries, the Government has media consultants - even to the extent of establishing a political media consultant in Bunbury who is now running as a government candidate for the next election. What could be seen to be proper about that? It is totally improper to have someone in Bunbury doing political work at taxpayers' expense, and also being promoted as a political candidate.

The Government has been involved in pushing propaganda through the use of government paid press secretaries. I do not say there is no role for press secretaries. A role exists and many of them do a good job within the confines of what is considered to be proper conduct for press secretaries. However, a range of activity by this Government involves people who are paid by the taxpayers to perform party political duties.

I turn now to the advertising campaigns run by the Government, and paid for by taxpayers' funds.

Mr Cowan: Do you have any evidence that the person in Bunbury is undertaking party political work?

Mr KOBELKE: I put that description on it; it is my judgment of what has been going on. Obviously a part of that role is proper, but part of it goes beyond that, in the promotion of the image of this Government.

Mr Cowan: You claim that, but do you have any evidence of it?

Mr KOBELKE: I will return to that. I have limited time, and I wish to move through the points I intend to make. That is the impression I have formed from the information given to me.

I have referred to the advertising campaigns of the Government. It has skilfully spent millions of dollars enhancing the image of leading members of the Government, and of the Government itself. The advertising on the sewerage campaign was very tricky. I cannot recall the exact wording, but it gave the impression that, by a huge infill sewerage program, something was being done about the environment. However, when one considers that advertising carefully, it does not say that we need to install infill sewerage to have a direct impact on the environment, because that is not true. The eutrophication and the nutrient problems in the Swan River and other major estuaries around the western coastal plain do not relate in a major way to the lack of infill sewerage. They relate to other issues. What should have been a matter of informing people about some of the programs for infill sewerage, has been doctored to become political propaganda. Millions of dollars have been spent on those advertising programs. Perhaps the most outlandish was the workplace agreements advertising. The Government was trying to convince people that its political ideology had some basis in fact in the workplace. The advertising was totally misleading about the outcomes for people who entered workplace agreements.

I have one fact in support of that argument: If there were any benefit for ordinary workers in workplace agreements, what was the reason for the secrecy? When we asked for details of the number of workplace agreements and the conditions applying to them, why was it regarded as an official secret? It was regarded in that way because we know their effect on people is to reduce the quality of their conditions of employment. Yet, this Government is spending hundreds of thousands of dollars on a campaign to convince people of the opposite.

Mr Cowan: That is absolute nonsense. I was asked the other day how many employees in my department had signed workplace agreements, and the answer was given readily. It is not a secret.

Mr KOBELKE: The Deputy Premier is very good at sidestepping the issue and creating a false impression. The conditions of workplace agreements of various people is an official secret. I cannot inspect the conditions under

which, say, a cleaner in the Deputy Premier's office is employed on a workplace agreement to see whether they equate with those of someone working in another position. That sort of information is not available.

Mr Cowan: That is right. You can go to the people themselves and ask them to provide it to you.

Mr KOBELKE: Again, the Deputy Premier is trying to sidetrack me. The Government has placed secrecy provisions on the workplace agreements so that people cannot make a valid objective assessment of what is happening with a range of conditions of employment with people on workplace agreements. The Government has done that because it knows that the effect on most people who enter into workplace agreements is a reduction in their remuneration and conditions of employment.

An example of the waste of taxpayers' money on advertising propaganda is the Fix Australia, Fix the Roads campaign. This was seen to be a way of attacking the federal Labor Government in Canberra. If one needs any evidence of the falsehood of the campaign, it is that with a coalition Government in Canberra it is no longer a campaign -

Mr Cowan: Yes it is.

Mr KOBELKE: - despite what the Deputy Premier might say. Any campaign now is on the basis of a partnership with, not an attack on, the Commonwealth Government. When the political complexion of the Commonwealth Government in Canberra changes, the propaganda machine of the State Government, which costs millions of dollars, turns to meet its own political needs. It is not a matter of doing anything about our roads, but of using taxpayers' money for party political advantage.

The third example of where the Government is wasting taxpayers' money for its own political purposes is in opinion polling. There was a failure on one or two occasions previously by the Labor Government when it conducted polling, and that polling was not made public. However, under this Government, opinion polling goes on from every second department. That polling is not about consultation in order to hear what people are saying and to respond to it. This Government does not know the meaning of consultation. It is about manipulation - understanding the strings it can pull to try to influence people on the direction it wants to go. It was only through the efforts of the Opposition that the Government was dragged kicking and screaming to release part of the information it was gathering through these expensive opinion polling surveys.

In the early days the opinion polls were drawn to our attention because one or two people took note of the questions they were asked and referred them to the Opposition. However, when we asked for the results to be tabled, we received results that had been laundered to try to make it look as though there was an official government purpose in surveying people about their attitudes on a range of issues so the Government might take cognisance of what people thought on those issues. However, the Government would not present to Parliament the two party preferred political voting intentions that were picked up in the early surveys because the Government was about party political polling - nothing else. The polling is being paid for by the taxpayers, with long term contracts that are continuing.

Although the Government has had to modify the polling a little to take off the heat because of the public outcry, it has continued that program and is using taxpayers' money for its own secretive polling and it is tabling the laundered parts of the results that it is willing to make public.

I move to the need to ensure that party political donations are recorded and are available for public scrutiny. In a recent example, a political campaign was put together and members saw the effect it had on this Government. This Government had proclaimed legislation that was considered to be adverse to the real estate industry. The real estate industry decided to put together a fighting fund to convince the Government that it should not have taken the action it had. This Government took the unprecedented step of wiping the legislation off the Statute book because of the political pressure that was exerted by that lobby group. In this instance the matter has seen the light of day because of the outlandish action of the Government to break with all precedents and take an executive action to strike from the Statute book a law that was passed through the Parliament and probably promulgated by the Executive Council and the Governor. Although government members may use the title "conservative", they are not the upholders of the institution of democracy. They are about political power at any cost. That is what the member for South Perth alluded to when he pointed out the possible reasons this Government was not willing to ensure that the provisions of the Bill on publications and travel would not be brought into force prior to the next election.

The legislation we are amending so it can be given force was brought down in 1992. There was a practical reason it could not be proclaimed then. However, for four years this Government has done nothing. Why for four years has

this Government been unwilling to bring this legislation forward? The original legislation passed in 1992 was modelled closely on the commonwealth legislation, and perhaps the excuse used by this Government was that it was waiting for the Commonwealth to review its legislation and it would do the same thing. These amendments mirror the changes that were made following the review of the commonwealth legislation. However, for four years there has been no public accountability by this Government in fundraising by either the Liberal Party or the National Party. They have had open slather. That is why this Government has deliberately delayed this legislation until the final stages of its four year term.

There are problems in ensuring that this type of legislation works well. Loopholes will always exist. Attempts must be made to close them without putting in place such a bureaucratic system that it becomes difficult to manage. Those technical difficulties must be dealt with. Perhaps members can discuss some of those in Committee. This Government has not raised those technical issues at any time in the past four years so this legislation can be made as effective, workable and efficient as possible. That has not been on the Government's agenda. This Government has done nothing in that area. It has simply delayed for the sake of allowing open slather with its own party political donations. Fortunately we have been able to gain some insight through the federal disclosure legislation.

Reports under the commonwealth legislation in 1986-87 show that a major donor to the Liberal Party was Midland Brick Co Pty Ltd, which would not be a surprise to anyone. One of the other major secondary donors was Laurie Connell. Peter and Ian Laurance, who are doing very well, courtesy of the Minster for Planning, were also major donors in the 1986-87 returns.

[Leave granted for the member's time to be extended.]

Mr KOBELKE: I found by looking at those reports some years ago that the major donor to the Liberal Party in Western Australia was a company called Furama Pty Ltd. Although I do not see it in the most recent disclosures under the federal legislation, for a number of years it donated in excess of $156 000 per annum. That obviously drew my interest and I started to make some inquiries. It appears that donation relates to the provision of the Liberal Party headquarters at Menzies House. I will not go into great detail because I have previously put it before the House. The facts that I put forward have not been refuted in any definite way. Wild assertions have been made against me but the facts still stand. The more information that comes to light, the more the facts are confirmed. What happened was that Terry Jackson, the principal in the $2 company Furama, organised through a mortgage with Perpetual Trustees to fund the Liberal Party headquarters. That was carried out on the basis of valuations which simply do not stand up to any credible test of valuations at that time in that area.

Mr Shave: That is your opinion.

Mr KOBELKE: Yes, and I will give the member all the figures to support it. This happened at a time when the directors of Perpetual Trustees were Ken Court and Ian Warner, who at various times played principal roles in the finance committees of the Liberal Party. Also Craig Lawrence was the chief executive officer and director of Perpetual Trustees Western Australia. What do we find now? We find that, through this nice little deal based on a land valuation that simply will not stand up, we have had a whole range of court cases in which there was a $35m payout covering the same company because the land valuations were shonky. I say that because the $35m settlement was made on that basis. Perpetual Trustees had to pay out that amount. We find that after all that, when Craig Lawrence gets pushed out the door because of what has been occurring in the company, this Government takes him on and gives him a plethora of jobs. The Government paid him for several jobs at the same time and has now installed him as head of the State Supply Commission. Through the party political donation disclosure we can see the link there and follow it through on the public record. This Government is simply about looking after mates who have looked after the Liberal Party.

What judgments can we make about the contracting out policies of this Government? Driven by ideology, this Government sees something in the order of $1b annually passed out to contractors. Clearly it has not been done on the basis of improving performance or cost efficiency. We know from the memorandum to the Water Authority that it was instructed to continue contracting out despite the fact it would cost more. The Minister knows that the school cleaning figures on the records indicate no saving and yet we have had a huge drop in the standards of cleaning in our schools to a situation which is totally unacceptable. That is seen by everyone except the Minister. He alone seems to be willing to accept that we have lowered the standard of cleaning in our schools when there is no evidence of overall saving with respect to the cost involved.

Several members interjected.

Mr KOBELKE: Who is benefiting from all this? In the first three years of this Government we have seen an increase in its revenue of 43 per cent. During that same time we have seen a contracting out program of $1b. However, the quality of service to the people of this State has gone down dramatically, whether in health or education. This Government has reduced standards when it has had a huge intake of revenue through increased economic activity and increased levels of taxation. On top of that, many thousands of government workers have been put through the pain of losing their jobs because they have been pushed out by the actions of this Government. Clearly the beneficiaries are a range of companies which have been able to become involved in government services through contracting out. How much of that money is finding its way back to fund the Liberal Party? A very good reason for this Government's delaying bringing in this legislation is so it could ensure it would open up the channels so that the people who have benefited from its decisions could fill its coffers.

Let us examine three decisions in which the Leader of the House has been involved. How could anyone accept the Minister's contracting for the 300 megawatt Collie coal fired power station without any expressions of interest? There were no tenders. He had another major company claiming that it could do it for $55m less. That is positioning in the marketplace.

Point of Order

Mr SHAVE: I find it very difficult to work out how the Collie power station has any relevance to this legislation. I ask that you consider that point of view, Mr Deputy Speaker, and bring the member back to the subject under discussion.

Mr KOBELKE: We are talking about the disclosure of party political donations and the range of actions taken by this Government and the people who have benefited and, therefore, the possible connection of that back to the funding of the political party. Without disclosure, one cannot be sure of the roots. For that reason it is appropriate to touch briefly on some of these issues.

Several members interjected.

The DEPUTY SPEAKER: Order! The member on his feet is producing an argument which, whether valid or not, he is entitled to produce. There is no point of order.

Debate Resumed

Mr KOBELKE: I find it totally unbelievable and I think the majority of Western Australians would find it unbelievable that a Government could let a contract worth $575m for a major power station without calling for expressions of interest. There were no contracting procedures at all and no tendering. The Minister simply let the contract to someone. How can we be sure that everything is proper? We have no way of knowing it. Why has the Government delayed this financial disclosure legislation? That is a question people want answered. This Government has refused to answer it.

I will give one more example of the power purchase agreement between the State Energy Commission of WA and Pacific Hydro for the purchase of hydroelectricity from the main Argyle Dam. This Government did not enter into any expressions of interest. There was no tendering process. It conferred the rights of water and land, and the easements necessary for the building and operation of that hydro power station. The consultant who put it together had in the past been the chairman of the Liberal finance committee.

Mr C.J. Barnett: Did you support the action of the Government?

Mr KOBELKE: I did not support the process by which the Minister put the deal together. That is what I am talking about, not the project itself. Hopefully the project itself will prove to be excellent and a boon to that area in the north of the State. That does not justify the way in which the Minister went about it. He should not have allowed a person, who was a senior figure in the finance committee of the Liberal Party and who had been involved as a director of a company of which the Premier was a director, to put together a deal in which there were no calls for public interest or participation. It was simply done behind locked doors. We do not know how much of that money is finding its way back into the Liberal Party. If this Government thought that nothing was wrong, why had it not enacted this legislation? Why had it delayed the legislation for four years? It has taken four years to see any legislation that would ensure that party political donations were made public, so that we can ensure that, when the Government does these deals in a most improper way, no corruption is involved and it is simply the Government's total incompetence that has led to such improper action in giving out major contracts without calling for expressions of interest. If we

on this side had tried one of those deals, the whole State would have been in uproar. However, because the Government has spent so much taxpayers' money putting together a propaganda apparatus and, through it, controlling certain sections of the community, some people have accepted the totally unacceptable behaviour by the Government of allowing multimillion dollar contracts to be let without any tendering or calls for expressions of interest.

Mr C.J. Barnett: Can you tell me where the Government is a party to any of those contracts?

Mr KOBELKE: The Government is a party because the contracts deal with natural resources. The water belongs to the State and the easements belong to the State. The State became a major purchaser of the power.

Mr C.J. Barnett: That part of it comes under the state agreement Act, which you supported in this Parliament. The contract is a matter between Western Power and Pacific Hydro in which I have no involvement.

Mr KOBELKE: But it could not have got off the ground without a wink and a nod from this Government. That is the problem: This Government gave a wink and a nod to it.

We have seen what happened in Wanneroo in respect of funding of the Liberal Party. People might infer that that is another reason for the delay. Is money still coming from Wanneroo into the coffers of the Liberal Party? Members opposite have not been willing to disclose that in the past. In addition, they have delayed legislation that would provide a mechanism for the people to see the source of funds for the Liberal Party. They know a great deal is coming out of their pockets through wastage on propaganda campaigns undertaken by the Government. What they do not know is how much money is coming to the party from people who have benefited from decisions made by this Government.

DR GALLOP (Victoria Park - Deputy Leader of the Opposition) [4.13 pm]: The Opposition supports this Bill but will be moving some amendments in Committee.

It is with some sadness that I rise in 1996 to support this Bill, because the birth of political disclosure legislation in Western Australian politics has been very long and painful. Unfortunately, in 1992, when we thought we had finally arrived at a situation where politics could be conducted on the basis of proper disclosure, some amendments were made to the legislation which on the strong advice of Crown Law would have made government in this State very difficult during election campaigns. Therefore, proclamation did not occur before the last election, and has not occurred since.

Let us remind ourselves of how long it has taken to arrive at proper disclosure. We can only hope that this Bill will eventually be passed and proclaimed. In March 1991, the then Government issued a discussion paper outlining a framework for disclosure of political donations. I know something about this, because I was the Minister for Parliamentary and Electoral Reform at that time. That discussion paper also suggested limits on political expenditure. We received some feedback from the community on the issue, and in April 1991 a Bill was introduced to achieve disclosure. In September 1991, notice was given of five amendments to that Bill in an attempt to improve it and make it more consistent with the commonwealth legislation, which, of course, was in operation by that time.

The then Labor Government also contributed to a Senate select committee looking at the deficiencies of the commonwealth legislation. I am pleased to say that when the commonwealth law was changed in December 1991, the recommendations that came from the then State Labor Government were included in the federal legislation.

However, by the end of 1991, the legislation introduced earlier that year had been overtaken by events. A decision was made to introduce a new Bill. In April 1992, we introduced the Bill with many amendments. As we know, that Bill went through the Legislative Assembly. Amendments were made by the member for Floreat which meant that the threshold to apply to disclosure was raised to $1 500 for candidates. It had been applied at that level for parties, but the Independents said it should be equal between parties and candidates, and we agreed to that amendment. The Bill went to the Legislative Council and some small amendments were moved, one of which - that relating to indexing the disclosure to the CPI - was finally accepted in the Council, even though it had been mooted in the Assembly by the current Speaker.

The two major amendments moved in the Legislative Council related to issues that had nothing to do with disclosure; that is, the prohibition on government advertising in the six months prior to an election and limitations on air travel at public expense during an election campaign. Those two amendments were passed. The then Government accepted those amendments because of its desire to have disclosure in place prior to the 1993 election. Unfortunately it was the Crown Law Department’s view that Parliament had passed a law that would have made it impossible for the

Government to operate for six months every four years given its need to publish reports, health promotion campaigns, TEE results and so on. I am still not convinced that the advice was as sound as it could have been. Nevertheless, the Government of the day accepted that advice on the understanding that it would conduct itself during the election campaign according to the spirit of the law, which it did, and that it would rectify the matter after the election. Unfortunately, the new Parliament was no longer dominated by a Government that had an interest in and commitment to disclosure; it was dominated by the conservative parties and we have had inaction on this issue until this Bill was introduced.

The Government's excuse for delay was based on two arguments. First, the Federal Parliament was reviewing its own legislation and it was felt that that should be taken into account. It is the first time I have ever heard the conservative parties in this Parliament defer to the Federal Parliament. The second excuse was that it should wait until the work of the Commission on Government had been completed. When one is dealing with the issue of disclosure of political donations, the work done by the former Labor Government, the Commonwealth Parliament before 1993, the Independent Commission Against Corruption in New South Wales, and the Fitzgerald inquiry in Queensland means that we are up to scratch on what needs to be done. Tragically, the Government used the federal inquiry and the Commission on Government work as an excuse for not acting in this area. All of us know that the royal commission itself recommended action on this issue. This was not one of those issues that the royal commission felt should be sent to the Commission on Government; it recommended direct action on it in the Parliament. The excuses used by the Government do not stand up to scrutiny. It is a tragedy that we have not had this legislation passed before today.

I have raised this question in Parliament on numerous occasions. I did it by way of grievance on 8 September 1993, in the general budget debate in December 1993, and, of course, in parliamentary questions throughout the course of 1993. This legislation should have been introduced sooner, but that is history; it is here now.

I would like first to outline the three principles that should apply in any consideration of legislation dealing with political finance. The first principle is that there should not be secrecy in relation to fundraising. Obviously, that principle should be put into practice in a way that is not bureaucratically cumbersome. In other words, one must set a threshold at a certain point. The Commonwealth has set it at $1 500, and it seems reasonable to follow that threshold in the interests of consistency. By doing that we can ensure that those engaged in politics are not subject to different rules between federal and state arenas.

It is important that there not be secrecy. When we first initiated this Bill in 1991 and debated it again in 1992, the then Opposition - the spokesman at that time being the current Speaker - expressed doubts about the need for disclosure. Again at the federal level the Liberal Party is expressing doubts about disclosure. I hope that those doubts are not shared by the state Liberal Party, because disclosure is important. When we have secrecy in fundraising we create conditions in which money can pass to the Government or political parties with strings attached.

I have no doubt that the publicity that comes with disclosure acts as a restriction on any attempt to use money to buy influence, Governments or political parties. The first principle is openness about money that is spent on politics. The second principle is that there should not be significant financial impediments to political participation. If politics costs too much, there is a danger that money may determine outcomes. It has been of concern that the cost of conducting political campaigns is growing all the time. The sophistication of political techniques is growing. I wanted to use the word "improving"; it is changing, but I am not sure whether it is improving. The costs are increasing all the time. The figures quoted in *The West Australian* earlier this week indicated that hundreds of millions of dollars are spent on politics. If one lives in a true democracy, ordinary people who may be outside the mainstream political process should be able to try to enter into that process to express a point of view without excessive restriction. Those who are in opposition at any time should be on a level playing field with those in government. Democracy is about equality. Restrictions must be placed on the amount of money that is spent in politics.

Mr Shave: You should speak to the member for Marangaroo.

Dr GALLOP: He is very good at it.

The ultimate position we should reach in politics is political parties being funded by small amounts of money from many people. That is the ideal for which we should aim.

Mr Bloffwitch interjected.

Dr GALLOP: Public funding may also ensure this equality. There should not be significant financial impediments to political participation. This legislation does not deal with that principle. It requires the declaration of electoral expenditure, but not the limitation on electoral expenditure. I believe that the Canadian and British experience in individual electorates, where expenditure is limited - as we used to have in Western Australia - is a better system. Given that we will have regulations anyway with disclosure, there is no difficulty in adding to that a restriction at not only the individual electorate level, but also the state and national levels. This legislation does not deal with that. However, it is my intention over the years to try to set limits on expenditure.

The third principle that should apply is that restrictions should be placed on government to ensure that its resources and power are not used in a politically partisan way, so that those who are working in opposition to government fight the battle on a level playing field.

Mr Johnson interjected.

Dr GALLOP: The two restrictions that we have debated in the past are travel in election periods and restrictions on government advertising.

Mr Johnson interjected.

Dr GALLOP: I will not go to the detail of how to do this now. The Labor Party put forward a proposal of so many dollars per person in an electorate or in the whole election. I will dig out my material on that if the member for Whitford is interested. We based it on a principle. We looked at the Canadian situation, where some limits are imposed, and absorbed it into the recommendations in my discussion paper. The third principle, which is a level playing field between government and opposition, is not the easiest to ensure, but nevertheless it is a principle we should apply. They are the three principles. This legislation deals primarily with the first principle. It does not deal with the second principle, and I am concerned about the way it deals with the third principle. That is the issue that the member for South Perth raised. I am interested in the response of the Parliamentary Secretary on the intentions of the Government on government advertising and travel during those important election periods. The reason we need this legislation is simple. The commonwealth Electoral Act applies to commonwealth elections and to parties registered with the Australian Electoral Commission. That Act requires full disclosure of income and expenditure by parties in commonwealth elections. As we argued here in 1992 we need state legislation to back up the commonwealth legislation. Some debate exists on whether state candidates with their own electoral accounts would be covered by the commonwealth law. If they were Independent candidates or part of non-federally registered political parties, they would escape the scrutiny of the commonwealth law. Thirdly, third force organisations that are involved in state elections that can have an influence on the result would not be covered by the commonwealth law. We must have state law in this area backing up the commonwealth legislation. I am pleased that the Bill before us today provides a state backup to the commonwealth law.

I will reiterate a view that I have held on this issue for a number of years. In the early 1990s I wrote to all the State Governments. I said that we needed a national summit on disclosure of political finance, because there was no doubt if different laws applied in different States and a different law applied between the State Parliaments and the Federal Parliament, we would create loopholes in the process that could become a basis behind which people would escape public disclosure. I wanted the State Governments to get together with the Federal Government to agree to a comprehensive national package that has state and federal legislation and then for all of us to come back to our individual Parliaments so we would have a regime of disclosure throughout Australia. Unfortunately, at that time interest in my proposal did not come forward. I particularly remember that my Labor colleagues in Queensland were hostile to that proposal. They had moved their own legislation following the Fitzgerald inquiry and they did not want anything to do with a national approach. Some degree of interest was expressed by some of the other States; however, it did not get anywhere. Ultimately, we need a federal law, state laws, and a consistent pattern throughout the nation for those participating in politics to disclose the sources of their revenue.

I will outline what I think are the four good features of this legislation: First, it makes for consistency with the commonwealth Electoral Act in the definitions, procedures and requirements. That is a positive improvement on the 1992 legislation. Secondly, it ensures that all candidates must declare donations, not just those from federally registered parties. That was the reason for the 1992 Bill and why we need this legislation. Thirdly, a new section deals with disclosure of gifts and income received by the associated entities of political parties. That is a good addition to the 1992 legislation and certainly the Opposition will support that. Fourthly, a new section enables the specific disclosure of expenditure after a state election. That is a positive step that improves the 1992 Act. They are the strong points of the legislation. The Opposition will take up other matters that it considers to be important and also those parts of the legislation that it believes are weak.

The Opposition will also look to add to the legislation some issues that it believes are important in ensuring that politics in Western Australia is placed on a proper foundation. The first issue that the Opposition believes should be addressed relates to the question of contracting out within government. There is a new system in Western Australia. Under the previous system on one side was the public sector and on the other side was the private sector. The public sector was subject to its own rules, regulations, ethics and internal requirements and its role was to regulate the private sector insofar as the Government needed to regulate certain areas of activity. Also, it might directly provide a service which the marketplace did not provide or one which the private sector was deficient in providing. On the other side was the private sector, subject to Corporations Law, carrying out its activities and delivering goods and services within the market mechanism. A big change has occurred in the last few years in that the Government has been contracting out many government services.

[Leave granted for speech to be continued.]

Debate thus adjourned.

[Continued on page 5687.]

GRIEVANCE - HOMESWEST, RENT ASSESSMENTS AND AUSTUDY

MR BROWN (Morley) [4.33 pm]: My grievance is to the Minister for Housing, and I raise it at the request of a constituent in my electorate.

The DEPUTY SPEAKER: Order! Members, I am battling to hear the member on his feet, who is the nearest member to me in this House, because of the background conversation. I ask members to please abide by the rules with regard to conversations in the Chamber.

Mr Bradshaw: He should also speak up because I am having difficulty hearing him.

The DEPUTY SPEAKER: I hope the member for Wellington is not questioning my ruling.

Mr BROWN: My constituent is, and has been for a considerable time, a tenant in a Homeswest property. Recently I raised on behalf of my constituent with Homeswest and, subsequently, the Minister the manner in which Homeswest calculates rental payments. Initially I sent a letter to Homeswest on 27 June in which I asked it to provide me with the calculations it used to arrive at the rental charge for my constituent and his family. I received a response from Homeswest dated 19 July, in which that information was provided. The information indicated that the calculation took into account the income of one of the sons, who is receiving Austudy. Members of this House will be aware that Homeswest charges a percentage of income up to a certain amount when determining the appropriate rent to be paid.

I raise this concern with the Minister for Housing because under the Austudy arrangements a student is entitled to receive Austudy, which can be used for normal living purposes, or the student may trade in the Austudy allowance for a loan and payments are then advanced at a higher rate. The difference between the two arrangements is that in the latter case not only does the student receive a higher rate, but also the whole amount is a loan and must be repaid. Under the first option the person receives a payment during the period they are studying and that amount does not have to be repaid. For all intents and purposes, under the latter arrangement, the person is not receiving an income but is living on the loan obtained from the Commonwealth. In those circumstances it seems to me and my constituent that the rental charged should not be based on the assumption that income from a loan is normal family income. It can be compared to assuming someone who borrows $3 000 from the Commonwealth Bank, which is advanced to them at the rate of $60 a week, is receiving additional income of $60 a week. Of course, that is nonsense because the $60 must be repaid further down the track. It is illogical for Homeswest to take into account the Austudy loan supplement when determining the Homeswest rent.

I understand the full amount a person receives from the loan is not taken into account by Homeswest in determining the rent to be paid by a family but part of it is. Therefore, the rental payment is adjusted upwards accordingly. I cannot see why that is at all appropriate in the circumstances. It could be argued, for example, that if the person did not take up the loan, he would be paid Austudy and in that case the family's rental payment would be adjusted accordingly. That is a nonsense argument. If this were the basis, one could ask why the person is studying at all because if that person got a job, the income he received could be taken into account when determining the rent. The income taken into account for the adjustment of rental charges should be income received by way of wages or other

benefits from the Commonwealth and State which are not repayable. In this case the student has taken out a loan that must be repaid. Therefore, it is inequitable for Homeswest to adjust the rental payment on the basis of income received through that loan. I raise this matter in the hope that it can be given consideration and that the practice will not be continued for the purpose of adjusting rental payments.

MR KIERATH (Riverton - Minister for Housing) [4.41 pm]: The member for Morley is correct in saying that he wrote to me and I replied. I point out that Austudy and Abstudy have always been assessed as income by Homeswest. In 1993 the Commonwealth introduced the optional Austudy supplement loan to augment students' incomes. That is the case in this situation. Students may choose to receive twice the amount of the grant component they trade in for a supplementary loan up to a maximum of half their grant, which continues to be paid fortnightly. In simple terms, that meant that a student on an Austudy grant, for example, of $70 a week can trade in up to $35 of that grant and receive a supplement loan of $70 a week; in other words, the student would receive $105 a week. The loan is indexed to the CPI, does not attract real interest and is required to be repaid only if the student's future earnings exceed average weekly earnings.

It is a leveraging proposal by which people can increase income into the household. It would be unfair to those who do not take out that loan option to allow students to take the additional income and not adjust their rent assessment accordingly. In July 1993, at the time of a Federal Labor Government, changes were made resulting in Homeswest changing its guidelines and practices to assist in the assessment of Austudy. For the benefit of members, the guidelines and practices indicate that an Austudy or Abstudy recipient living with a parent or guardian, or boarding with a tenant but not being a party to the tenancy agreement, has only 21 per cent of the Austudy allowance added to the gross household income for rental calculation purposes. If the student is a tenant or a party to the tenancy agreement, obviously, 100 per cent of the Austudy allowance will be assessed, including dependent spouse allowance. Austudy has always been part of the assessment income, and the rules were changed so they could basically double the grant components if it was traded in for a supplement loan.

I do not know of any better way of assessing Homeswest's rents than through a percentage of income as this procedure is targeted at low income earners.

Mr Brown: I don't have a problem with that.

Mr KIERATH: It has always been the case that if income increases, the rent will increase.

Mr Brown: The problem is adjusting the rent on the basis of money which must be repaid.

Mr KIERATH: It relates to this feature by which a student can double his or her grant. The Government did not introduce the loan option - it was introduced federally. We have no control over that policy, but we must match our policy to suit. If a student chooses the loan option, that person has a greater capacity to pay than the person who does not choose the loan option.

Mr Brown: They have to repay the loan in total.

Mr KIERATH: Homeswest tries to take a neutral position on whether students should take up the loan option; it does not advise them one way or the other. However, if a person takes the loan option, by our rules we are obliged to take that factor into account. We assess only half of the loan income, not the lot, as we discount it back. This procedure still gives these students an advantage over people not taking the loan. A student who is aged under 21 years and is a family member - that is, not the head of the household or a partner - has income assessed at a lower rate of 10 per cent for rent. For example, a student receiving $70.30 in Austudy would result in an additional $7 per week income in rent assessment for that household. If the same student had a supplement loan, his income could be $105 - that is, the $70 and the $35 loan supplement I mentioned previously - resulting in the same $7 per week rent assessment income.

The Government does not see that it can go any other way. If it accepts that income is the right approach to assessing a person's rent, and that Austudy has always been part of that income, it has gone as far as possible by discounting and not assessing all of the grant. If the person chooses the higher income option, he or she must be prepared for this to have some effect on the rent that the household will pay.

Mr Brown: I would understand that if they did not have to repay the loan. If you go to the Commonwealth Bank and ask for a loan on the basis of another $20 a week, it is not taken into account with rent assessment.

Mr KIERATH: When the Labor Party was in power, Austudy was added to the rent assessment - that has not changed.

Mr Brown: I don't have a problem with that.

Mr KIERATH: This policy of doubling the grant component was brought in by the member's national colleagues. We are assessing only 50 per cent of that income. Currently, Austudy affects the rental assessment of the household, and if a student chooses an option to bring in more money, he will have an advantage over a person who does not take that loan option.

Mr Brown: They have that short term advantage, but they still must repay the loan.

Mr KIERATH: Sure, but the students still have the advantage. A student working part time acquiring a similar level of income is assessed on his or her earnings.

Mr Brown: If the same student went out and borrowed the same amount from the Commonwealth Bank and asked it to pay him every month or fortnight, that would not be taken into account by Homeswest.

Mr KIERATH: The option of allowing people the additional income is not a very sensible one - it is not one I personally favour. However, neither the Government nor I had anything to do with the introduction of that scheme, so we must live with it. As the rules are to take Austudy into account in rental assessment, we must take account of students taking the option which delivers a higher income.

GRIEVANCE - HOTELS, LICENCE CONDITIONS FOR ENTERTAINERS, CHANGES

MRS PARKER (Helena - Parliamentary Secretary) [4.48 pm]: My grievance today is to the Minister representing the Minister for Racing and Gaming regarding a letter drawn to my attention in recent days from the Director of Liquor Licensing to all licensees in this State concerning the change of licence conditions for entertainers on hotel premises. Essentially, the changes mean that little requirement will apply for those entertainers to wear clothes - in fact, only thongings will be required. Although some people in this place may think that this is a humorous topic, I do not. I believe I speak for many women and families on the issue.

Mr Cunningham: What is a thonging?

Mrs PARKER: Thonging is a garment which is a little less than a G-string.

My first concern is that the letter from the Director of the Office of Racing, Gaming and Liquor to the licensees says -

> Due to representations from sections of the liquor industry for this type of entertainment, I have decided to consider applications . . .

These applications were the removal of the reference to immodest dress in the licence conditions. In all my research I found that the Office of Racing, Gaming and Liquor has responded to requests from only two sources; namely, from certain sections in the liquor industry and the company which provides the girls who act as strippers. No other consultation has occurred. My problem is that these are the two sectors in this equation that will make money out of the changes. No thought has been given to discovering the broader community standard as no public consultation has taken place. The only pressure applied and acceded to is from those people who stand to make money from this change.

A headline in *The West Australian* of 12 February 1996 was "G-strings back in bars". The article outlined that police were having problems obtaining successful prosecutions for immodest dress. At that time a magistrate had ruled that nudity was not indecent and did not pass as immodest dress. In a subsequent appeal made to the Supreme Court on that ruling, which was ruled upon only on 12 June 1996, upheld the position of the Commissioner of Police, the complainant. Part of the judge's ruling read -

> In its popular usage, immodesty is a word which may well be applied to a mode of dress. When so applied, in its popular meaning, it is concerned with indecency or impropriety and it has sexual overtones.

It is important for members to note that he went on to say -

> It is apparent that that judgment and those of other members of the Court was that, at least in relation to sexual matters, and I would add at least in relation to matters of dress and the sexual connotations of dress, indecency and immodesty may be taken to bear the same meaning of offensive to commonly accepted standards of decency or propriety.

The judge has ruled that there is no difference between indecent and immodest dress or behaviour.

I have concerns about this change in the licence conditions for hotel proprietors. There has been no public consultation on this matter. When we were considering deregulating the hours for liquor stores, a representation from the hotel industry said that it was trying to get away from the image of being a male only enclave; it wanted to become a place for broader social interaction and to move in the direction of serving meals and being seen to be part of the cafe culture.

I have not been able to ascertain whether the Western Australian Hotels Association has submitted a formal application. However, the provision of a facility in hotels for entertainment by naked women is totally different from the provision of a broader based, social interaction facility. If the hotels provide this sort of entertainment, they will not be meeting that broader based, community interaction opportunity and we may have to consider extending the trading hours of the liquor stores.

I have spoken to a number of colleagues and to the Minister for Women's Interests. I am aware that liquor and gaming issues are no longer dealt with by a specific unit in the Police Department, and that they will be policed out of the Delta regional headquarters. If we are to give the regional police and the community the choice, we are putting a great responsibility onto the police. I refer to a press release of 12 February, in which a senior police officer said that being a judge of public morality was not a role for the Police Service. If the decision about having hotels that employ naked women is not to be a responsibility within central office, the police in the regional Delta headquarters will be forced to ask members of the community whether that is what they want. I have a serious concern that we are putting a great responsibility onto police, one that the police have already said is not their line of business. I look forward to the response of the Minister about this policy change.

MR COWAN (Merredin - Deputy Premier) [4.55 pm]: From the outset I say that I was only ever a reluctant representative of the Minister for Racing and Gaming in this House. Nevertheless, this is a very serious matter. As the member for Helena has quite rightly said, it arises out of the conflict that appears to have occurred between the capacity of the licensing court to make a determination about what is indecent and immodest dress or lewd and indecent behaviour, and the ability of the police to identify, firstly, the need, and secondly, the resources, to carry out their responsibilities for these matters under section 115 of the Liquor Licensing Act. The dilemma is this: Any decision about what is, or is not, permitted in a hotel is the responsibility of the licensing court.

The police understood what was immodest and indecent dress. A variation to that ruling was given by the licensing court when the presiding judge decided that immodest dress would be determined as any person bearing her breasts and buttocks. As a consequence, the police decided it was not possible for them to gain any prosecutions. In fact, they did not need to.

That means the judge of the licensing court must now make some determination to make it simpler for the police to enforce the law. Although the member for Helena expressed some concern about the operations of the Police Service in this matter, the real nub of the issue goes back to the licensing court. The member's concerns were not so much about the way in which the duties were discharged, but rather about the way in which the Police Service is being restructured under the Delta program.

Mrs Parker: I am just concerned that it will put a great responsibility on the police at that Delta level because they will make a decision whether the naked show, the girlie show, occurs. That is a big responsibility for regional police officers.

Mr COWAN: That is not the responsibility of the police; it is the responsibility of the licensing court in the granting of conditions for a licence. It is up to the police to determine whether someone has, or has not, violated or varied those conditions. I can reassure the member to this extent: There is a great deal of experience within the normal uniformed section of the Police Service. The policing of the Burswood Resort Casino is the responsibility of the Victoria Park Police Station, not a specialist section within the Police Service. I understand the casino management and the public at large believe the police discharge those duties very well. My concerns are not about the police and the way in which they are required to enforce this provision, but rather about the way in which the licensing court

has made a determination about immodest dress and that hotels have been called upon to make application to the court for a permit to provide entertainment by naked women in a special section of their premises.

As the member for Helena has adequately stated, I do not think that is in any way appropriate for the hotel industry. I agree with her entirely. I will certainly be taking up with the responsible Minister the view expressed by the member for Helena, and endorsed by me, that this is inappropriate. Given what the hotel industry is seeking to expand its role to, for hotels to make applications for this type of entertainment is most inappropriate - no matter what we do and what we say about the standard of dress that might be acceptable at Swanbourne Beach or any other beach.

Given the great number of hotels in Western Australia, only 12 applications have been made for a licence under these conditions.

Mrs Parker: The letter has only been out for about three and a half weeks. There have been 12 applications in that time. One does not know what might happen with applications within the next six months.

Mr COWAN: That is true. The letter was forwarded on 16 August. As I say, at this moment only 12 applications have been received.

It does need to be conveyed to the responsible Minister that, given the submissions that have been made by the Australian Hotels Association about seeking to broaden the image of hotels in the public arena, if that is the image they want to portray, they are doing themselves and the hotel industry as a whole a disservice.

Mr Brown: Did the Minister seek the views of the Women's Advisory Council?

Mr COWAN: I do not think he did in this instance. It is appropriate that this issue is raised and some publicity is given to it, and I hope that these licences are never granted.

GRIEVANCE - MANDURAH HOSPITAL, ARRANGEMENTS

DR GALLOP (Victoria Park - Deputy Leader of the Opposition) [5.02 pm]: My grievance on behalf of the people of the Mandurah-Peel region is about the proposed and much needed hospital upgrade in that area. We last addressed this issue in May this year, when the Minister said to this Parliament that negotiations with Health Solutions (WA) Pty Ltd about a privately built, owned and operated model for Mandurah hospital had broken down and a more traditional model of collocation involving Health Care of Australia was being examined by the Government.

The first question I pose to the Minister for Health today is: Do the reasons for that breakdown at that time still apply, given that Health Solutions appears to be well and truly back in the game today? At the time, the Minister did not make it clear why the negotiations with Health Solutions had broken down; he said simply that it was not able to complete the project in time. Specific issues must have been behind its failure to complete the project.

It is interesting that, when the matter became the subject of some debate in the media, the Managing Director of Health Solutions, Mr Ian Gorton, said in *The West Australian* that the project had become financially impossible because the Hospital Benefit Fund of Western Australia Inc had threatened to pay only the basic rebate for private patients and -

> "There is a very real concern that WA's largest health insurer is not prepared to accept the concept of co-located hospitals," he said.

He then said that with that policy, the Mandurah hospital would run at a loss. If the reason that he was finding it difficult to put together a proposal for a collocated hospital in Mandurah was that the Hospital Benefit Fund of Western Australia Inc would not pay the full rebate for private patients in that hospital and that would lead to a loss, what has happened to indicate that the same scenario will not apply today?

On 12 August 1996, HBF put out a media release headed, "HBF Announces Policy for Co-location Hospitals", in which the Group General Manager, Mr Michael Gurry, expressed concerns about collocations that had occurred in the Eastern States, where private wings were attached to public hospitals and all patients received the same level of care, and said that certain criteria would be used to determine whether payments of benefits would be above the basic level. That very issue was raised by Ian Gorton in *The West Australian* earlier this year. The first criterion for a private collocation to receive rebates above the basic level was that there must be adequate demand from within the area to justify the increased supply of private beds. This was the very issue which led the community consultation

that occurred in 1993-94 to express concern about whether there was enough private health insurance cover in that area to justify more private beds. That issue has already been raised in the Mandurah area. The second criterion was that the hospital operators must demonstrate that there was no transfer of costs from the public section of collocated facilities to the private section. There were some other criteria.

What has changed since Mr Ian Gorton said in *The West Australian* that if the hospital did not receive the full rebate, it would run at a loss? What is the current state of play in respect of this hospital? Health Solutions is back in the game, but there is no mention of the Hospital Benefit Fund problem.

Secondly, the Minister said in a press release issued on 11 September this year that the bulk of extremely complex negotiations had been finalised. Which ones have still not been agreed? I ask the Minister to guarantee that everything is agreed. Can the Minister tell this Parliament that every aspect of this contract is agreed; and, if not, will he indicate which aspects are still to be agreed? I ask the Minister to clarify his press statement. Is the Minister on the verge of signing a contract with Health Solutions, or is he on the verge of signing some form of agreement with it to continue the negotiations to finalise the precise model that will exist in that area? It has been indicated to the Opposition that the exact model to be used in Mandurah has yet to be agreed. It is very important that the Minister clarify this situation. Is the precise model for collocation, which will involve some private beds and an expanded public hospital, agreed? Who will own the hospital? If it will be owned by the Government, will it be leased to the private operator and manager; if it will be leased, have all the conditions of that lease been agreed to?

I am giving the Minister an opportunity to make absolutely clear to this Parliament whether his statement that the bulk of complex negotiations have been finalised means that some issues are still subject to negotiation; if that is the case, what are those outstanding issues? Can the Minister assure the House that the exact model that will be used for that collocation has been agreed upon? What areas of the negotiations have yet to be agreed upon; and, as the Minister indicated in his press release, is he preparing to sign the final contract or just an agreement to continue the negotiations?

MR PRINCE (Albany - Minister for Health) [5.09 pm]: In response to the Deputy Leader of the Opposition, I should make the point that Health Solutions (WA) Pty Ltd is a consortium comprising Health Solutions (WA) Pty Ltd, of which Mr Gorton is the managing director; BZW Investment Management Australia Ltd, which is a well known financier; and Leighton Contractors Pty Limited, which is an equally well known building and construction company. That has complicated negotiations, because we are dealing with three parties rather than one, as was the case with the Joondalup hospital negotiations, where we were dealing with Health Care of Australia, which is owned by Mayne Nickless Limited, and as was the case in Bunbury, where we were dealing with St John of God Health Service.

Negotiations with Health Solutions had stalled in May and did not progress any further. Some deadlines had been set in place with regard to finalising the negotiations, and they had passed. Extra time was given, but nothing eventuated, so a proposition was put to Health Solutions that we had reached the end of anything that could be usefully done with it and would move on to Health Care of Australia; so I made the announcement.

Health Solutions considered its position and came back with the response that it did not consider that matters were at an end and that it could proceed further with negotiations, and that is what has happened since then until recently. It is interesting to consider the position of the Hospital Benefit Fund of WA Inc and other insurers. HBF, National Mutual Health and Medibank Private all operate in the private health insurance industry and HBF is perhaps the dominant health insurer in this State. HBF is concerned about the nature of collocation facilities. It considers its members may feel there is only a marginal advantage in being treated at a private hospital rather than a public hospital; therefore, the value of private health insurance could be degraded. HBF has expressed this view on a number of occasions. It is still identifying the issues which are important to its members; for example, ensuring that its members are not subject to paying for services they receive in a public hospital. If it can be certain that collocation facilities will benefit its members, it has indicated it will support those facilities.

Dr Gallop: Does it apply in this case?

Mr PRINCE: It is probably a fair summary of the position taken by the other health insurance companies I have mentioned. I understand from what Mr Gorton said in public to the workforce at Mandurah and the Peel Health Service Board last Wednesday that the problems, if there were any, which confronted HBF and other health insurers are no longer considered to be problems. Consequently, I was in a position last week to announce a substantive agreement that had been reached with the Health Solutions consortium - I reiterate it involves three organisations - on the model, funding and construction. Some matters of design are currently being worked out. Since the initial

designs were prepared, there has been an extension to the community health part of the campus and an 18 bed day surgery unit. Extensive changes have been made to the original design and I understand there will be different entrances for the private part of the hospital as opposed to the public part of it.

The plans were displayed last week and it is a pity the Deputy Leader of the Opposition was not present because many of the questions he asked today would have been answered. I am surprised he has not been given a full briefing by people on his side of politics who were in attendance, including an Australian Labor Party candidate for the next state election.

The current state of play is that a substantive agreement has been reached, heads of agreement should have been completed today and the formal documents for lease, service agreement and so on, which in the case of Joondalup amount to a pile about two feet high, are in the process of being completed by the respective legal teams dealing with the three parties involved in Health Solutions and the Government. Most of the documents will be signed by the board of the Peel Health Service because it will be the contracting party with Health Solutions for the operation of the current and new hospitals. The other paperwork will be signed by the appropriate parties.

The actual nature of the arrangement is that the hospital, which currently has 32 beds, will expand to 110 public beds and a 20 bed collocated private hospital. As is the case in Joondalup and Bunbury, there will be shared facilities; for example, operating and radiology suites and so on. The hospital which was built in approximately 1988 was too small. The size of the hospital will enable a significant number of services to be provided. In particular, the emergency services will be updated. Currently, there are on-call doctors. Under the new arrangements I will be able to give a guarantee that there will be a minimum of a medical practitioner on site 12 hours a day, seven days a week. Outside that coverage will be a person on-call who will be able to attend the hospital within 10 minutes. Obviously, when the new hospital is built that service will increase to a 24-hour service on demand. In addition, there will be an intensive care unit. Specialists will be able to use the facilities, which will include chemotherapy and updated obstetrics facilities. The hospital will be able to handle all obstetric cases except for the extremely difficult cases, which would, in any event, be transferred to King Edward Memorial Hospital. Surgery, paediatrics, mental health, community health and aged care will be upgraded and the diagnostic services will be significantly improved. In other words, the result will be an excellent private wing. It will be an excellent public hospital for the people of Mandurah and the surrounding Peel health area.

Dr Gallop: The design is not yet agreed?

Mr PRINCE: Some slight additions are being made to the design. I will obtain a copy of the plan for the Deputy Leader of the Opposition.

GRIEVANCE - KEEP FIT CLASSES FOR THE OVER SIXTIES, FUNDING

DR HAMES (Dianella) [5.16 pm]: My grievance is also to the Minister for Health and concerns the over 60s' keep fit classes. I advise members who are not aware of these classes that people over 60 who have a medical problem that requires them to undertake regular exercises under the supervision of a physiotherapist, have until now had the opportunity to attend these classes because of combined federal and state government funding. Quite a few of these classes are conducted in my current electorate as well as in the electorate for which I will be a candidate at the forthcoming state election. Many people will be affected by the proposed change. It was brought to my notice that the cuts in the federal Budget have resulted in these classes being cancelled.

Mr Catania: I agree with the member that it is an important issue. It is a disgrace that the Federal Government has withdrawn the funding.

Dr HAMES: The member should stop piggy-backing. I am also presenting this grievance on behalf of the member for Helena. We have both received complaints and petitions from people in our electorates about this issue. It has been suggested that the Federal Government has taken this action because it wanted to target the frail aged. The people who participate in these classes are fitter than the frail aged and the Federal Government did not think it was right that they should attend these classes. That is an absolute nonsense. These people have a medical complaint and the classes are extremely important to them. They provide them with the opportunity not only to get fit, but to stay fit. To suggest that the classes should be targeted at the frail aged is nonsense. The people who currently avail themselves of the classes would quickly become frail if they were not able to do their exercises on a regular basis.

Mr Ripper: Was it not the Federal Government that made this decision?

Dr HAMES: I will come to that. I hope the Minister will explain what happens with the funding.

It is important that people who have injuries undertake exercises under the guidance and supervision of a physiotherapist to make sure they remain mobile and the injury does not recur.

I have found out that the closure of these classes is not the result of the cuts in the federal Budget. I hope the Minister will outline the exact situation. I understand that the classes are funded from the home and community care program, which comprises 60 per cent federal funding and 40 per cent state funding.

Mr Catania: That is even worse because the State Government is withdrawing its funding.

Dr HAMES: It would be worse if it had anything to do with the State Government making the decision. Obviously it does not and I can assure the member for Balcatta that all the members on this side of the House to whom I have spoken are angry. They are determined that something should be done to resolve this situation.

I understand that funding from the home and community care program will be redirected and I hope the Minister will be able to do something to resolve the situation. Many people have phoned my office about this issue and I have been given one petition. Unfortunately, I cannot table it as a petition because it has not been prepared correctly. However, I will read it to the House. It is about the cancelling of funds for the Morley over 60 mobility classes. This group is in the electorate that the member for Helena hopes to represent after the next election. The petition reads -

> The 50 or so people who go to these classes on Mondays are very upset that the health of older people is being ignored.
>
> Local doctors have often pointed out to us, as individuals, that these exercise classes are very important and helpful in keeping our mobility up to an above average rate.
>
> Surely the small financial amount involved in this programme weighed against the high rate of success attributed to these classes could be looked at again.
>
> We the people, on the attached list express our deepest disappointment and resentment at the axing of this programme.

Attached to that are the names of 56 petitioners. Currently, I am the chairman of an advisory committee that was appointed by the Minister for Seniors, Hon Cheryl Edwardes and is preparing a plan to provide directions to the State Government.

Several members interjected.

Mr ACTING SPEAKER (Mr Johnson): I am sure the members on my left have a keen interest in what the member for Dianella is saying. However, the member for Dianella has the floor. He has limited time in which to speak during the grievance debate. He has a grievance with the Minister and it is only fair that he be allowed to speak without too many interjections. The members have had more than their share of interjections. I will take stronger action if there are any more.

Dr HAMES: This committee is preparing a plan for the State Government for seniors particularly for the next five years but also further into the future. This committee has been looking at all issues relating to ageing and particularly the fact that the population is growing older as a result of the baby boomers now reaching that stage in their lives. We must do our utmost to provide improved resources. I said in a press release recently that I will resign as chairman of that committee if I do not achieve a satisfactory result with this issue. It will be impossible for me to continue if funding for programs like this is being stopped. I appeal to the Minister to do his utmost to have it continue. I would like to continue on the committee because it is an extremely important one and we have a lot of work to do. However, I will not stay on it if we cannot do something to resolve this funding situation, whatever the source of the funds.

It is important that the keep fit classes for the over 60s continue. The State Government must do everything within its power to resolve the situation. The committee has been told that children born now will probably live to an average age of 120 years. That may be hard for people here to accept. However, it is likely to be true. They will at least live for between 100 and 120 years. Therefore, there will a huge increase in the number of elderly people.

They will be much more active and will need to stay much more active. That is why classes such as this are so important, and I call on the Government to support them.

MR PRINCE (Albany - Minister for Health) [5.24 pm]: I am delighted to be able to reaffirm that there is no intention to withdraw or reduce funding for this program.

Mr Catania: How about your federal colleagues?

Mr PRINCE: There is only seven minutes and I want to get this over. The member for Balcatta is not yet in this category and the member for Marangaroo is. So perhaps the member will listen. The provider that operates the mobility program is funded through the home and community care program. HACC is a jointly funded program by the Commonwealth and State, its sponsor is Royal Perth Hospital and it has been going for over 10 years. An amount of $294 000 dollars is spent on this program. It has been extremely well received. Within the HACC guidelines, it is the only one of its kind. The HACC guidelines are very precise. They refer to funding through HACC services provided to people who are in the target age group; that is, those who suffer from frailty and health problems making some form of care necessary. That presents some difficulty because a fair number of the people who go into these programs are from that eligibility group. However, a number are not. Concerns have been raised over time by program managers within HACC - they are not politicians; they are bureaucrats responsible for the management of the programs - that the funds may be being used by groups that fall outside the guidelines for which HACC funds can be used, and we are all interested in accountability at all times! Given that the program has run for 10 years or more, it is appropriate and has been for some time to evaluate the program to see where it is going. That does not involve cutting funds. There is no question that funds will be cut. It is a matter of looking at what the program is doing, seeing who is involved in the program, and how it can be expanded and run in other places and in different ways. It has been suggested that people trained in exercise physiology could run some of the exercise classes in place of physiotherapists. The cost would be less and the effect could be the same. That is a suggestion only, and it is being evaluated. Physiotherapists who have been involved in this program for a long time feel threatened because they can see that they may no longer have an involvement. That is unfortunate.

Mr Bloffwitch: Also a lot the older people who do exercise want people with knowledge to instruct them.

Mr PRINCE: That is right; that person must be suitably qualified. That suggestion about someone trained in exercise physiology is a suggestion only. If it were possible, the program under current funding guidelines could be expanded because more people could be employed as exercise instructors. I am not suggesting that that will happen. That is one of the things that is being looked at as part of the evaluation process. I suppose it has become controversial because some of those who run the classes feel threatened. As the member for Dianella said, that is perceived as a funding cut. It has not been cut. However, it is being evaluated and that is right and proper.

The Government has a very strong commitment to preventive health care for the whole of the Western Australian community and particularly for people who are getting older. It is of benefit to the whole community that those who are getting into the aged end of life maintain good health because it gives them a vastly better quality of life and, from a financial point of view, it means they are not using up hospital resources. Their quality of life is most important. It is therefore good spending of a relatively small amount of money.

I have no problem in saying that I support the program, as does the Government. An amount of $294 000 is being spent and that will continue. However, it will be evaluated and that is appropriate. The evaluations have come about as a result of concerns expressed by the program managers who run the home and community care program because they perceive that the program is being run outside the guidelines.

Dr Constable: Are you aware that those classes began in 1980 and were funded at that stage by the WA Health Department and the funding has gradually gone into another basket? This program has been going for 16 years or more and there are no funds to continue it.

Mr PRINCE: The information I have is that the program is funded through the home and community care program. It has not been cut. There is no question of its being cut. It is being evaluated at the moment and, as far as I am concerned, it will continue.

Dr Hames: Minister, can you guarantee that the program will continue and not be changed until that evaluation is completed and there will be discussions and consultation before any further action takes place?

Mr PRINCE: As far as I am concerned the program should continue during any process of evaluation because we cannot evaluate something that is not running. The program should continue until the evaluation is complete. Depending upon the result of that evaluation and government policy of the day, bearing in mind that it is a Commonwealth-State jointly funded program, decisions about it may be made. However, the benefits of the program are clear, irrefutable and unmistakable and the Government supports it. It is not a question of defunding; it is a matter of evaluating what is going on. The program will continue and funding will not be withdrawn.

The ACTING SPEAKER (Mr Johnson): Grievances noted.

MOTION - CONSTRUCTION AND DEMOLITION INDUSTRY, INDEPENDENT INQUIRY ESTABLISHMENT

DR WATSON (Kenwick) [5.30 pm]: I move -

> That this House calls on the Government to establish an independent inquiry into the construction and demolition industry, with particular reference to -
>
> (a) the rigour of the WorkSafe inspectorate in conducting demolition surveys and method statements prior to the start of any demolition;
>
> (b) the nature of workplace inspections;
>
> (c) the day to day management of the DOHSWA construction inspectorate;
>
> (d) the impact of notice of inspections on compliance with laws and regulations;
>
> (e) the training of demolition workers;
>
> (f) the role and impact of union health and safety representatives; and
>
> (g) an examination of all records relating to inspection, hazard identification, accidents, all injuries, deaths and "near misses" in construction and demolition industries since 1990.

I am terribly angry about the decline in standards and the death of young trade unionist, Mark Allen, who literally gave his life for other workers. Recent data on health and safety statistics in the construction industry indicate that in the metropolitan area in 1992 no fewer than 13 active field inspectors were in the construction area. However, by 1996 although four are listed, there are only two field inspectors because two are on leave. A new hierarchy for construction inspectors has been developed in the department with the Chief Construction Inspector, a number of team leaders by industry, a number of senior inspectors and inspectors allocated in that hierarchy.

It was a fatal decision to stop random inspections in the construction industry. Random inspections in any kind of enforcement are the best tool inspectors have, whether it be for construction, child protection, health and safety or any other field of endeavour. The best tool that inspectors have is to turn up without notice and do their inspections. Employers can now accurately predict that they will not be inspected. It is estimated that 95 per cent of jobs will not be inspected in the construction and demolition industry. The worst that can happen for most employers is that they must meet the costs of compliance.

I am disturbed and dismayed that standards set by legislation are no longer adhered to, certainly not in this industry. In 1994-95 there were six deaths and 3 226 injuries. In the past four years 24 deaths have occurred. In addition to the injuries will be a number of observed, but unrecorded, near misses. It is not unusual to drive or walk past a construction or demolition site and observe that the men are not wearing hard hats or steel capped boots. That leads one to the assumption that neither is any equipment provided to keep them safe and that they are not being trained.

We still have not implemented the coronial recommendation that demolition contractors be licensed. That recommendation arose from the inquest into the death of Travers Hazelden. I referred to his case during the debate on the coroner's legislation.

I was incensed in the context of this debate to read the editorial signed by the Premier in "SafetyLine" dated February this year where he endorsed a gimmick for health and safety - a silly, over large toy on legs that is endorsed by Glen Jakovich, the football player, who encourages us to "think safe", to put the onus on the individual again for a 24 hour

safety culture. The Premier actually says that this is a fun approach to safety. The only way that safety will be a reality, particularly in the construction industry, is through the legislation that passed through this House in 1987.

Then, as now, the conservatives did not understand this notion of self-regulation. They think that self-regulation means no regulation. Self-regulation means the active participation of those who create the risks and those who work with them. It means the creation and maintenance of standards of health and safety and the according of priorities commensurate with the risks in any workplace, whether it be an operating theatre or a building site. It means there are discretionary elements in self-regulation that must be exercised within the overall framework of the health and safety legislation. It does not give permission to adhere to any standard less than that prescribed to be safe. It requires the achievement of health and safety at a standard which is as high as is reasonably practicable. It also means that health and safety law is concerned with influencing attitudes and behaviours and creating a framework for better health and safety organisations and action within industry.

Lord Robens, the architect of this sort of legislation and indeed the architect of the International Labour Organisation convention and recommendations, argued that there should be a statutory duty on every employer to consult elected safety representatives and to provide for their participation in the prevention of injuries and illness. It does not mean no regulation. It is a system of workplace specific controls for the management of hazards and the reduction of risk. Self-regulation is a specific legal requirement and strategies should be developed, no matter what the workplace.

I said in my second reading speech in this place that this Bill will not solve the problems of work related deaths, injury and disease overnight. We must think 10 years ahead. I did not dream that in less than 10 years standards would have regressed so badly. That distressed me when I was reviewing the debates on the legislation in 1987. The Act clearly details the duties of employers and the duties imposed on employees. The aim of the legislation is to place the major responsibility for improvement in workplaces with those who have the greatest interest in reducing hazards - those workers who are potential victims. It is most important that health and safety representatives - I would like to see them all as trade unionists - and health and safety committees are operational.

I was also incensed about the attitude of the Commissioner of Occupational Safety and Health today. I rang him to try to get some information to prepare for this debate. He refused me, saying that I would need to phone the Minister's office. To his credit, his principal private secretary provided me with two pages of data. Incidentally, that is where I got the information that in the past four years there have been 24 deaths in the construction industry. Construction accidents account for more accidents than all other industries put together.

I hope the Minister is listening to this. The thing that really incensed me about the commissioner's comments to me was that Mark Allen's death had been politicised. It is a shame we do not politicise all workplace deaths. Until we understand the disparate power structures in workplaces, the potential will remain for young people like Mark to be killed. The commissioner's comments have been outrageous in the media, and they have angered me today. He will be disappointed because I have the data I wanted. I have copies of the improvement and prohibition notices, and the information about fatal accidents that have occurred since 1988. Of course workplace deaths are political! Until we recognised in 1983 that workplace deaths and injuries were political, we did not make any kind of progress in trying to reduce them. We have a responsibility. We are legislators. I was seeking publicly available information. I hope that the commissioner will be censured.

For the remainder of this day's business I wish to lay on the Table copies of the improvement and prohibition notices relating to the MetroBus site in East Perth. The papers are testimony to neglect. I also have a copy of the original proposal made to and accepted by WorkSafe by Mike Bobrowicz, the project coordinator for Hi Tec Demolition Pty Ltd, formerly S & L Demolition, a company that also saw the death of a demolition worker. I cannot believe that, for such a project, the paperwork involves one page, a paragraph, and a hand drawing. I hope the Minister accepts the invitation by the union to see the video, because he will then understand that many injuries and deaths on that site were just waiting to happen.

I would also like to table 16 photographs to enable members to acquaint themselves with the standards being set in the demolition industry. We must licence this industry. We must have an independent inquiry initiated through this Parliament into the demolition industry. We must licence the demolition contractors. The photographs and diagrams that I have seen demonstrate the kinds of employer/contractor neglect which is evident on that site. Rubbish is stacked up around the site. In one area the rubbish contained a butane can which self-ignited and blew a 13 metre diameter fireball into the air. I cannot imagine what that would be like. Again, it was good luck rather than good management that no-one was killed or injured on that occasion. The pits over which MetroBus vehicles were driven to be inspected and repaired, contained four feet six inches of water. The contractor knew that homeless kids came onto the site at night; yet no effort was made to repair the pits properly, either before the contractor moved to the

demolition site or as the pits filled with water. The situation is disgraceful. Asbestos has been dumped in buckets and bins. It is not wrapped in plastic as it should be on demolition sites.

The ladder which Mark went up did not lead to a landing. I recognise that is the subject of a coronial inquiry, but there was no landing on the other side of the ladder. The ladder on the other side of the long building was propped against a glass window. There is no training or supervision of the workers on that site. This young man saw the mess on the site. It is stunning, and it will be very good evidence in the subsequent inquiries and will be very constructive when determinations are made about the sequence of events leading to Mark's tragic death. In the application by Hi Tec Demolition to WorkSafe it was stated that the company would comply with the occupational health and safety legislation and regulations, but it did not. One can tell that by looking at the photographs. As poor as the survey plan is, the company has not met its commitment.

I am told that, on the afternoon of Friday, 6 September, Mark Allen, an organiser with the Builders' Labourers, Painters and Plasterers Union and an organiser from the Construction, Forestry, Mining and Energy Union, using their right of entry under their award, went onto the site. They drove past and realised the dangers on the site. They called the men down from the building - I think about 11 people were working on the site - and rang WorkSafe and the union to ask for an additional organiser to come and help. Bobrowicz ordered the men back to work. He also ordered Mark off the premises and threatened to call the police. However, Mark had been well trained in the procedures for stopping work under the requirements of section 26 of the Act. He went up the building to call the men down, but he had no harness. The ladder led nowhere and tragically the situation ended in his sudden death. He died in the arms of his colleagues. It was a dreadful sequel. It should never have happened. Many construction sites around the metropolitan area are just waiting for serious injuries and death to occur, because the system has been allowed to run down and standards are not adhered to. We are relying on a gimmick, not on legislation.

The ACTING SPEAKER (Mr Johnson): Order! Many conversations are being carried on around the Chamber. It is not a problem if the conversations are quiet. However, when voices are raised I have difficulty hearing the member on her feet, and I am sure that Hansard has the same problem. I seek cooperation from members. If they want to have conversations they should be quiet conversations. If members wish to raise their voices they should go outside the Chamber.

Dr WATSON: We owe it to Mark and to the 24 people who have died in the past four years; we owe it to all construction workers to improve health and safety standards in this industry. We owe it to ourselves as legislators to ensure that the industry is operating as it should. The Government must initiate an inquiry into this industry. I urge the Minister to support the motion.

[The papers were tabled for the information of members.]

MRS HENDERSON (Thornlie) [5.49 pm]: I support the motion. Last Friday I attended the memorial service for Mark Allen, a young man who was killed on the demolition site at the old MetroBus workshop at East Perth. The shocking state of the site was evident to more than 1 000 people who attended the memorial service. The site is strewn with rubbish. On the day that Mark was killed, fires were burning in at least four or five places at the site. I understand that this is common practice as a means of saving money by demolition contractors. It is cheaper to burn it on-site than it is to cart it away.

The site consists of quite a thin layer of concrete. Underneath it are old grease traps, as the member for Kenwick indicated, from when workers used to service buses, and oil had accumulated in those old grease traps. The heat from the fires caused the concrete to crack and explode. On the day this young man was killed there was a massive explosion in one of those fires because someone had discarded a whole pressurised can that exploded and sent a fireball up through the roof and the steel girders. In addition to the tragic death that had just occurred, other people could have been killed. It took the fire brigade 40 minutes to put out the fire on the site that day.

Given that the site had asbestos on it - one of the most dangerous substances that demolition workers must remove - and the amount of rubbish and the kinds of conditions that we observed on the day of the memorial service, one must ask: How many inspectors had been to that site to satisfy themselves that the conditions were safe? I can tell the Minister that not one inspector had been to that site until that young man called for an inspector. He followed the book in what he did that day.

Mr Kierath: He did not.

Mrs HENDERSON: The Minister for Labour Relations should listen and he will hear how he followed the book. He saw the site, and he saw what was wrong. He called out the inspectors from WorkSafe Western Australia. He was well aware of the provision in the occupational health and safety legislation which allows individuals to cease working if they believe their personal safety is at risk. He went onto the roof of that building to advise people of their rights because he could see that they were at risk. They had been intimidated and sent back up there by their employer. As the member for Kenwick indicated, he went up a ladder that rested against glass panels. There was no working platform. There was no scaffolding for the workers to stand on as they removed the sheets from the roof. He stepped off the ladder onto a part of the roof where the safety meshing had been cut. This was the area where other men were working.

I am interested that the Minister interjected. He might regret the comment he made because when this accident occurred a couple of people were quick to say that the person should have been wearing a safety harness. My understanding is that the safety lines attached at that site were attached wrongly. They were not attached across the girders so that if someone fell he would fall only the distance of the wire attached to the two adjacent girders. The safety wires were attached the opposite way. If someone had a safety wire attached to him and fell, he would have hit the concrete before the wire pulled taut and cushioned the fall. Before people make those kinds of comments they should inform themselves about how many safety wires were attached to that building and what would have occurred had he had a safety wire.

Like the member for Kenwick, I am particularly angry at the tragic waste of a young life on that site. I am even more angry that he is not the first young man to lose his life on a demolition site in Western Australia and that nothing has changed - nothing has improved. How many people in this room remember the last young man who was killed when a brick wall collapsed on him because he cut a beam that was supporting the wall at its base? The person supervising that worker obviously did not inform him that if the beam were cut, the wall would fall on top of him and crush him. What has occurred since that happened? That is what I want the Minister to respond to today.

I will tell the House what has occurred. Demolition contractors are still not licensed. You, Mr Acting Speaker (Mr Johnson), or I or anyone else could hang up our shingles and call ourselves demolition workers in our demolition company. We do not need any qualifications or to meet any standards. We do not need a licence that can be taken away if we breach those standards. That is why so many young men have lost their lives on demolition sites in Perth. What has happened with inspections? The number of inspectors in the field in the construction area has been decreased. I understand that it is down to two inspectors who spend all their time out on the road looking at construction sites. What has happened to the random inspection of construction sites? The people who work on them tell me that it is non-existent. Inspectors who call at sites do so because they are called by trade union officials and they come as a result of complaints. The contractors know that. They know that the chances of an inspector rolling up to the gate and inspecting their site without prior notice is almost nil.

The Minister can get up as he did during the budget debate and tell us how the number of inspectors has not been decreased; however, he must look at what they are doing. How many people classified as inspectors are in administrative and supervisory jobs in the department, spending their days sitting behind desks, summarising findings and writing annual reports like the one I was just reading? The 1993-94 annual report of the Department of Occupational Health, Safety and Welfare indicates that the department is particularly concerned about young workers. Young workers experience an injury rate higher than the rate for older and more experienced workers. The men who injure themselves and lose their lives on construction sites are generally young workers. It is time the Minister recognised that the things that have been called for time and time again in this State over the past three years have not happened. One of them is the licensing of demolition contractors.

As has already been indicated, there have been about 23 deaths in this area over the past four years. Every one of those deaths is a tragedy. How must it make the families of the young men who have been killed feel when they see yet another young man lose his life because nothing that was pointed out previously has been rectified? The Minister has been quick to jump up in this House and make ministerial statements about how various statistics are improving in the area of occupational health and safety, and I have no doubt that is what he will do today. However, I would like him to look at the statistics of the construction industry.

The figures for the numbers of injuries suffered had been declining until 1993. What do the most recent figures show? They show that the injury rate has increased again. One of the reasons it has increased, among others, is the changes this Minister brought to the Parliament through the legislation that gave less capacity to trade union safety officials and others to train safety officers to take a proper interest in and follow-up on all those areas in the workplace which need attention from safety inspectors and which require new policies to ensure a reduction in risks and hazards.

[Leave granted for speech to be continued.]

Debate thus adjourned.

[Continued below.]

PERSONAL EXPLANATION - PREMIER

Correction to Answer to Question Without Notice

MR COURT (Nedlands - Premier) [5.58 pm] - by leave: I want to correct an answer I gave in question time. The member for Eyre asked me about being invited to a meeting of the Esperance Chamber of Commerce last Wednesday. I said that I was not invited. I was informed after question time that I was invited on 29 August and I told the member for Eyre immediately that I had been invited. I just wanted to correct the record.

Sitting suspended from 6.00 to 7.30 pm

MOTION - CONSTRUCTION AND DEMOLITION INDUSTRY, INDEPENDENT INQUIRY ESTABLISHMENT

Resumed from an earlier stage of the sitting.

MRS HENDERSON (Thornlie) [7.30 pm]: I was indicating my concern and anger about the death of this young man on a demolition site and that I had attended the site when I went to the memorial service. Like the 1 000-odd people who attended, I was shocked and horrified by the state of the site. I indicated that on this side of the House we have expressed concern for a long time about the low number of active inspectors out in the field who are conducting random checks on building and other work sites rather than simply responding to complaints. Our advice is that the system of random checks has all but ceased and that the likelihood of an inspector calling on a site without someone from that site having phoned and asked him to attend is almost nil. I indicated that this young man was not the first to have died on a demolition site. We reiterate our previous calls: It is time that demolition contractors were licensed and required to operate to a set of standards, and if they breach those standards they should lose their licence.

Like my colleague, the member for Kenwick, I was horrified to hear on tonight's news that a member of the other place on the government side has apparently indicated that he believes this death has been politicised and that the Labor Party has been making uncalled for comments. He must not think that when a young person loses his life, as this young man did, we will stand by and say nothing when the advice that we are getting from people working on the sites is that conditions have got worse. As I have said, random inspections have all but ceased. We will raise such questions. I have a number of specific questions for the Minister tonight. I hope he has his pen handy because I would like him to respond to these questions and not simply to give us the usual spiel of statistics. Why has the level of injury in the construction industry increased, as shown by the Department of Productivity and Labour Relations reports I read from, over the past two years? The incidence decreased until about 1992-93; however, since then the number of injuries has increased. As this occurred during a time when the construction industry was in a downturn, less construction has been going on but the number of injuries has been increasing.

Mr Kierath: I do not know where you get that from.

Mrs HENDERSON: I will read it to the Minister. I will find the Minister a graph showing the figures rising over the past two years.

Dr Watson: That is despite a downturn in the construction industry.

Mr Kierath: I have those figures. I will show them to you.

Mrs HENDERSON: Does the Minister have the figures that show them going up again?

Mr Kierath: No.

Mrs HENDERSON: I will get them to the Minister.

Mr Kierath: I assume you are comparing frequency rates?

Mrs HENDERSON: The frequency of injury rate was the measure I was using. That is contained in the annual report. I will be more than happy to hand the figures to the Minister. How many random, unannounced site visits - not visits as a result of specific causes - have been made by WorkSafe inspectors to construction sites in the last 12 months? How many inspections were carried out on this demolition site in East Perth, other than the visit by the chief inspector before work commenced, when there was nobody on the site, and the visit by the inspector who was called by the young man who was killed? Has a safety audit now been carried out for that East Perth site by a Mr David Watkins, who has been acting as a consultant since the fatality? Has the Minister seen the report? If he has seen it, will he table it in the Parliament tonight so that we may look at it?

Mr Kierath: I have not seen it.

Mrs HENDERSON: Has it arrived at the Minister's office?

Mr Kierath: I do not know.

Mrs HENDERSON: Perhaps the Minister could make inquiries. I understand that such an audit was carried out immediately after the fatality. The Minister must make it his business to have a copy of the audit. It is a week since this fatality occurred. Does the Minister find it acceptable that a ladder that was adjacent to the area where the young man fell and died was directed not to be moved by the WorkSafe inspector because WorkSafe had to conduct an investigation, but had to be moved because they could not get other men off the roof? They did not have sufficient ladders. Therefore, although the inspector said, "That ladder must not be moved," they said, "We can't get those other blokes off the roof unless we take that ladder."

Mr Kierath: What is wrong with that?

Mrs HENDERSON: If someone cannot demolish a site and have enough ladders to get to men working on different sections of a roof on a building as big as the East Perth MetroBus site, he should not be in business. Everyone knows that if there is a fatality, nothing is supposed to be touched. It is not good enough for them to say, "We will have to move that ladder otherwise the blokes up there will have to stay there for the next week while we conduct the investigation." When will the Minister progress moves to license demolition companies? Will he advise this House of a timetable to license these companies so that more young men are not killed on demolition sites? When will he insist that the lowest tender is not the only factor that decides who gets contracts for demolition on government sites? I understand that the largest demolition company in Perth tendered for this contract. It tendered in the vicinity of $700 000 to $800 000. The company that won the contract tendered between $300 000 and $400 000. It did not have enough ladders on the site to get people off the roof. I hope that the Minister will look at some of these issues. As I indicated, every person working on a construction site is affected because these random inspections are not going on. Every family of every young man who is injured or killed on a site is affected when no changes are made and they see further injuries and fatalities. Instead of coming in here periodically with his three minute statements and crowing about particular figures, it is time the Minister looked at the areas where the figures are getting worse, such as in construction, and took some action.

MR KIERATH (Riverton - Minister for Labour Relations) [7.39 pm]: I will not be baited by the Opposition's moves. I will not comment at length about the details of the death of this worker. An inquiry is being conducted and I will await the outcome of it. I am disappointed that there has been some very distasteful politicisation of this incident.

Mrs Henderson interjected.

Mr KIERATH: On the afternoon of this young man's death the WorkSafe Commissioner advised the Secretary of the Builders' Labourers, Painters and Plasterers Union that WorkSafe would not comment on the circumstances of the death until inquiries had been completed. It was my understanding that all parties had agreed that there would be no public comment, but within hours a union official was heard on radio making statements about the incident.

Mrs Henderson: What did he say? He said it was a tragedy. Did you hear him?

Mr KIERATH: I have the transcript here. He made a number of comments in relation to it. The point I wanted to make -

Mrs Henderson: Read them out.

Mr KIERATH: You made your contribution and now I will make mine.

Mrs Henderson interjected.

Mr KIERATH: No, it is not. The point I am trying to make is that an agreement was reached that there would be no public comment. As much as I am tempted to try to put the record straight, I will not. We will honour that arrangement and not stoop to that level. We will allow it to go through the process and be completed.

Several members interjected.

Mr KIERATH: Members opposite got what they were after. I will not do it.

Several members interjected.

The SPEAKER: Order! The member for Cockburn will cease interjecting.

Mr KIERATH: WorkSafe's preference was and still is that the inquiry be completed and that a report be produced for all parties to consider. I was advised the report would be completed within four weeks.

Mrs Henderson: An audit has been done. Have you read it?

Mr KIERATH: I have answered that. The member asks questions and does not even listen to the answers. That is how ridiculous she is.

Mrs Henderson: Will you read it?

Mr KIERATH: I have not read it.

The SPEAKER: Order! The member for Thornlie has made that point five times. Most people would have got it after she had said it twice.

Mr KIERATH: The family and friends of this young man are not helped by members opposite trying to bring this into the political arena, and I will not be a party to that.

Several members interjected.

The SPEAKER: Order!

Mr KIERATH: WorkSafe will go through the proper process and make its report. That report will be public and will be available to all parties. That is the time - when we have received that report - to pass judgment on what was good, what was bad, what was right and what was wrong.

Mr Ripper: When is that report expected to be available?

Mr KIERATH: Was the member not listening? How many times do I have to answer this? For the benefit of the member for Belmont, for the fourth time, it will be available in four weeks.

By definition, a demolition site must be one of the most hazardous workplaces in the State. Any death of any person on a worksite is a tragedy. All the member for Thornlie could do was to carp and criticise about the safety efforts that this Government has made since it has been in office.

Several members interjected.

Mr KIERATH: She does not have a good word to say. That is very sad because whether she agrees with the way we have been going about it, people in the safety industry have been congratulating us on our efforts in recent times. It was stated at the second occupational safety health week - that we introduced, not the Opposition - that this was the biggest safety push this State had ever seen. I expected the Opposition to congratulate us on the work that we have done so far. However, members opposite are so mean minded they cannot bring themselves to congratulate any positive initiative.

Mrs Henderson: Things are much worse.

Mr KIERATH: It is interesting that the member says that the situation is worse, because I can table information showing the opposite. As this House knows, the Government has implemented initiatives in workplace safety to try to improve the situation. As an incoming Government we gave WorkSafe a high priority.

Mr Bloffwitch: We have. I have seen the ads on TV.

Dr Watson: That is a gimmick.

Several members interjected.

Mr KIERATH: That is interesting.

The SPEAKER: Order!

Mr KIERATH: I hope Hansard recorded -

The SPEAKER: I want order on my left and my right!

Mr KIERATH: - the comment of the member for Kenwick when she said that it was a gimmick. During OSH week I met young students who were learning about workplace safety. They are one of the most vulnerable and at risk groups when they go into the work force for the first time. The kids wanted the Glen Jacovich poster, which has the slogan "Think safe; WorkSafe". If I can get that poster on the bedroom walls of most kids in this State that will have a very positive effect. The young kids are not interested in adult programs; they want programs for themselves.

It is typical of this Opposition: All it can do is knock initiatives. It is incapable of congratulating anyone for implementing positive initiatives.

Several members interjected.

The SPEAKER: Order! The member for Thornlie has interjected repeatedly and ignored my requests to cease. I have allowed her to repeat her interjections once or twice, because I strongly hold the belief that that is enough, any more than that is a waste of time and highly disruptive. The member has made her contribution, which was very interesting. However, she should not fall into the trap that all of us have fallen into at times, of continuing her speech after she has sat down. The Minister is entitled to say what he wants, even though many might not like it, and he is entitled to be heard. A certain degree of interjection will be tolerated, but I will not let three people interject in relay.

Mr KIERATH: This Government has put a very high priority on workplace safety. We set a target of reducing lost time injuries by 10 per cent over four years and we achieved a 7.5 per cent reduction in the first year. Since June 1993 -

Several members interjected.

Mr KIERATH: This is the bit they do not like. These are the facts, not the political fiction. Since June 1993, lost time injury and disease frequency rates have fallen by 28 per cent, and there has been a 28 per cent reduction in the rate of fatalities. There were 25 fatalities in 1992-93 compared with 18 in 1995-96. The statistics show that we are improving dramatically in the area of workplace safety and fatalities.

I will acknowledge that while there is one injury or one death, that is one too many. However, those figures are rather stunning and have given us great encouragement. The member for Thornlie is right: I do make announcements in this Parliament. I have announced the Workplace 2000 Vision and Plan. We have set ourselves a very tough target to reduce lost time injury rates and fatalities in the three major areas by 50 per cent by the year 2000. If we can achieve that we will have made the greatest possible effort we can. The figures show that we are on the way to achieving that goal and that is most pleasing. With the cooperation of everyone involved, it can be achieved. However, if we have the old adversarial attitude in the work place it will not be achieved. It requires a cultural change with everyone working together to try to make the work place safer. That is what the Government is trying to engender and encourage. That is the Government's goal for the year 2000. If we achieve that, Western Australia will have the safest workplaces in the world, bar none. That is part of the Government's vision for workplace safety in this State. I can only hope that the Labor Party will lend its support to those priorities, because I thought that was

what it stood for. The Think Safe Work Safe campaign was developed through WorkSafe with quadripartite agreement between employee organisations, employer organisations, government representatives and safety experts. They have put their weight and support behind the Think Safe Work Safe campaign. The Government is prepared to try anything to improve workplace safety. If that includes using a prominent Western Australian footballer to get the message across, the Government thinks that is worthwhile. I would not knock any initiative - even if I did not agree with it - if it improved workplace safety in Western Australia.

The Government put its credentials on the table last year by introducing for the first time an occupational safety health week. This year's event was even more successful than last year's. It is going from strength to strength. To clarify the Government's message on workplace safety we quadrupled the maximum fines for offences from $50 000 to $200 000 - a 400 per cent increase. The member for Thornlie asked whether the same number of people were carrying out inspections for breaches of the Act. There were 107 breaches of the Occupational Safety and Health Act prosecuted in 1995-96 compared with 80 in 1992-93, when members opposite left Government. The number of prosecutions for breaches has increased. For the member for Thornlie to try to claim a reduction in the number of prosecutions is a fallacious argument.

The Government has targeted three areas where fatalities occur: The first is falls from heights; the second is electricity; and, the third is tractors in rural areas. The Government has also introduced, and I am about to gazette, WorkSafe regulations. I hope that is on target for 1 October. That will be a major step forward. The Government has also introduced regulations for a code of practice for the prevention of falls. Again, that was an initiative of the Government. A national certification system for scaffolders, riggers and crane operators has led to a 50 per cent increase in the number of workers with an appropriate certificate in that area. Performance in the construction industry has improved with a 22 per cent reduction in lost time injury and disease frequency rates between 1992-93 and 1994-95. There was a 37 per cent reduction in the number of fatalities between 1992-93, when there were eight fatalities, and 1995-96, when there were five. The record in the construction industry has been improving at a very good rate.

Mr Bloffwitch: That is good news.

Mr KIERATH: Yes, it is. This is a graph which shows the decrease in lost time injury rates in the construction industry compared with "All Industry". Injuries are decreasing in both categories, although there were a few hiccups in 1986-87. We came into government in 1993 and members can see the dramatic fall which occurred after that in both areas. Another graph sets out construction industry fatalities. In 1992-93 there were eight fatalities; in 1995-96 they had decreased to five. Those are the facts; not some fictitious story made up by the Labor Party to try to improve its position.

Dr Watson interjected.

The SPEAKER: Order! Member for Kenwick, the Minister does not wish to accept your interjection.

Dr Watson: He is not telling the truth.

The SPEAKER: Order!

Mr KIERATH: I am telling the truth. I will repeat the figures again for the benefit of the member for Kenwick. There has been a 22 per cent reduction in the lost time injury and disease frequency rate in the construction industry between 1992-93 and 1994-95; and a 37 per cent reduction in fatalities between 1992-93 and 1995-96. That is our record in government.

Mr Strickland: Withdraw the motion.

Mr KIERATH: The member for Scarborough is right. The Opposition should withdraw the motion and join with the Government to improve safety conditions in Western Australian workplaces. The Government would welcome the Opposition on side. Everyone other than the political wing of the Labor Party is on the Government's side and is committed to workplace safety and is working hard to make it happen.

The Government has given further commitments. I mentioned the 7.5 per cent reduction of lost time injuries in the first year we came to office. That equates to 2 400 injuries and diseases that did not happen. That means that 2 400 people were not injured at work.

Dr Watson: This is meaningless.

Mr KIERATH: Those are the facts and figures, and the member for Kenwick does not like them.

Mrs Henderson: You are wrong.

Mr KIERATH: I will give the member for Thornlie some other figures.

Dr Watson: I will explain them to you.

Mr KIERATH: I do not need the member for Kenwick to explain it to me. I am giving the member for Kenwick the facts and she does not like them. Our record speaks for itself. The member for Kenwick mentioned safety and health representatives. The Government has initiated a plan that will double the number of safety and health representatives in the workplace from 5 000 to 10 000 in two years. That is the Government's target. All that safety information is on the OSHnet. People can obtain it free of charge or for whatever they pay for access to the Internet. Many people are accessing that information. The OSHnet offers our legislation, pamphlets, and codes of practice. We are rather embarrassed at the exponential increase in the rate that service is being accessed. It has been doing extremely well.

WA's safety systems are so well thought of internationally that we sold them to South East Asia. They have welcomed us with open arms. Invariably, they say it is the best safety system they have seen around the world.

I have tried not to engage in any details of that death in the workplace, because it is totally inappropriate. I have outlined the initiatives and record of this Government in workplace safety across the State, and specifically in the construction industry. A member opposite said that inspections were not being done at random. I am advised that currently five types of inspections are conducted. We undertake random inspections. We act on complaints. We also investigate incidents of injuries. We undertake targeted inspections. We target industries that have bad injury rates. We have singled out activities like manual handling, and injuries among young people in the workplace. In other areas the figures have been going down, but in patches increases have occurred. The Government has targeted those areas. I am advised that nine Worksafe inspectors are actively engaged in the construction industry.

Dr Watson: There were 13 in 1992.

Mr KIERATH: There were nine in 1993 when this Government came to office and there are still nine. The Government's record stands for itself. I am proud of that record. I certainly cannot claim credit for all the workplace safety because it is necessary to have the cooperation of all parties involved. No one group can claim credit for safety at the workplace because employers, employees and everyone involved must work together.

I have also introduced the job safe plan, the silver and gold awards, and a plan for small businesses. It is hoped that one day people will use them to assess the workplace risk and they may be reflected in premium levels. The Government is working on all fronts to improve safety. The figures indicate that it has been successful. The problem with workplace safety is that for as long as one person is injured or killed one can never relax or be satisfied. I am very proud of the fact that since this Government has been in office reductions of 22 per cent and 37 per cent in workplace injuries and death respectively have been achieved in the construction industry. This Government has had an impact on the workplace and since it came to office fewer people have been injured or killed at work. The Government's goal is to cut the current injury and death rates by 50 per cent by 2000. I feel confident that we can achieve that and, if we do, we will have the safest workplaces anywhere in the world.

MR THOMAS (Cockburn) [8.02 pm]: I am absolutely appalled that the Minister opposes what appears to be an unanswerable proposition. Recently a worker was killed in the construction industry on a site which, we have seen from documentation and photographs, was obviously in an appalling condition. We have heard from the member for Thornlie that not only were there the life threatening circumstances which led to that death, but also many other dangerous conditions were evident on that site. The Opposition seeks an inquiry into the construction industry to address a number of issues. Even if the Government thought that the points alluded to by members on this side of the House were not correct, the fact that two workers have died in the demolition industry this year is an unanswerable cause for an inquiry. It is absolutely beyond me to understand why the Government opposes that inquiry.

I express my sympathy to the union, colleagues, friends and family of the young worker who was killed. Some members opposite may know that before I became a member of Parliament I was an official of the Builders Labourers Federation, a union of which that young man was an official. I worked with his father, Frank Allen, who was an

official of a fraternal union - the BWIU. I worked with him when he was a shop steward on the Law Courts site in St George's Terrace. I can imagine how devastated he must be, and I extend my sympathy to him and his family.

I will address one aspect of the motion before the House; that is, the proposal that the committee have among its terms of reference the role and impact of union health and safety representatives in the construction industry. My view on this matter is diametrically opposed to that of the Minister, because I believe no-one is more likely to be concerned about the health and safety of workers than the workers themselves. That is best addressed through their elected representatives. The Minister gave his usual claptrap about the need for cultural change with everyone cooperating. He is implicitly denying the role of the industrial representatives of the workers in the safety area. It is his agenda to provide no role for industrial representatives, not only in safety matters but in every other area. It can be seen from the history of the construction industry, and the demolition industry within it, that the elected industrial representatives of the workers have the best interests of the workers at heart. They are the people most able to police effectively the safety and health of work sites.

I mentioned earlier that before I came to this Parliament I was an official of the BLF. I am very proud to have been associated with that organisation, and I feel honoured to have enjoyed its political support in subsequent years. The organisation does not often get kudos in this place, especially from members opposite. However, its record in advancing the interests of its members, particularly in the occupational health and safety area, is worthy and admirable. The comments I make about the BLF probably apply to most unions. However, I have some association with, and direct knowledge of, the BLF and the worker who was killed recently was an official of that union. In the past 30 years the BLF has been a militant left union, but that was not always the case. At one time it was a fairly corrupt, right-wing union - a bosses' union. The organisation was not that particularly vigorous in protecting either the industrial or safety interests of its members. That coincided with a period prior to the late 1960s and early 1970s when the building industry was a particularly dangerous place in which to work. Traditionally, until the 1970s it was commonplace when a multistorey building was constructed for someone to be killed on the job. When I began work for the BLF in the late 1970s the secretary of that union was Kevin Reynolds, for whom I have enormous admiration. His orders were that a union official visiting a work site had a number of responsibilities: The very first was to ensure that the place was safe; the second was to make sure awards were being observed and that people were paid their proper entitlements; and, the third was to improve those entitlements. I emphasise that safety was the first responsibility of union officials visiting a workplace. At that stage Kevin Reynolds had been secretary of the union for almost a decade and his taking up office in 1971 occurred about the time that Norm Gallagher became federal secretary of the union. Again, he is a person who is not often praised in this House, particularly by members opposite. However, it must be recognised that he organised what had formerly been a relatively ineffectual union into a very effective representative of its members' interest, not only in the industrial wages and conditions area but also in safety. It is reflected in a number of ways, an example being that people feel proud to be members of the BLF. This union represents people in an unskilled or semi-skilled area - non-tradesmen - and it is one of the few unions representing people in that category in which there is an esprit de corps. People are proud to say they are a builders' labourer or a member of the BLF. The only other unskilled or semi-skilled classification of workers with a similar esprit de corps that I can think of is in the Waterside Workers Federation.

The BLF sells paraphernalia, including a T-shirt for the members' children. This bears a Eureka flag logo with the words "My Dad's a Builder's Labourer" beneath it. It is very hard to imagine many other unions doing that, or people buying a shirt reading "My Dad's a Metal Trades Assistant". The BLF has esprit de corps among its members and advances their industrial and safety interests. Norm Gallagher, the national general secretary for many years, and Kevin Reynolds, the state secretary, and others can feel very proud of that record.

I strongly oppose the Minister's point of view that unions do not have a role representing the industrial safety interests of their members. I illustrate that view by a tragic case with which I was involved, similar to the one to which precipitated tonight's debate. As a union official I was involved with the construction of the Worsley alumina refinery near Collie. This project was characterised by a lot of industrial dispute over a number of issues. On one occasion an organiser from the BLF complained to a site manager about what he considered to be unsafe circumstances on that site. A concrete tank was being built and its base was four or five metres below ground. There was trimming or battering back of the excavation so that the soil could not collapse. Mark Binstead, a BLF official, complained to the site manager as he did not consider that the angle of battering was sufficient, and that it should have been taken back further. For that representation, he received a heap of abuse from the site manager, who was expressing what I would call the Kierath school of thought; that is, that the employer has the true interests of workers at heart and can look after the worker's industrial interests and unions need not be involved. Mark Binstead was thrown out of the office.

That exchange is recorded verbatim in the *Commonwealth Arbitration Report*, as evidence was given of the conversation. It is not my style to read obscenity in the House, but if members want to read that report, it is in the Parliamentary Library in the *Commonwealth Arbitration Report,* 1991. That conversation took place on a Wednesday or Thursday before Easter in 1991. That Easter was very wet. During the four days of Easter the site was not worked, and a lot of rain fell and the de-watering pumps were not operating. The day after Easter was a rostered day off. For five days rain fell on the site, and the de-watering pumps were not operating for a substantial part of that time. After work resumed on the Tuesday, machinery starting moving around the site. A worker, who was a BLF member, was tying down steel on the tank base, or other such work. There was a soil slippage and he was impaled on reinforcing rods. That worker died a horrible and awful death which would not have occurred if the advice of the union official, who was there to protect his interests, had been followed. The Kierath school of thought would deny the role of elected union health and safety representatives in protecting the industrial interests of workers.

That case is well documented. It is recorded in the proceedings of the commonwealth conciliation and arbitration commission. A subsequent inquest was held on the death of that man and I believe a prosecution was made. However, no prosecution will bring back that person, who was in his 20s and was married although without children. His family live in Collie. His life was snuffed out needlessly at early age. It is the legitimate role of unions, and others -

Mr Strickland: It should be everyone's role, should it not?

MR THOMAS: It should. Members with any experience of the construction industry - I include demolition, as that is a necessary part of the industry - know that it is an industry which by its very nature is prone to accidents. This results from the physical nature of the work taking place, as well as the way the industry is organised. A subcontractor's profit is determined on the basis of whether he can work quickly. If more bricks are laid in a day, the bricklaying contractor will increase his income. The same principle applies to other elements of the industry. If a demolition contractor can demolish two buildings in a certain time, he will make twice as much money as the contractor demolishing one building in that time.

The Minister may say that a cultural change is needed. The kindest thing I can say about his comment is that he is living in fairyland. I do not believe he is; he is deliberately deceiving us. He has been a subcontractor and knows how they operate and the pressures involved. It is unrealistic to say that following a cultural change, contractors will suddenly be prepared to make less profit in order to ensure the safety of their workers. This cultural change is supposed to apply to bricklayers, scaffolders and other contractors involved in the industry. Anybody with any experience in industry at large, particularly the construction industry, knows that that is simply not going to happen.

People work under economic pressures. It is an industry characterised by insecurity of employment. I presume that people are still on a day's notice, as was the case in my time in the industry. No security of employment exists compared with what is experienced in other industries. Once a job is completed, employees are generally laid off if the contractor has no more work. If the contractor has more work, the workers have some chance of continued employment. There is a temptation for workers to cut corners to impress the boss, to improve productivity and to improve their prospects of continued employment.

Also, there is the temptation for the employer to put pressure on employees to increase productivity and, therefore, increase profits. That temptation must be countered in a number of ways, one of which is to have a decent inspectorial system. Two previous speakers on this side of the House have indicated that since this Government has been in power, the inspectorial system has not been working as it should. That is indicated by the particular case under discussion tonight. Without making judgments, members need only look at the photographs to see the nature of that site and, along with the facts outlined earlier, to realise that the system is not working properly. The first time an inspector went to the site was when the young man who was killed called an inspector over there. How can such a demolition site be tolerated in this day and age in the central business district of Perth? How can the Minister counter that the system is going well? How can he say, "We have Glen Jakovich on television advertisements and we are arguing for cultural change"? Codswallop is the kindest word I can use to describe it.

I was involved in a relatively minor accident in comparison with the case under discussion. This was the case of a bricklaying contractor who had a labourer operating a hoist to take the bricks up to a level of a two-storey house being built in South Perth. One of the safety rules in the industry is that employees are not to ride a hoist, which is there to carry material. There are regulations to prevent that. This worker went along with this arrangement because he wanted a job. The worker had a rope tied to the lever that operated the hoist so that he could go up on the hoist with the bricks, using the rope to operate the lever. The rope got caught around his hand and a couple of his fingers were pulled off. By comparison with the young man who lost his life, this chap only lost a couple of fingers.

However, it happened because presumably the bricklayer had to tender low to get the job. It is a competitive business, not a kindergarten. The contractor's margins would have been tight and so he had to put pressure on the worker to adopt unsafe practices to increase productivity. That attitude will not go away.

The subcontracting system will continue in the building industry if not indefinitely, at least in the foreseeable future. While that is the case, economic pressures will be placed on contractors who, of course, will pressure the workers to cut corners in safety. Nobody is better placed to enforce safety standards and to encourage safe work practices among the work force than elected representatives. I illustrated my argument with the tragic case that occurred in Worsley 15 years ago. I gave a minor example, by comparison with the worker who lost his life, of a man who had part of his hand pulled off while operating a bricklayer's hoist. I also alluded to the recent case about the death of a worker, but it is not for us now to judge who is right or wrong or what was the cause of that accident. That will be the subject of an inquiry, and presumably an inquest. However, we can say that a building site was operating in the central business district of the city that had appalling safety standards and that a worker went onto the site and died. That is a tragedy, and unacceptable.

I cannot understand how members of the Government can possibly oppose a motion to establish an inquiry into the construction and demolition industry. I put it to those opposite that it is unanswerable that there should be such an inquiry. Two workers have been killed in the demolition industry this year. Evidence is currently on the Table of this House to show a site within the central business district of this city operates under third world conditions. Nobody should be expected to work under those circumstances. This tragedy happened within kilometres of this House, and of the offices of the government department responsible for occupational health and safety. Despite the fact that the Minister has said that the system is, if not ideal, improving, this recent death illustrates that an inquiry is warranted. I urge members of the Government to support the motion.

DR WATSON (Kenwick) [8.23 pm]: In closing the debate, I will touch briefly on a few of the comments made by the Minister for Labour Relations. I wish he had made some commitments as well as attempting to pull apart the arguments put forward by me and the member for Thornlie. Our comments were delivered to the House on the basis of some considerable background knowledge in this area. I am sorry that members of the coalition have not acquainted themselves with the terms of reference for this proposed inquiry, nor with the data from the report from which the Minister read. The Minister is confused; he is not able to do the critical analysis of that data to present a comprehensible and intelligible account of injuries and deaths in the construction industry. He was obfuscating.

In the past four years there have been 24 deaths in the construction industry. As far as I can recall, four have been in the demolition industry. When Robens did his investigations in Britain, he started in the coalmining industry and was also acutely aware of the dangers of demolition. Very often construction workers, as was mentioned by the member for Cockburn, who work on and off for a day here, a week or two there, interchange into demolition. There is no real appreciation of the hazards in that area. That appreciation can be gained only with strong union representation on those sites and an equitable participating involvement with the contractors and the employers.

The Minister cannot resile from the fact that he has presided over 24 deaths. In the previous four years, the number was 14. That figure has almost doubled. The number of injuries in the year before last was well over 3 000. I am very concerned about the number of near misses. That is where the hazards are identified. I remind the Minister that late last year his agency published a code of practice on the prevention of falls. I understand that falls constitute about 11 per cent of all work related fatalities, of which Mark Allen was one.

If contractors were made to follow this code, they would take steps to reduce the risks. There should have been a working platform with scaffolding around it; ladders with protection around them; a danger sign about the fragile roofing; and a whole lot of things to comply with this code of practice. I remind the Minister that the application put forward by the successful contractor said that he would comply with the requirements of the occupational health and safety legislation and its regulations.

The Minister has told us that in four weeks a report will be made to the Department of Occupational Health, Safety and Welfare about this man's death. No doubt there will also be a coronial inquiry. However, we are asking for an inquiry into the construction and demolition industry and the standards of safety that are required and that should apply. In particular, there should be a licensing system for demolition contractors. The member for Thornlie put a series of questions to the Minister, the answers to which we would like to see tabled by this time tomorrow.

I am also sorry to say that the Minister does not demonstrate any comprehensive knowledge of self-regulation, of how to analyse statistics on death and injury, nor of the critical role unions play. I am sorry members of the coalition are reluctant to support our motion. I do not think they appreciate what is meant by self-regulation, nor do they

appreciate what the terms of reference imply or how to read the data on injuries and deaths. If for no other reason, members of the coalition should take an interest in the fact that their sons and members of their families may be engaged in this kind of work. I can tell them that in Western Australia right now, in 1996, these workers put themselves at risk every time they walk onto a construction demolition site. I ask members opposite to look at the photographs and the prohibition and improvement notices that will lie on the Table for the rest of this day's sitting and inform themselves of the conditions in which people are required to work by this Government. I ask them to look at the annual reports and also the video, which I can arrange for them to see. I conclude by saying, "No more gimmicks." We do not need enlarged toys or Glen Jakovich; we need occupational health and safety laws and regulations that are subject to inspection, enforcement and penalty.

Question put and a division taken with the following result -

Ayes (17)

Ms Anwyl	Mr Grill	Mrs Roberts
Mr Brown	Mrs Hallahan	Mr D.L. Smith
Mr Catania	Mrs Henderson	Mr Thomas
Mr Cunningham	Mr Leahy	Dr Watson
Dr Edwards	Mr Riebeling	Ms Warnock *(Teller)*
Dr Gallop	Mr Ripper	

Noes (27)

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

Pairs

Mr M. Barnett	Mr Omodei
Mr Graham	Mr Nicholls
Mr McGinty	Mrs Parker
Mr Kobelke	Mr Court
Mr Marlborough	Mr C.J. Barnett

Question thus negatived.

EQUAL OPPORTUNITY AMENDMENT BILL

Second Reading

Resumed from 4 September.

DR WATSON (Kenwick) [8.35 pm]: I support this legislation, which has taken too long to come into this House and should be government legislation rather than opposition legislation. There is absolutely no reason that in 1996, any person should have to face any kind of discrimination. I was appalled at our last private members' business sitting to hear some of the comments of some of the coalition members, in particular the Minister for Health, who was representing the Attorney General. He said -

> The equal opportunity legislation is justified in the sense that it is an infringement upon the freedom of an individual by saying that it is in fact for the good of society that certain forms of behaviour, which would

> otherwise be categorised as discriminatory, should be so categorised, policed and regulated and, if at all possible, eradicated. In a philosophical sense, that is the basis for equal opportunity legislation.

We were very disappointed that the very notion of rights was raised only by members of the Opposition.

I congratulate the people from Parents-FLAG (WA Inc) - Parents and Friends of Lesbians and Gays - who have provided all members of Parliament with information about the way in which lesbian woman and gay men are too often discriminated against. In 1993-94, 63 complaints were lodged with the Equal Opportunity Commission, and in the following year, 115 complaints were lodged, but of course those people could not access the commission to complain about that discrimination and have that discrimination redressed. In a period of just over 12 months, the number of complaints increased by 100 per cent. This year, 230 complaints may be made. It is terrible to think that in Australia in 1996, people can be discriminated against purely on the basis of bigotry and prejudice.

I will give some examples of discrimination that were provided to us by people who have experienced it. These examples should be part of the parliamentary record. Michael attended a rally on the steps of Parliament House to support the Decriminalisation of Homosexuality Bill in 1989. His employer saw him on the television news that night and sacked him the next day. In a second case, Susan and Lisa were told to get out of a cafe because they were holding hands. When they refused, they were physically ejected and told that the owner did not want "lesos" in the place. Thirdly, David and Marilyn were refused entry into a gay and lesbian nightclub because the doorman did not want "straights" to go in. It is important for members of the Government to understand that this legislation would outlaw all forms of discrimination based on sexuality, whether it be bisexuality, heterosexuality, homosexuality or transsexuality.

The fourth case of discrimination is of a woman who was sacked from her regular part time work as a pianist in a cafe after it was reported in *The West Australian* that she had written a play which featured two lesbian characters. The fifth case is of two men who were refused a housing loan from the bank because the bank manager did not believe that homosexual relationships were stable enough for the couple to maintain the payments. The sixth case is of a man called Jeremy who was sacked from his job at a liquor warehouse after some workmates saw him going into a gay nightclub on the previous weekend. The seventh case is of Melissa and Pauline who were repeatedly harassed and abused by a landlord after he made an unauthorised inspection of their rented house. The landlord was unaware that the couple were lesbians until he learned that they slept in the same room. They were evicted. The final case was of Felicity, a transsexual, who was refused a cabaret job in a nightclub because the manager wanted only "real" women. I cannot believe any member opposite would accept those acts of discrimination to be okay - sackings, evictions and refusal to provide services. All this legislation will do is indicate that the only criteria for renting a house is the ability to pay the rent or for getting a job, the ability to do it. In the provision of goods and services or the buying and selling of goods and using services and facilities, no form of discrimination should be exercised merely because somebody suspects or knows that a person might be a homosexual man, a lesbian woman, bisexual, heterosexual or transsexual.

There are numerous cases of over discrimination happening daily in Perth. I am concerned about a number of lesbian women I know who have been victims of street violence simply because they are obviously lesbian to somebody who has chosen to assume they can exercise violent behaviour and beat them up. I cannot understand that response. I suggest to members that there is a continuum of discrimination from what might be seen at one end as a subtle joke or nudge through to refusing to rent a house, provide a job or a service and, finally, to overtly violent behaviour.

In South Australia, after a string of violent incidents against homosexual men, legislation was enacted to outlaw discrimination against people on the basis of homosexuality. Life has not stopped in South Australia or any of the other States where this sort of discrimination is outlawed. Western Australia must be the laughing stock of legislators in other States and of people who have a commitment towards advancing human rights and ensuring that social justice can prevail.

I congratulate the parents who belong to this group. I also congratulate the gay and lesbian activists who have worked very hard to try to persuade all members of Parliament to support this legislation. I understood from them that there were six or seven government members who wanted to support the legislation but the Government, through Cabinet, has made a decision that it will not support the legislation. I urge members opposite to consider these examples of discrimination, look into themselves and please revise their decision not to support it. They will then be in a position to support a commitment to human rights advancement in Western Australia.

DR HAMES (Dianella) [8.45 pm]: I congratulate the member for Kenwick on the quality of her speech. It was an excellent speech and everything she said was reasoned and reasonable. Having listened to the examples put forward by the member for Kenwick of people who have been discriminated against, I do not think members could say that these are reasonable circumstances. I have thought long and hard about this legislation, particularly after I was approached by a family member of a homosexual asking me to support this legislation. I told that person I strongly supported the concept of the removal of discrimination against homosexuals in the workplace.

To some extent, it is a pity that when the marches on Parliament took place in the 1980s, when the Labor Government was in office, the ability to discriminate against homosexuals in the workplace was not removed from the legislation. It would certainly have made my task of considering this Bill much easier. It is well known that the Labor Party has been the champion of the homosexual group for many years. It is unfortunate that in its 10 years in office it did not introduce legislation which removed this discrimination.

I will outline those parts of the Bill with which I have difficulty. It is a pity this was not a clear cut Bill which focused on discrimination in the workplace. It would certainly have made my task easier.

As a general practitioner I have frequent contact with homosexuals, but I do not have a great deal of contact with transsexuals. I certainly have contact with people who are heterosexual and, I presume, bisexual, although that is not something which is commonly admitted by my patients. I have many patients who are homosexuals. I have not found out that some of them have been homosexuals until after they have been attending my surgery for many years. It makes absolutely no difference to me whether they are homosexual. I have many friends among my patients who are homosexual and it would hurt me to know that they were being discriminated against in the workplace. Fortunately, it is not a common occurrence. Homosexual people may say that is not true. However, from my experience and my knowledge of those people, some of whom hold very prominent positions, I have found that they are well accepted. Some people admit their homosexuality and others are forced, by circumstance and prejudice, to keep it a secret.

Since the Bill has been on the Notice Paper many people have expressed their opinion about it to members of Parliament. As a member representing more than 20 000 constituents, it is very difficult to gauge the opinion of my electorate. It would be impossible for me to come to this Parliament and try to represent all the views in my electorate.

While the Labor Party has made the point that the silent majority strongly supports removal of discrimination in the workplace, there are some that I regard as being fairly narrow-minded and prejudiced who are strongly opposed to this legislation. If I were to do a survey in my electorate, I could not predict which way they would want me as their member to vote for the changes to this legislation.

Mr Ripper: The truth is they want the member for Balcatta as their member.

Dr HAMES: That may be true. I am disappointed that members of the Labor Party do not have a free vote on this. I know we do not. Members opposite say they do, but I do not believe that. I know there are some members on that side who are opposed to the total concept.

Mrs Henderson interjected.

Dr HAMES: I will not tell the member names. However, there are people who like me are strongly opposed to discrimination in the workplace but do not support the totality of the things that are included in this Bill.

People associated with family group organisations have told me that this legislation reflects on the family and is opposed to the family concept. That is nonsense. I do not think this has anything to do with families. This legislation is about personal choices and is about the way people want to conduct their sexual lives. While I and many of us find great strength in family relationships, I do not think this Bill reflects on those. I have disregarded the lobbying that came from that direction.

I would like the member for Thornlie to respond to a couple of concerns that people have raised with me. The first is the inclusion of "transsexuality" in the definition of "sexuality" as something that should not be discriminated against. Although I have no problems at all with people who wish to become transsexuals and have that attitude -

Dr Watson: They do not wish to become transsexuals; they are transsexuals.

Dr HAMES: Whatever; people who are transsexuals. I could not find the right words. I am concerned about a person who becomes a female or vice versa and that change is recognisable to others in the community; for instance, a schoolteacher. I have no experience in this area, which is why I would like the member to respond. I am concerned about a transsexual teaching young children when those children are aware that that person is a transsexual. For instance, should a person who wishes to be female and still has whiskers be allowed to teach small children? I feel that would be difficult for the parents of the children in that class.

Mr Brown: Your Attorney General is legislating for gender dysphoria. Why do you have difficulties with that?

Dr HAMES: I have not seen that legislation. As I said before, I do not think that contradicts what I have said from what I have been told. I believe people have a right to be transsexuals if that is what they want. However, that might be difficult in some community groups where a lot of prejudice exists; for instance, in a women's tennis club. We all know about the American male tennis player who wanted to play tennis as a female. I do not think it is reasonable to expect the members of that women's tennis club to accept a genetic male who wanted to play tennis in that club.

I am also concerned about the provision relating to land and rental properties. I have a rental property and I would not care less if a homosexual couple were renting it. In fact, I would not know if they were or were not. I would be happy to have a homosexual couple renting my property. However, other people have much stronger views against that. Therefore, it would not be reasonable to force someone who owns a property to rent to a homosexual if that person were strongly opposed to it. It is his property and he should be able to choose his tenants. When I rent my property, the agent rings me and asks me whether I want to rent to a certain person.

Mrs Henderson interjected.

Dr HAMES: No, I have not. That is something which the member should respond to. I did not see that in the Bill. Obviously, the Deputy Leader of the Opposition did not either, because I heard him ask the member about it.

Mrs Henderson: It has been in there since the Bill was drafted. You can rent your private home to whomever you like.

Dr HAMES: It is reassuring to know that. The last area on which I want an explanation is that which refers to amendments to the Human Reproductive Technology Act and the Adoption of Children Act. I have been told that this legislation makes no reference whatever to the legalising of adoption of children by homosexual couples. I want clarification of what this provision in the Bill means. I could find no reference in the member's second reading speech to this provision.

As I said, I find this a very difficult Bill with which to deal. There are aspects in it that I am not happy about and I look forward to the proposer of this Bill responding to those concerns in her reply.

MR BROWN (Morley) [8.59 pm]: This evening we are debating the concept of equal rights. Equal rights and non-discrimination mean that we should not discriminate on grounds that have no relevance to the issue at hand. In other words, if we intend to allocate a job and a person who applied for the job clearly did not have the skills or experience to carry out that job, we would not be discriminating in a negative sense against that person if he or she did not get the job. However, if we refused to allocate a job to someone who was skilled and had the competence to carry out that job, on the basis of the colour of their eyes, religious beliefs or sexual preference we would be discriminating wrongfully.

This Bill is about wrongful discrimination in that it takes into account issues that are not relevant to the matters at hand. Over the years whenever we have talked about equal rights, shock horror is always expressed. In the early 1970s I was an advocate arguing for what was then a radical proposition that "could not be countenanced", we were told at that stage by the community. Australia would come to an end if that concept were accepted, we were told. Do you know what that concept was, Mr Acting Speaker (Mr Ainsworth)? It was equal pay for equal work. At that stage women got 75 per cent of the male wage rate. I had to argue in the Industrial Relations Commission that women lift attendants did the same job as men lift attendants because the employers in industry argued that the job was different. I could not work out whether the male lifts went from side to side and the female lifts went up and down. I could not follow their argument and they did not win the case.

We were told that equal pay would be a dreadful event. We were told at that stage of arguing for equal pay for equal work that next we would be asking women to lift 100 kilograms in weight and expecting them to stand at urinals! Why else could they get equal pay? What a ridiculous situation. It is now a fact of life; or almost a fact of life,

because the Minister for Labour Relations is pushing the wage rate for women back to where it was; that is, unequal pay for equal work. We got there for a while.

What was the big issue in the suburb of Nedlands in the mid-1970s? Shock horror was expressed by the residents in Nedlands. It was about the Tresillian Community Centre and the residents of Nedlands objecting to a group of disabled people who had the temerity to live in the community alongside them. The community did not want to see them. What was this dreadful place doing wanting to be set up in Nedlands? Amid protests and scorn the community was asking to lock those people away; move them on because they were different. Surely, when we look back at some of the history, we can see how wrong some of those prejudices were towards women, people with disabilities and other groups in our society.

Surely we should have learnt from all of that. However, we have not learnt from that because the debate still rages. It rages with this Bill which I find a great disappointment. I listened intently to what the member for Dianella had to say. I accept that the member may have reservations about part of this Bill. However, that does not stop him or any other member who has reservations about parts of this Bill voting for it at the second reading stage. The Government has the majority in this House and it can change the various provisions of this Bill and knock out those provisions it finds unacceptable. It can narrow the focus of this Bill as much as it wishes. By agreeing in the second reading debate to the broad concept of equality, the Government and members opposite are not committing themselves to each and every clause of the Bill. However, if it is defeated at the second reading stage so that the detail cannot be discussed in Committee or the third reading stage, those who vote against it conceptually oppose the view of equal opportunity and non-discrimination. Let there be no mistake that a vote against this Bill at the second reading stage is a vote for the continuation of discrimination against a group in our society.

Dr Gallop: Would the failure of this Parliament to pass the Bill be encouragement to the community to discriminate, because the message of the Legislature is that it is perfectly okay to discriminate?

Mr BROWN: That is correct. The other point is that I understand - the member for Thornlie can correct me because I am not familiar with every minute detail - that if a heterosexual person goes into a cafe or restaurant and is perceived to be a homosexual person that person can be discriminated against and there is no redress.

Mrs Henderson: There is in this Bill.

Mr BROWN: There is no redress now. A male or female who may have been married for 60 years, have 33 children and 55 grandchildren and green hair may be kicked out of a restaurant because he or she looks like a homosexual or lesbian. People in that situation have no comeback. What a ridiculous state of affairs! Do we say that is fair; that it has a legitimate place in Western Australia in 1996? The Parliament says that. I cannot believe it. This Bill may not be perfect, and I do not say that with any disrespect to my colleague the member for Thornlie.

Dr Gallop: They might de-proclaim some of the clauses.

Mr BROWN: We will never know. All that has been looked for tonight is a signal. We have looked for an indication of whether, in principle - we will not reach the third reading stage tonight - it is appropriate for discrimination to be allowed to continue against this group in our society. I cannot countenance discrimination when no basis exists for it.

If someone applies for a job, but does not have the required skills and experience to do the job, I would have no problem with that person being excluded from the selection process. If someone applies for a job and possesses the necessary skills and experience but is excluded for reasons unrelated to what the job entails, that is discrimination. If someone is excluded from receiving a service, not because of the way the person acts or because the person is causing a nuisance or abusing the staff, but because of matters unrelated to the service, that is discrimination. In 1996, we should hang our heads in shame if we allow that form of discrimination to continue in this State.

MR DAY (Darling Range) [9.12 pm]: On occasions as members of Parliament we are confronted with issues with which we have not had significant previous involvement, or in many respects we may find it easier not to deal with. In many ways, this is one of those issues. Nevertheless, we are elected as members of Parliament to deal with some of the more difficult issues in the community, to form a view and to articulate some of the concerns which exist in the community. On occasions, government members have some sympathy with views expressed by members of the Opposition. As we have witnessed in the comments tonight by the member for Dianella and in discussions with others, there are members on this side who have sympathy with some of the views expressed by members opposite on this matter.

I happen to be a member of Parliament and a member of the community who on the one hand believes that in no way should homosexuality be encouraged or normalised. On the other hand, I also accept that a strong argument can be made that people should not be discriminated against on the basis of sexuality, in the same way as they should not be discriminated against on the basis of gender, disability, race or any of the other provisions contained in the Act. The concerns expressed by those who would like to see the passage of this legislation are summed up in a letter I received from a couple in a country area of Western Australia. These parents wrote to me, as I suspect they wrote to all members of Parliament earlier this year. The letter reads -

> We happen to be the Parents of two homosexual sons. We love all of our family, gay and 'straight', unconditionally. Being born gay is no different than being born left handed. Our family have all experienced being ostracised and discriminated against. No one would ever choose the homosexual path in life, it is too difficult, with much hurt and sadness for all concerned.
>
> But for the Grace of God, you could be in the same situation as us.

The letter is written by parents who would prefer not to be in that situation, but, as they say, they love all their children equally. I believe that they and other parents in a similar situation would like to have the same rights extended to all their children, whether homosexual or otherwise.

It is a reasonable course of action when considering some of these issues which are moral questions for the community, to seek advice and comments from some of the churches in the community. I have done that, partly because I think it is an appropriate course of action but also because I was advised in a letter from the Parents and Friends of Lesbians and Gays that this legislation had the support of the Catholic, Anglican and Uniting Churches. I turn now to the responses I have received. First, the Anglican Archbishop of Perth advised me -

> The Social Responsibilities Commission has recently made a submission to the Senate Legal and Constitutional References Committee inquiry into discrimination on grounds of sexuality. The submission is strongly in favour of reform at federal level . . .
>
> While I support the specific measures contained in the Bill, I believe it misses an opportunity to foster community debate in some key areas.

Therefore, I think the Anglican Archbishop is saying that he supports the legislation and, in some respects, he would like to see it go further.

The Roman Catholic Archbishop of Perth advised me in a brief response -

> The Church is against "unjust" discrimination on the basis of sexuality. However I need a little more time. I can give you a considered response to this legislation.

I have not received that response yet. Can the member for South Perth advise what the archbishop said in his press release tonight?

Mr Pendal: In fairness to him, it is not easy to convey in a 30 second grab what he said. He said that we must be careful and vigilant with this legislation. That is a fair point.

Mr DAY: I agree. John Jeffrey, the divisional commander of The Salvation Army advised -

> The Salvation Army does have views on human sexuality which I understand is related to the Bill and I enclose copies of our statements for your interest.

That statement on homosexuality reads -

> The Army is opposed to the victimisation of persons on the grounds of sexual orientation and recognises the social and emotional stress and the loneliness borne by many who are homosexual.

I respect all the views that have been expressed to me. On the other side of the argument the Baptist Churches of Western Australia, through its president, advises -

> While we accept homosexuals and transsexuals as human persons, with a dignity arising from their being created in God's image, and certainly do not favour discrimination against them, we have significant concerns about the implications of the Bill. Its effect is to discriminate against and deny our right to apply a Biblical and Christian perspective to decisions on how and under what circumstances we will associate with those overtly practicing, promoting or identifying with behaviours we believe to be morally wrong and harmful.

The letter goes on to quote an example of a case in New South Wales where a Christian couple was fined $40 000 under the equal opportunity legislation in that State for refusing to let a rental property to a de facto couple. The Baptist Churches regarded that situation as completely unacceptable.

The final response is from the Seventh-day Adventist Church, Western Australian Conference, through its director of communications. It reads -

> We therefore request you to represent our opposition to this amendment in the interest of maintaining and perpetrating sound moral values for our society, or
>
> At the very least, to provide sufficient exemptions to the proposed legislation for us as a christian community to practice and teach the values and positions we hold.

I recognise that the mover of this legislation will argue that those exemptions are contained within the Bill. The letter goes on to say -

> Such examples of this may be sighted from the special exemption clauses allowed in the Federal Sexuality Discrimination Bill 1995 as proposed by Senator Spindler, or those in the New South Wales Anti-discrimination Act 1977.

The Uniting Church has not yet given me a written response, but I understand it will be provided. I have had verbal contact from a representative of the Uniting Church. The responses from which I have quoted reflect the division of views that exists in the community. Those views demonstrate that it is not an easy issue on which to satisfy the community or on which to make a decision. On balance, I take the view that this legislation has a good deal of worth about it, but I recognise also, as was pointed out by the member for Dianella, that questions should be asked about some of the detail of it. The question therefore arises as to what position I should take on this matter, given that the Government opposes the legislation as a whole.

It is not a matter on which I feel so strongly that I should cross the floor, or, more particularly, on which I feel my electorate would want me to cross the floor. Nevertheless, I recognise that in view of the fact that Western Australia and Tasmania are the only States that do not have legislation along these lines, and also in view of the report of the Equal Opportunity Commissioner in 1994, this is not the end of this issue; this matter will return before this Parliament, probably in the next term of the Parliament. Whichever side is in government - I expect that my side will continue to be in office - members will have to face up to the issue again.

MR CATANIA (Balcatta) [9.22 pm]: I support the Bill. I rise only to make some specific statements in response to a press release by the Roman Catholic Archbishop, the Most Reverend Barry Hickey. He states specifically that it is wrong to discriminate unjustly. I and many Catholics in this Chamber and in the other place agree with that statement. He is concerned about where this legislation will lead to. This legislation is about the fact that we should be against discrimination. I support the Bill because it is against discrimination. The Archbishop states that his concern is that this Bill will lead to an easier introduction to more radical reforms. I repeat that this legislation deals with discrimination and should not be viewed on the basis that it will lead to more radical reforms. If people in this Chamber, the other place and the community do not want it to lead to more radical reforms - that is, changes in adoption practices, the lowering of the age of consent, access to in-vitro fertilisation by lesbians, and parity between homosexual couples and the marital union of man and woman - they must be vigilant to ensure that that does not occur.

MRS HENDERSON (Thornlie) [9.25 pm]: The legislation before the House tonight is about human rights. It is about the opportunity for people to be treated on their merits. It is about fairness and it is about human dignity. It is about the good old Australian fair go; the right to be considered on the basis of what people can do and who they are, and not on the basis of a totally unrelated personal characteristic that bears no relationship to their capacity to perform a job, to be a tenant, to apply for goods and services, to go into a hotel, to go into a restaurant or any other form of entertainment, or to purchase any other services in this community.

I am disappointed with the comments that were made, particularly two weeks ago when this matter was debated. The Minister for Health responded on behalf of the Government. He indicated that the main reason he would not support the legislation was because among the submissions to the Equal Opportunity Commission's report on this matter was a minority that opposed this legislation. That is the first time I have heard someone - a Minister or anyone else on that side of the Parliament - say in this Parliament that they would not do something because the minority opposed it.

This Government has brought in some of the most draconian industrial relations legislation this State has seen. Eight thousand people took to the streets and marched on this Parliament in opposition to that. The Government has brought in some of the most draconian workers' compensation legislation to confiscate people's rights. Thousands more people signed petitions that were read in this Parliament day after day. No-one on that side of the House said that they could not do that because the minority was opposed to it. They said, "We are in government. We have the numbers. Tough." On this issue they know that the majority supports this legislation. All the surveys that have been done in the community show that people think everyone should have a fair go in getting a job or accommodation, or whatever. The Equal Opportunity Commissioner received in excess of 60 complaints from people who have been discriminated against in the past 12 months on the basis of their sexuality and she has been able to do nothing about those complaints.

Mr Acting Speaker (Mr Day), I do not whether you saw a powerful program on ABC television recently about youth homelessness, but I am sure others in this Chamber will have seen it. It was a documentary that followed over a period a number of young people who lived on the streets. It was a long term program: It filmed them when they went out onto the streets and followed them up seven years later. It was an extremely detailed and moving program. Almost every one of those young persons, most of whom left home at 14 or 15 and lived on the streets under bridges and in old dilapidated buildings - many ended up taking drugs or working as prostitutes - had experienced either sexual abuse or physical abuse at home. In a significant number of the cases the young people had come to the conclusion that their sexual orientation was different from the heterosexual norm. They had either advised their parents and had suffered such scorn and derision that they left home, or they had been unable within the context of their family to inform their family.

Australia has one of the highest rates of youth suicide in the world. It is not something of which any one of us should be proud. If this kind of discrimination in the work force causes even one young person to take his or her own life, every member here tonight who votes against this Bill must be ashamed of himself. Young people's perception of themselves, their self-esteem and their place in our society depend on being accepted. Part of being accepted means that they are not shown the door when they apply for a job purely because of their sexual orientation. The member for Kenwick gave the example tonight of people who took part in a demonstration in 1989 in support of the decriminalisation of homosexuality, which was supported by both Houses of Parliament at the end of the day. That some people lost their jobs as a result of publicly exercising their right to demonstrate is appalling. Most people have only a few occasions in their lives when they can make decisions that can really make a difference to others in the community. Tonight is one of those occasions.

I was extremely disappointed by some of the comments made last week. I was disappointed that the member for Geraldton spent most of his speech talking about public drunkenness on the streets of Geraldton. It is hardly a relevant topic when we are talking about basic human rights for some members of the community. I congratulate both the member for Dianella and the member for Darling Range, because they have obviously given this legislation considerable thought and have taken the time to follow it through and to seek the views of others. The member for Dianella asked about transsexuality. He raised the example of a teacher in a school. I do not know how many years ago it was, but I suspect it was probably about eight years.

There was a case of a teacher who taught at either Rockingham or Safety Bay High School. The teacher was a manual arts teacher and male. Like many of those people who undergo a sex change, he was quite convinced that trapped within his physical characteristics was a different gender personality. He underwent the treatment that many of those persons undertake. It must take a huge amount of courage to make that decision; it cannot be easy at all. That teacher underwent a course of hormone treatment and all the other treatments that go with a decision to change sex, including extensive counselling. He timed the final phase of that change to coincide with the long summer holiday. He went back to the same school as a female teacher. I take my hat off to that kind of courage. I understand there were no difficulties at that school. That may have been because sometimes we underestimate the maturity of our teenage population. I am sure he is not the only person to have done that. As a medical practitioner, the member will know that many people have undergone those sorts of procedures and subsequently gone back to their jobs. If a person undertakes that procedure, which is a long and detailed process that no-one would undertake lightly, he should at least be entitled not to be discriminated against. The Attorney General has announced that the National

Committee of Attorneys General has agreed to national legislation, which all Parliaments will implement, which will allow people to change their birth certificates and passports to reflect their new gender. That is absolutely as it must be. Not only should they be able to carry a passport that shows their current gender but also they must be entitled to be treated on their merits and not to be discriminated against purely because they have undergone a sex change.
The member for Dianella also asked about in vitro-fertilisation and adoptions. He may well know that both the Artificial Conception Act and the Adoption Act are state Acts under which people are prohibited from undergoing those procedures unless they are married couples. There will be no possibility of same sex couples having access to those programs. Despite that, in order to allay any fears which may distract the debate from the relevance of the Bill tonight, we put in the extra provision of an exemption, which states that there is no possibility of anyone seeking to allege discrimination on the basis of sexuality when they are seeking an IVF procedure or an adoption. In other words, the double safeguard in two pieces of legislation is that people cannot have access to those procedures unless they fit the categories laid down in the legislation.

Most people in this Parliament might imagine that this legislation is solely about giving rights to a particular group in the community. It is about a lot more than that. Some people have suggested that we judge a community by how it treats its citizens, and particularly how it treats its least advantaged citizens. I do not suggest for one moment that gays or lesbians are economically disadvantaged in our community. I do not believe they are. However, there is no question that in terms of basic human rights they are the least advantaged in our society. They are treated currently as second class citizens.

I suggest to any person in this Chamber who will vote against this legislation tonight that if they had a son or daughter who was homosexual and if that son or daughter experienced the kinds of discrimination that we have heard about, they would be crossing the floor to vote in support of this legislation. Do not forget that every person who is gay or lesbian is part of our broader human family. They also belong to families and have brothers and sisters. They are someone's daughters and someone's sons. For people to throw up erroneous arguments about undermining the position of the family, as though those people do not belong to families, is patently false.

Some comments have been made tonight about the position of various churches on this legislation. I commend in particular the Anglican Archbishop of Perth who, in response to letters from me about support for this legislation, indicated, as the member for Darling Range said tonight, that not only did he very strongly support the legislation but he would also like to see removed the exemption which allows churches and charitable bodies to be exempted from complaints about discrimination.

I applaud that position, which is one step ahead of what we are debating here tonight. I congratulate also the Uniting Church which has come out very strongly and supported this legislation. The media statement made today by the Catholic archbishop indicated that he wanted to express concern about other matters which are not in the Bill before us tonight but which he saw as undesirable. I am particularly pleased that some members of this Parliament who are very strong and practising Roman Catholics have indicated during the debate that they will support the Bill and that they have accepted that the church's position on discrimination in general is a good one but that the Roman Catholic Church has concerns about some other issues which are not part of the Bill.

The rights in this Bill tonight will come into being; there is no question about that. It is not a matter of whether they will but when they will, because they are just and right. They will come into law in Western Australia. It is a matter of whether members vote in favour of these measures tonight or whether they are foisted on Western Australia as part of national legislation. Members who vote against the Bill might well find themselves embarrassed and ashamed in years to come when this comes into law, as it undoubtedly will, that they opposed such a fundamental move forward for the whole community.

I congratulate all those people who have worked very hard to provide information to members of Parliament - to inform them in a factual way of what this legislation is all about. I know there are people here tonight who have made telephone calls, sent out circulars and pamphlets and who have attended meetings. There is also a group of parents of gays and lesbians who have worked extremely hard to try to bring this legislation to fruition. Those people have done a very good job and the debate has moved forward, whether or not the legislation goes through tonight.

I am very disappointed that the coalition has decided not to allow its members to vote as their conscience dictates on this matter. It is often the coalition that complains bitterly about party voting. Here was an opportunity to allow a conscience vote on an issue that is not political - one could not get an issue less political than this - but the coalition is not prepared to allow that. The reason is clear. There are at least four members here tonight -

Mr Minson interjected.

Mr Pendal: It never happens.

Mrs HENDERSON: Is the Minister suggesting that a decision was not made by the Liberal Party room that there would be a block vote on this Bill tonight? If he is, he is contradicting the Minister for Health.

Mr Minson: I was not present.

Mrs HENDERSON: Then he does not know.

Mr Minson: No matter what the decision, Liberal Party rules state that if a member wishes to cast a dissenting vote, they must inform their colleagues as matter of courtesy. They are then free to do what they want.

Mrs HENDERSON: I understand that a motion was passed in the party room that members would be bound to vote against this Bill. Is that not true?

Mr Minson: That has never been the case.

Mrs HENDERSON: I understand that a motion was passed a few weeks ago.

Several members interjected.

Mrs HENDERSON: That is interesting because the view the Minister is putting provides an opportunity for at least two members who have indicated that they have great difficulty voting against this legislation. The Minister for Health made it very clear two weeks ago that the Liberal Party had made a decision as a party to oppose this legislation.

Mr Prince: I said "the coalition".

Mrs HENDERSON: I understand that this does not affect just the two members who have indicated tonight that they would have preferred to vote for the legislation - even if only to take it to the next stage in order to debate other issues in the Bill that they might have wanted to address. I understand that the Deputy Premier feels very strongly about this Bill and would be here voting for it were it not for the motion passed in the party room. If that is the case, it is a disgrace; it is shameful for every member of the coalition sitting here tonight.

It is interesting that one of the members on the other side said that we will see this Bill again. I foreshadowed this legislation 14 years ago. One would think that in 14 years things could have moved far enough for it to pass now. Shame on members opposite who have indicated that they are concerned about this issue if they are not prepared to show the courage of their convictions and vote for the Bill tonight.

[Interruption from the gallery.]

The ACTING SPEAKER (Mr Ainsworth): Order!

Question put and a division taken with the following result -

Ayes (20)

Ms Anwyl	Mr Grill	Mr Ripper
Mr Brown	Mrs Hallahan	Mrs Roberts
Mr Catania	Mrs Henderson	Mr D.L. Smith
Dr Constable	Mr Kobelke	Mr Thomas
Mr Cunningham	Mr Leahy	Dr Watson
Dr Edwards	Mr Pendal	Ms Warnock *(Teller)*
Dr Gallop	Mr Riebeling	

Noes (23)

Mr Board	Mr Lewis	Mr Strickland
Mr Bradshaw	Mr Marshall	Mr Trenorden
Mr Day	Mr McNee	Mr Tubby
Mrs Edwardes	Mr Minson	Dr Turnbull
Dr Hames	Mr Osborne	Mrs van de Klashorst
Mr House	Mr Prince	Mr Wiese
Mr Johnson	Mr Shave	Mr Bloffwitch *(Teller)*
Mr Kierath	Mr W. Smith	

Pairs

Mr M. Barnett	Mr Nicholls
Mr McGinty	Mr Omodei
Mr Graham	Mrs Parker
Mr Marlborough	Mr Court
Mr Bridge	Mr C.J. Barnett

Question thus negatived.

Bill defeated.

[Interruption from the gallery.]

The ACTING SPEAKER: Order!

MOTION - AUDITOR GENERAL TO REPORT ON EDUCATION DEPARTMENT CONTRACTING OUT SCHOOL CLEANING

MR KOBELKE (Nollamara) [9.49 pm]: I move -

(1) That the Auditor General report this year to the Legislative Assembly on all matters relating to the contracting out of school cleaning which has been undertaken this year by the Education Department of Western Australia and in particular -

(a) the extent to which the standards of cleaning have fallen in those schools which this year moved to contract cleaners with greatly reduced hours;

(b) the extent to which the EDWA may incur greater liabilities due to any increased risk to the health and safety of children because of poor standards of cleanliness and hygiene in some schools;

(c) the full cost to government of school cleaning under these contracts with a comparison to cleaning costs in other schools;

(d) the actual and imputed costs to schools due to a reduced level of security for students, facilities and equipment under the restructured hours and with the loss of the presence and knowledge of the previous school cleaning staff;

(e) the nature and extent of problems relating to the establishment of these cleaning contractors or so-called start up difficulties, including the adequacy and appropriateness of supervision and inspection; and

(f) the extent to which contract cleaners have not received conditions and wages in keeping with relevant industrial awards.

(2) That the EDWA not pursue any further contracting of school cleaning until this report by the Auditor General has been received and considered.

This is a serious matter. I cannot believe any Government would countenance a lowering of the standard of cleanliness in government schools. However, that is what has happened under this Government. This Government has set about contracting out school cleaning for base ideological purposes. It has not been done in a way which would ensure a maintenance of the standard of cleaning in our schools. The Minister for Labour Relations spoke to parents in his electorate and confided in them that he thought the Government was trying to contract out too many schools too quickly, and that was the reason these sorts of problems had arisen. It goes much further than that, to the fact that this Government was so committed to ensuring that contract cleaners took over that no proper management was put in place. The Government was willing to pursue the contracting out of cleaning services without taking into account the standard of that work.

In order to try to meet the cost constraints on the Government and also the requirements of the awards under which cleaners work, it was necessary to reduce the hours to try to show that contract cleaners could compete. Contract cleaners have not achieved great increases in efficiency. Contract cleaners must employ cleaners under an award. That same award covers cleaners employed by the Education Department. There is no real saving in the cost of labour. The Government could not find a cheaper means of cleaning through reduced labour costs. No new processes, technology or equipment are used by contract cleaners, so there is no advance in efficiency there. The only way to make it cost less was to reduce the hours. In many cases the same cleaners are doing the job. They are trying to perform a task in sometimes half the number of hours. They simply cannot do the job in that time and keep the area clean.

The figures available in the Parliament indicate there has been no real saving. This motion calls for the Government to open up the books and let the Auditor General have a clear look at the cost of cleaning, whether it is done by officers in the Education Department of WA or contract cleaners. That would establish the real costs.

I have come to the view that there are no cost savings. The margin that was created by reducing the hours is picked up by the overheads of the contract cleaners. The Government has reduced the quality of the service in order to provide a small profit to some contract cleaning companies. Many of the workers, because of their commitment to their jobs and the school, are working many hours for which they do not receive payment. That is a totally intolerable situation. We should require that minimum standards are met. If those cleaners are employed under certain conditions, they should not be forced to work additional hours to try to maintain the standard and not be paid for those additional hours. In many cases that is what is happening. I am not saying there is not a place for contract cleaning. However, the judgment should be made rationally on the basis of maintaining a quality of service in our schools. There will be cases where a contract cleaner may be able to do a job as competitively or at a better rate than a school cleaner, simply because of circumstances that exist in a particular situation. That has not been the basis for the judgment made by this Government. This Government has simply moved to contract cleaning because it is ideologically committed to it, and we have seen a reduction in standards.

The Minister's response was, "Well, we have some teething problems. We have to overcome the start-up problems." This has been going on since the latter part of the first school term. At the end of term 1 contract cleaners were introduced in the first wave of contracting out. The problems have continued for some months. There were three different waves in which contracts were let. It is not a teething problem; it is a matter of not being able to perform the quality of work required. I will provide members with evidence that this problem is continuing, and this Government is not doing anything about it. It is not acceptable to me or to parents that the current Minister says he will leave it to the end of the year before he assesses the situation. We have ongoing problems in our schools. A letter dated 6 September 1996 from the Rossmoyne Senior High School P & C Association addressed to Graham Kierath, Minister for Labour Relations states -

> Dear Graham
>
> Re: Unsatisfactory cleaning of Rossmoyne Senior High School.
>
> This above issue has been discussed at considerable length at all of the recent meetings of the P&C. It is clear that the contract cleaning not only continues to be a complete disaster, but the situation has further deteriorated in recent weeks. To illustrate, I quote from the P&C Minutes of 21 August.
>
> > Discussion of the RSHS situation indicated that the cleaning situation is still a disaster and is now creating major disruption to students' studies as well as wasting substantial time of staff. As an

> example, on the 21 August, the cleaning supervisor was sent to the school after receiving complaints about the lack of cleaning of nine rooms. The classes were disrupted during the day as these rooms were cleaned during school time . . ."
>
> " . . . It was revealed that the Department of Education's handling of the situation has been most unsatisfactory with complainants being constantly fobbed off.
>
> Frankly, the parents, teachers and students have had enough, and are now seeking that you honour your promise that you would intervene - to quote from the Minutes of 14 May.
>
> "The President reminded that at a meeting with G Kierath he gave a guarantee that if the school is not cleaned to standard, he would personally intervene".
>
> We look forward to your response.
>
> Sincerely
> Dr Peter Howat
> Secretary.

That school is most dissatisfied with the standard of cleaning. I have a letter from the Pinjarra Senior High School which is dated 26 August 1996 and addressed to me. It states -

> We are once again writing this in response to the state of the Pinjarra Senior High School cleaning contract.
>
> The school has yet to pass a cleaning inspection after two official surveys and two follow-up inspections.
>
> The following observations have been made:
>
> 1. Est. Maximum 75% school cleaned.
>
> 2. The school continually fails cleaning inspections.
>
> 3. Staff complaints are frequent.
>
> 4. Follow-up supervision by the company is poor.
>
> 5. Bins dirty under (plastic liners).
>
> 6. Many jobs, eg. window cleaning, are only half done. (this took 3 attempts) .
>
> 7. Security is still a problem. The last bout of vandalism was due to lack of a supervisor on site.
>
> The situation is regarded as serious by our P & C and would appreciate your attention to the matter.
>
> Yours sincerely
> Kerry Vuletic (P & C Secretary)

In the time available I will give one more example: A letter addressed to me from the Hilton Primary School dated 22 August states -

> Hilton Primary School is presently negotiating with the Education Department over ongoing problems with Contract Cleaning services being provided at our school. I today contacted Mr Jim Plowman of the EDWA Facilities & Services section to attempt to improve the situation. He has assured me of immediate action to inspect the school.
>
> I have enclosed a copy of the letter to the Contractor, Prestige Cleaning. This letter was sent out of our frustration and after several months of documentation of the problems being done by the school staff, at the request of EDWA. This documentation was to be used to resolve problems, but unfortunately this has not happened despite many phone calls back and forth.

In fact, in the past week our problems have escalated with the resignation, and non-replacement, of one of the cleaners last Friday. The floor of the School Canteen has not been touched by the cleaners since that time, leaving the P&C with an unsafe working environment for our Canteen Staff.

The letter outlines some of the concerns held by the P&C. We have become extremely frustrated by the lack of activity by the Department to sort out this situation. Our school has already had one change of contractor and we urgently wish to find some resolution, but when we have the ludicrous situation of the cleaners leaving notes for our staff complaining that rooms are "too dirty to clean", we wonder if this wish will be fulfilled. Surely it is the responsibility of the cleaners to **clean**, not leave notes.

Thank you very much for your ongoing support. I will inform of our outcome in these circumstances.

Those letters relate to three different schools and indicate the ongoing nature of the cleaning problems being experienced. The Minister sits on his hands. He should not play games with the cleanliness of our schools, and the health and safety of students and staff. The matter requires urgent attention. The motion calls on the Auditor General to look at the situation, to make an objective assessment of why the system is not working and to suggest the steps that must be taken to ensure the standard of cleaning is maintained in an efficient and cost effective manner.

[Leave granted for speech to be continued.]

Debate thus adjourned.

BILLS (3) - RETURNED

1. Road Traffic Amendment (Measuring Equipment) Bill

2. Medical Amendment Bill

3. Chattel Securities Amendment Bill

Bills returned from the Council without amendment.

LEGAL PRACTITIONERS AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr Prince (Minister for Health), read a first time.

ELECTORAL LEGISLATION AMENDMENT BILL

Second Reading

Resumed from an earlier stage of the sitting.

DR GALLOP (Victoria Park - Deputy Leader of the Opposition) [10.04 pm]: Earlier today I indicated that I wanted to point to a deficiency in the Bill before the House. The member for Belmont wishes to remedy that deficiency by moving an amendment, and the matter will be discussed at some length in Committee. I provided some background to that subject by pointing out that government today is significantly different from government in earlier times. In earlier days the distinction between the private sector and the public sector was very clear. The public sector operated according to its rules, conventions and ethics, and its role was to redistribute, regulate and provide services that the marketplace could not provide or could not provide to an adequate standard. The private sector produces goods and services distributed throughout the community by the market mechanism.

The difference in government today in Western Australia is that the provision of many of the goods and services regarded as necessary by government are now provided by the private sector. It is a new system of government. According to the gurus of contracting out, this is known as entrepreneurial government. Of course, I am talking about the book by David Osborne and Ted Gaebler entitled *Reinventing Government*. They argue that we need new means to achieve old ends. They assume that one can distinguish between means and ends. However, once a particular set of means is chosen, it has a habit of influencing the end. That is the problem with all those who believe the end justifies the means. The flaw is that the means influence the end. The type of system created has posed new

questions of ethics and conflicts of interest. That is complicated even more by the fact that the Government is increasingly using consultants for advice. In their own way consultants are contractors to government. As I indicated in a debate in this place yesterday, many consultants carry a range of interests and, although they are engaged by the Government, they may also be engaged by a range of private companies. It is never quite clear who they are representing when they work for the Government.

The theory is that these conflicts can be managed, but in practical terms it is not so easy. How does one come to terms with the new reality in which much government money is not used directly by the Government but by people on behalf of the Government? They may be consultants or private contractors. Many people in the community may argue that it poses no particular problem, so long as the contracting out is done by open tender and the Government properly monitors the contracts. However, an issue is posed about money and the potential power it has in the political process. When private contractors win work with government and increasingly rely upon that work from government to sustain their revenue base, it is very important for them to convince Governments that they need to keep those contracts, because their bottom line would be affected if they lost them. They will try to influence as many people in government as possible about the quality of their work. Hopefully, that will primarily be based upon their performance in the delivery of services to government. It is inevitable in such a system that political influence will become a commodity. Wining and dining politicians and Ministers will be part of the process by which contractors hope to create a good impression of themselves in the political community. In that way there is no bias against them, putting it in minimalist, negative terms, or so that there is a positive attitude towards them, putting it in more maximalist, positive terms. I believe that under this scenario, which in Western Australia today means that about $1b of taxpayers' money is being spent on government contracts, the potential for that money to exercise improper influence is great. Anyone who thinks it is not should examine the things said in this Parliament when a Government invested money in business. That of course was promoted by the Labor Governments of the early 1980s.

It was pointed out that problems could occur when Governments invest in business. Conflicts of interest can emerge and efforts made to influence Governments to support those investments. If members are going to argue that it is problematical for Governments to invest in business, the logic of the argument implies that they must also argue that it is problematical for business to invest in government. If members are interested, I gave a lecture on this subject at Curtin University on 7 August in which I pointed out that the logic of government investing in business was no different from the logic of business investing in government. That is precisely what happens with contracting out.

I referred to the gurus of contracting out in the United States, Ted Gaebler and David Osborne. When they want to make defensible a regime of contracting out the first thing they consider is open and fair tendering. Secondly, they examine proper performance monitoring of the contracts and, thirdly, they argue -

> If a company wants the public sector's business, it simply agrees to forgo any effort to influence public policy in related areas. The conflict of interest is obvious.

Gaebler and Osborne say that we should build prohibition into specific contracts which means that political donations will not be made by government contractors. That is not the Labor Party, the Commission on Government or the royal commission speaking; it is the international gurus of contracting out. They believe in and encourage contracting out. They say that if we are to have contracting out, we must make sure that no ethical conundrums are created by the process. The best way to do that is to impose a prohibition on donations from contractors to Governments. It is the Opposition's view that this matter must be addressed in any serious legislation that examines the issue of money in politics.

I conclude by referring to the three principles I outlined in my earlier comments, first, no secrecy should surround political donations. I think this legislation goes a great way toward showing that is the case. Secondly, within the principle of establishing that Governments should be on an equal footing with those in opposition or minor parties in the political process, the member for South Perth has quite properly raised concerns about whether the prohibition on advertising and travel in election periods would be dealt with properly. Thirdly, in restricting the amount of money spent on politics to maintain equality, I am concerned that we have not gone far enough and ultimately we as a Parliament must deal with the amount of money spent on politics because of the potentiality it can create for those with great wealth to have more influence and power than those with less wealth.

DR CONSTABLE (Floreat) [10.14 pm]: I welcome the opportunity to make some remarks about this legislation. I am generally supportive of this amendment Bill. However, I have some concerns on one or two matters. I will confine my remarks now to one of those concerns and take the opportunity later in Committee to address some of the other issues. I am particularly concerned about the amendment to section 2 of the Electoral Amendment (Political Finance) Act 1992 which other members have addressed in their speeches.

My views on the necessity for public disclosure of political donations and expenditure on political campaigns have been made clear at other times. These matters go to the heart of accountability of members of Parliament and are very important matters for us to consider in this Parliament. In the debate in 1992 I supported the political finance Bill and in both written and oral submissions to the Commission on Government I made remarks in that forum supportive of as much openness as possible in this regard.

The history of this legislation has been noted by other speakers and I will not go into that in great detail except to summarise and remind the House tonight that it is more than four years since that political finance legislation was passed. It was assented to in December 1992 but has not yet been proclaimed. Here we are, not long before another general election, dealing with these issues again. The motives of the Government should be questioned, as they were by previous speakers, on the manner in which it is presenting the Bill to us. The promise of selectively proclaiming the legislation is of great concern. I referred to the *Hansard* of 1992 to examine the speeches made by some of the people at that time in opposition, but now in government. It is interesting to translate their remarks now into the form the legislation is taking.

In 1992 at the second reading stage in this House the coalition parties voted against disclosure of political donations and expenditure. It is worth remembering that in opposition they were happy to do that. In government now they are embracing the notion of disclosure of political donations and expenditure on campaigns. Just before an election with only a few sitting weeks to go we are debating the issue again. However, the legislation is presented to us somewhat selectively. The Government has hung on to this legislation for four years without doing anything about it and here it is back again just in time for the election.

The people of Western Australia have reason once again to be exasperated with politicians. Members of the Government in opposition campaigned on accountability and I supported much of what they said. They insisted on a royal commission to investigate some members of the previous Labor Government; that is, the so-called royal commission into WA Inc. They scored many political points, quite properly, about the Executive's disregard for this Parliament. I believe that in the way this legislation has been presented to us, we are seeing this Government show disregard for the Parliament again by wanting to selectively proclaim parts of the political finance legislation.

Over the past few weeks an interesting theme seems to have developed in the behaviour of this Government. Only a few weeks ago the Government had part of a piece of legislation that had been passed through this Parliament deproclaimed by taking the legislation to the Governor in Executive Council. That legislation had gone through both Houses of this Parliament. Why did the Government not bring back that section, ask us to examine it again and amend the legislation? No; it had to go that way. Now this legislation, with the very important section 2 of the political finance Act, is being amended so that the Government will be able to selectively proclaim parts of that Act and decide not to proclaim other parts of it. Although its action a few weeks ago of deproclaiming a section of the Act may have been legal, it was a highly unusual step and, as it turned out, a totally unnecessary one.

At page 19 of the Bill before us, section 2 of the Electoral Amendment (Political Finance) Act is repealed and a new section is included for us to consider. That new section will allow this Government to proclaim parts of the legislation as it wishes. Part of the Parliamentary Secretary's second reading speech on this issue has been quoted, but I think it deserves reconsidering at this hour of night.

Page 13 of the second reading speech is as follows -

> Part 3 of this Bill commences by an amendment to section 2 of the Act enabling the section of the Act dealing with disclosure to be separately proclaimed from those dealing with publications and travel. The priority in this legislation is to ensure that those sections of the Electoral Amendment (Political Finance) Act dealing with disclosure are made workable.

Surely every part of the legislation is a priority, not only certain parts of it? That matter was eloquently dealt with by previous speakers today, and I will not take up a lot of time going through it again. I note for the record my astonishment at the Government's approach to this legislation. It is a novel approach, one I have not seen before in my five years in this place. It intends to selectively proclaim legislation that has already been passed by Parliament, which shows it has a total disregard for this place and has learnt none of the lessons about which it spoke in opposition.

One of the reasons for holding royal commissions is to restore public confidence in our system of government, and I sincerely believe that that was one of the reasons for the establishment of the royal commission into the WA Inc years. It was very important for us to examine our system and for us to attempt to restore public confidence in what

we do in this Parliament and how government is run. The action proposed in this legislation does nothing to restore public confidence in our system. The royal commission quite specifically drew attention to the problem of government advertising and travel during election campaigns, yet those are the very issues about which this Government has been cavalier in giving itself the option not to proclaim that part of the legislation.

The royal commission directed in its recommendations that the Commission on Government be established and that it should investigate matters associated with government advertising and travel. The Commission on Government has done that. This Government pushed for the Royal Commission into Commercial Activities of Government and Other Matters, yet it belatedly set up the COG. That commission has now reported, and all those recommendations relating to political financial disclosures, advertising and travel are being disregarded in the Government's approach. Political donations were one of the royal commission's central points of investigation. A huge proportion of its final report was taken up with dealing with that matter. It analysed the legislation that was passed in this Parliament. We must remember that the royal commission dealt with issues in the 1980s relating to political donations, and it is a shame that in the mid-1990s we are the only jurisdiction without such legislation, and that this Bill will be dealt with in the way the Government proposes within the legislation.

The matters I have pinpointed tonight go to the heart of executive accountability to Parliament, and the Government is letting down the Parliament and the people of Western Australia. The actions of the Government in proposing to selectively proclaim the legislation will do nothing to restore the public's confidence in the system. The members for South Perth and Belmont and others have pointed out the duplicity of this Government regarding the piecemeal proclamation of sections of the legislation. I will be supporting amendments on the Notice Paper in this regard in Committee, which will be a very important part of debate on this legislation. I endorse the remarks of the previous speakers regarding the duplicity of the Government.

MR BROWN (Morley) [10.26 pm]: It is frequently said that one of the telling factors in politics in Australia and elsewhere is the capacity of those in politics to be consistent. This refers to taking a consistent view of life, standing for consistent principles and putting a consistent position, whether that position is for the time being to one's benefit or detriment. People who have the courage of their convictions stand head and shoulders above the rest of the community. It is very difficult to have consistency because it means that one must put principle ahead of some temporary pragmatic gain. It means not nakedly grabbing for power at every opportunity. It means that one has substance and stands for something. It is a matter of not flip flopping around changing position week to week depending upon which way the political wind is blowing.

In that context, it is interesting to look at the substance of what is currently before the Parliament and to question whether the coalition is presenting a position of principle or a fairly naked grab for power, overriding the principle it conveniently espoused previously, which it never believed in.

This Bill seeks to amend the Electoral Amendment (Political Finance) Act, which was before the Parliament in 1992, and it is instructive to examine the concerns that were raised in that debate. I refer to the *Hansard* of May 1992, pages 2644 and 2645, which record at length the comments made by Hon Peter Foss in the other place. The honourable member spoke about his concerns that the then Government was using taxpayers' funds to benefit its own political position. The member said in his long speech that he was keeping a watchful eye on the parliamentary dining room to see how many people were being Duchessed by the Labor Government of the day through luncheon invitations. He was concerned about government community advertising in which the then Government was engaging, as he interpreted this as an activity which would politically benefit the Government and be of no substance to the community. Equally, he was concerned about members of Parliament, particularly Ministers, using air travel during the course of election campaigns. Again, he questioned the use of taxpayers' funds for that purpose. All those matters are recorded in *Hansard*. One could expect the member and his colleagues to carry those principles into government - if they were principles and not just a pragmatic position adopted for political expediency in an attempt to score a few points at that time. The test of whether it was a high moral principle or political expediency is determined by the actions of people after the event. If they espouse something one day, and a year after when the landscape has changed they continue to espouse that view, we must respect the fact that they are taking a consistent line even if it is more difficult for them. However, if they flip flop around and change position depending on which way the wind is blowing, it indicates that it was not a matter of high principle but rather a matter of political convenience and pragmatism to get a position for the day which was convenient for that time.

We see in this Bill which one of those positions it was. It is arguable that the position the coalition took in opposition in 1992 was a convenient position - not something that it believed in but a convenient position for it to espouse at that moment. Now, in government with a comfortable majority and with the opinion polls showing the Government is in front and looking healthy, members opposite do not want to sacrifice the benefits that being in government

brings by being able to travel and use taxpayers' funds for political advantage. Therefore, this Bill provides an opportunity to proclaim different parts of the Act at different times. The Premier said today, when walking out of the Chamber, that all of this - meaning the Electoral Amendment (Political Finance) Act as well as this Bill - would come into force prior to the election. I am not sure whether it was recorded in *Hansard*, but it will be interesting -

Mr Shave: Who said that?

Mr BROWN: The Premier said it as he walked out of the Chamber.

Mr Shave: Was that during debate?

Mr BROWN: It was just after question time. I am not sure whether the comment was recorded in *Hansard*, but when he walked out he said, in answer to an interjection across the Chamber, that this Bill and the Act would come into effect before the next election. It will be interesting to see whether the Premier's remark turns out to be correct. One can hope that it will be, but there is some doubt about that, given the closeness of the election and the words included in clause 25, which provides an opportunity for different provisions of the Act to come into operation at different times. The member for Melville is aware of that.

Mr Shave: The Premier did not say that the whole Act would be implemented and that all sections of it would be proclaimed prior to the election. If you say that he said that, you are not quoting him correctly.

Mr BROWN: That was my understanding of what he said. We must wait and see whether it is recorded in *Hansard* in that way, or whether it is recorded at all.

Mr Shave: The Premier is aware and the Government is aware that a section of the Bill will not be proclaimed. That is why we are sitting here debating it. If you are trying to split hairs and say that the Premier is saying one thing and the Government is saying another, you are not correct.

Mr BROWN: It will be interesting to see the degree to which the 1992 Act and this amending Bill are proclaimed and put into operation prior to the next election. The degree to which that is not done is the degree to which all the arguments put so forcefully in 1992 were based on political convenience rather than on principle. We will see the effect of that.

Another matter is the need today, more than ever before, to have openness in political donations and the operations of the Government of the day. The two now sit very closely intertwined. It is of some concern the Government allocates contracts to certain areas in the private sector but this House cannot get full information on the nature of the contracts or the savings, if any, which may be achieved for the taxpayers in the letting of those contracts. I raise that issue because if we in this place cannot get that information, the ordinary citizens will have great difficulty in getting that information. If the Government can allocate contracts and not disclose to this Parliament all the information about those contracts by claiming that it is precluded from disclosing that information because it is commercially confidential, it will create a major problem in the allocation of work by the Government to the private sector and the concept of political donations coming from the private sector to the Government.

I have a couple of concerns in this regard. Often in this place and publicly Ministers say that some new contract has been let and that it will save the taxpayers a certain amount of money. We are told that the new arrangement will be beneficial because it will save $150 000 or $200 000, or some other amount. That is as far as it goes, because when we seek the details or an evaluation of the amount to be saved, we are denied that information.

I turn now to a question I asked the Parliamentary Secretary to the Minister for Water Resources last year. Question on notice 4363 states -

(1) Further to question on notice 3540 of 1995, what is the nature of the evaluation that is made of tenders from the private sector to conclude that savings can be made by letting the work out to tender?

(2) Are the evaluations publicly available?

(3) If not, why not?

The Minister had said that savings had been made. I received the following answer from the Parliamentary Secretary -

> (1) The tender price plus any contract management costs are compared with the estimated "avoidable" cost if the work were to be performed on internal basis.

In a moment I will remind members about estimated costs and some of the funny figures that occur with estimated costs. It was an estimated cost, not a real cost, although it was proclaimed and projected to the public of Western Australia that it was a real cost.

Part (2) of the question is not unreasonable, given that the Government is dealing with taxpayers' funds. The answer was, "No". When I asked why - it is not an unreasonable proposition to be allowed to look at this evaluation; it deals with hundreds of thousands, if not millions, of taxpayers' dollars - I was told in the answer to part (3) -

> Commercially confidential. It would disadvantage the Water Authority of WA's bid if it operated under different conditions from a private tenderer and also could mean the State would not get the best price from tenderers.

This poses a significant issue for this Parliament because, according to the Auditor General, in the order of $1.1b-worth more contracts are going out to the private sector. They are contracts that have come about as a result of the Government's contracting out policy. This Parliament cannot get the details that members of Parliament need to assess whether the claims by Ministers of savings and efficiencies in contracting out this work to the private sector are real. Members should think for a moment about what that means: There is not a skerrick of accountability here. Contracts are being handed out. We are approaching an election and some people who are pleased with the Government might make political donations to it. This is a major problem for accountability in this State. The situation may arise, wittingly or unwittingly, where some may make political contributions to the government party or parties of the day in order, rightly or wrongly, to be seen to be in the race for particular contracts. There is no way we can test that in this place because we cannot get even the basic information.

It is difficult to get financial information from the Government. I asked a question on 4 September of all Ministers about the selling of assets. Some Ministers came back with an answer. The Minister in charge of the Government Employees Superannuation Board said that the board trades and it would be difficult to provide the information. I accept that. However, for fixed government assets I asked Ministers to provide me with a list of assets worth over $100 000 that had been sold. Obviously that is not typewriters, computers and tins of pins. The Minister for Water Resources told me what had been sold - lots of property; cranes, including a big foot crane; and mainframe assets, for example. I asked also how much the Government got for that. Do members know what his answer was? This is only the Parliament - pardon me. His answer was that he would not tell me; it was commercially confidential.

[Leave granted for the member's time to be extended.]

Mr BROWN: Those in this Parliament who seek to scrutinise the activities and financial transactions of the Government, as is our responsibility on this side of the House, are unable to do so because consistently and persistently Ministers refuse to provide legitimate details about the financial transactions of government. We are told by the Government not to worry; after all, it is only a billion dollars worth of contracts. We do not need to worry because no-one will be influenced by the allocation of that $1b to provide funds to the Government of the day in order potentially to extract favourable treatment.

Very interesting judgments have been made in the High Court and Supreme Courts around this country about the commercial activities of big, powerful organisations. Members should read what they say, particularly about the ethics and principles that were evident in the commercial shenanigans of the Australian Rugby League. Members should read also the decisions relating to Mayne Nickless Limited and other recent decisions. In a host of cases reprehensible conduct was identified by the court and struck down.

People from corporations appear in the *Business Review Weekly*. They lecture us on "Business Sunday" about ethics in business. They tell us about the high moral ground with which we should all comply; yet it is their corporations that are involved in these cases. Perhaps they do not know about it; perhaps no-one told them.

My wife and I built a house about 18 months ago. We were fortunate that we had a good architect. He sought to assist us with some difficulties in the construction of that house. He took it upon himself to telephone a number of suppliers. He said that that was an interesting exercise; he had not done that for while. He asked the suppliers what

the lowest price for X was, and some gave a price. He said that he wanted the real lowest price. In response he was asked how much he wanted because then he would be told the real lowest price. This person is an architect, who runs his own business and who at one stage had a number of people working for him. He now operates as a small businessperson. I would put my life in his hands; he is very honourable. He could not believe what he was told. We are allocating additional contracts worth a billion dollars, yet we cannot get the information here. The Minister will not give us the information. We cannot get statistical information; we cannot work out how the contracts are done or where the savings will be made. We are dealing with political donations that potentially will go back in other ways to those donors.

Yesterday I received an answer from the Minister for Services in response to a question about Fujitsu Australia Limited. This company has been given the contract for the whole of the public sector payroll. I asked whether the contract went out to tender. The answer was yes. It appears that three companies put in for the tender, but two were non-complying so they were knocked out. One company is left - Fujitsu. I then asked - these are not difficult questions - what was the contract price that this company was being paid to do this work. The answer was that the contract price was not known because it depended on how many government agencies decided to engage the company to carry out this payroll work. The public pronouncement was that the Government had saved, from memory, $180 000 a year by taking this path.

Mr Minson: To be fair, that is a fairly reasonable best estimate figure, but it might be slightly out. It is a common use contract.

Mr BROWN: I asked for the information, but it was not forthcoming. The Minister is not the only one who is not gushing with information on these issues, but to his credit this is a reasonable attempt to answer the question.

Mr Minson: I do try.

Mr BROWN: I am pleased about that. Some of the Minister's colleagues just dismiss us for even asking questions and do not provide anything at all, and that is of great concern. Given the way contracting out is carried out these days with insufficient accountability and with the potential for continued deficiencies in the area of political donations, problems could be caused to the taxpayers of this State.

I hope the Government intends to proclaim this legislation before the election. Just recently, on 14 September, an article in *The West Australian* stated -

> Professor Black said political parties were spending more on campaigns and therefore relying more on outside donations.
>
> This raised the question of parties beholden to donors, who often got preferential treatment over minority groups and individuals who could not afford big donations.

In the current circumstances that has every potential of repeating itself in Western Australia. I hope it does not occur.

MR SHAVE (Melville - Parliamentary Secretary) [10.55 pm]: I thank most of the speakers who are in general support of the Bill. I will start summing up by referring to some comments by the member for Belmont that are worthy of mention.

Mr Brown: You did all right there, mate; you got a worthy mention!

Mr SHAVE: I said that some, not all, of the comments were worthy of mention.

Mr Brown: Don't be too generous at this time of night.

Mr SHAVE: I was not going to be all that generous because I know members are ready to go home. The member for Belmont complained about the cost of campaigning and the pressure by the Australian Labor Party to get the corporate sector to donate 50 per cent to each side of politics. If we are to have a genuine debate tonight, in suggesting that proposal, the member should also be urging the ALP to ensure the union movement will do the same sort of thing with its donations. He knows that is not practical, nor is it something the ALP would be anxious to do.

Mr Ripper: Don't you agree that corporate donations to political parties far outweigh in size the donations made by anyone else?

Mr SHAVE: That may, or may not, be true. The union movement overwhelmingly supports the ALP in a disproportionate manner.

Mr Ripper: Union donations are much smaller in total than corporate donations.

Mr SHAVE: Yes. Of course, corporate donations come and go. In the debate earlier today, one of the member's colleagues - I think it was the member for Nollamara - said that we received some money from Laurie Connell or Alan Bond. It was most appropriate. We probably did receive $10 000 or $15 000 at a time when the ALP received $3m or $4m from those people. What goes around comes around. It is not always the conservative side of politics that receives the sorts of donations that it might like from the corporate sector. That is the political reality.

The conservative parties are seen to support small business and small business supports the conservative parties. The legislation brought in by conservative parties reflects a desire to assist those companies, to employ people and to create wealth in this country. As a consequence, the conservative parties receive support. Members opposite know that if a poll were conducted of small business, it would show that overwhelmingly small business supports conservative parties. We are not ashamed of that. If small business is the wealth producer and it wants to support us financially, it should have every right to do that.

Members opposite also talked about prohibiting donations from companies that had received government contracts. Were we to do that, it would create a difference with the commonwealth electoral Act. Were we to introduce that sort of legislation, it would not be difficult for the donor to bypass the state Act and donate directly to the federal party. Quite rightly, the donor would be able to do that under the federal Act. What we have tried to do with this legislation, as some member opposite have identified, is create uniformity. There is no point in our producing clauses in this Bill which are not pertinent to donations overall. The Deputy Leader of the Opposition mentioned having a summit on uniformity. I would support that. I would like to see uniformity, because that is the only way that we will get legislation that covers all sections and encompasses donations so that people cannot bypass the system.

The member for Belmont complained that donations from overseas are not prohibited in this legislation. Once again, they are not prohibited in the federal legislation. If people wanted to give a political party $100 000 or $1m for a favour which it had done for them in Western Australia, they could get on the phone and say, "We want to give you the money but we do not want it disclosed", and the political party could say, "Do not send it here; send it to our federal secretariat, which will channel it back to us as an allowance to the state branch." There is no point in our having those provisions in this legislation when they are so easily bypassed.

The member for Belmont complained about the increase in the nomination fee to $250. Quite coincidentally, opposition members in the other House took a similar line. However, some members to whom I spoke after that discussion were quite relieved that we had maintained the $250, so a bit of public posturing appears to be going on in this Parliament at the moment about that $250 levy. I suspect that the member for Belmont in his heart is quite happy to have the $250 levy and may even have approved the $500 levy, but that is for us to discuss another day and not in this Chamber. The member for Belmont has made his point publicly, but I feel that in his heart he is probably quite comfortable with a fee of $500.

Mr Ripper: Are you some sort of analyst, who normally charges a considerable fee for advice like that?

Mr SHAVE: The member for Belmont complained about the $100 fee, and it is interesting to note that when it was increased to $100 in 1973 by the Tonkin Government, it was an increase of 100 per cent on the then fee of $50, which is quite a substantial increase. When we take into account inflationary pressures, as I think the member for Belmont did when he was looking at his figures earlier today, an amount of $500 would be more in line with that $100 fee.
An interesting admission was made in the other House during this debate when Hon Sam Piantadosi stated that at the behest of the Australian Labor Party, he had found an Independent for the Glendalough by-election in 1994 and had paid the deposit. If we want to be self-righteous about what political parties are doing, we must be very careful that some of the statements that we make do not reflect upon our own behaviour. I hope the member for Belmont was not involved in that activity of Hon Sam Piantadosi in securing a candidate and paying the deposit, because that seemed to me to be a frivolous action on behalf of the candidate.

Mr Ripper: You and I would probably agree that north of the river is a foreign country, with another culture entirely.

Mr SHAVE: Yes; I would not like to see candidates south of the river lowering their standards and trying to secure dummy candidates in elections. I suspect that the candidate who was selected by Hon Sam Piantadosi thought he was

standing for a council election or for the local school board and did not even know that he was standing for Parliament.

I turn now to some comments made by the member for South Perth, and also by the Opposition, which raised the matter of separate proclamation of different parts of the Bill. The position of the Government is that the Bill is about disclosure and about several housekeeping amendments to the Act. Questions of publications and travel are matters for another day. The Deputy Leader of the Opposition said as Minister on 3 December 1992 that the amendments made in the Legislative Council regarding these matters were unrelated to the original Bill; they should really have been the subject of a separate Bill, one which possibly did not seek to amend the Electoral Act. It is interesting that the Commission on Government made certain recommendations about this issue. Recommendation 186 stated that the existing caretaker conventions concerning government travel during elections should continue to apply. Recommendation 180 stated there should be no legislation or formal regulations for government advertising in Western Australia. Recommendation 184 states that no additional legislation should be introduced to regulate government advertising in Western Australia.

Mr Ripper: So when it suits you, you follow the recommendations; but you have not followed the recommendations in many other instances.

Mr SHAVE: Let us look at that, because it is worth noting that of 25 COG recommendations which deal with disclosure, this Government, through its legislation, or by not legislating in such areas as public funding, has fulfilled some 16 in total and another seven in part; so 23 out of 25 COG recommendations relating to these issues are being fulfilled by this Government.

Mr Ripper: It sounds like a dodgy analysis to me.

Mr SHAVE: No. I have got very good advisers. Where we have not followed the COG recommendations to the letter of the law, as the Deputy Leader of the Opposition acknowledges, is where doing so would create a separate set of regulations to the commonwealth Electoral Act. Just as the former Government had concerns about the legislation and proclaimed only part of it and introduced a code of conduct to operate during the election period, we believe at this time that that is the appropriate way to go. We do not see the necessity at this time to change the Act; and much of that is based on advice that we have received from the departments. Government must operate. People must travel in planes. People must be able to operate and work in a particular manner during an election campaign.
The member for South Perth made some comments about some amendments that he and the Attorney General instituted in the upper House. I am told that that debate in 1992 was quite passionate, and part of the reason for that passion was that there had been a by-election in Ashburton at the time. The Labor Party at that time clearly abused government travel and other costs as it is so often liable to do when in government.

Mr Ripper: A bit like the Premier flying to Esperance to attend a critical Liberal Party meeting.

Mr SHAVE: The Premier disputes that. He gave the House a very valid explanation today. I am quite happy to accept that explanation, which was given in good faith. As members know and understand, the Premier is a very honest and ethical person. I do not have a problem with that.

In the debate that occurred in the other place, I understand the amendments were brought in by the then Attorney General, Hon Joe Berinson, at the prompting of the member for South Perth and the current Attorney General. I am sure that the member for South Perth would have liked to see those amendments a little tougher than they were. The Attorney General at that time wanted to leave out of the legislation a couple of sections but he received some persuasion from the then Opposition and implemented those provisions. One section that applied to that was in part related to this travel position. That is why in January 1993, although the Labor members opposite say that they ran out of time, it was not the case. The then Premier put out advice on 4 January, which happens to be my birthday. Members might expect that the comments she made might have been right as the memorandum was put out on my birthday. We do the right thing at Christmas and my birthday is a very important day to me. In appendix 3A of that memorandum the then Premier referred to the fact that she received advice from Crown Law, which was not appropriate. We are not totally discounting the possibility of revisiting that issue.

Mr Ripper: Your Government has had three and a half years since then to revisit that issue and you have not.

Mr SHAVE: The problem is that where the Labor Party would rush in and present ineffective and inoperable legislation which would restrict the proper running of government, as it did with its publicity campaign -

Several members interjected.

Mr SHAVE: That is wrong. The amendments were not introduced by Hon Phillip Pendal or Hon Peter Foss; they were introduced by -

Mr Pendal: I think you are wrong, even though not a lot hangs on it. According to my reading of *Hansard*, Hon Peter Foss introduced the amendments in his name but they were in my Bill of 1989. You may be right that Hon Joe Berinson then took up and sponsored the amendments. If he did, I still want to know why Hon Joe Berinson's Government did not proclaim that part of the Act and also why four years later when you are introducing part of those provisions you will not proclaim it.

Mr SHAVE: We can address this further during Committee. I will briefly refer to appendix 3A and then wind up. The appendix which was signed by the then Premier states under the heading Electoral Amendments Act 1992 that this Act, a government amendment Bill, was passed by the Parliament late in 1992. The memo is dated 4 January 1993, one month before the election. It reads that the Bill was principally concerned with the disclosure of donations by political parties. However, if proclaimed it would insert provisions in the Electoral Act 1907 which would restrict government advertising for the last six months of each term of government and restrict travel by members of Parliament during an election. It then states that although the travel restrictions would impose no real difficulties apart from some inconvenience, Crown Law advice indicated that the publication and advertising restrictions as then drafted would prevent a great number of agencies from carrying out many of their ordinary functions. It indicates that a copy of the advice was attached. I do not have a copy of that but it was attached to the memorandum. It states that it should be read in the light of the sanctions under the provisions for criminal charges against public officers involved, whatever their level. The penalties range from substantial fines to imprisonment. Hon Joe Berinson therefore decided that the Act would not be proclaimed for the time being. The purpose of the circular, however, was to instruct agencies that they were to adhere to the spirit of the legislation for the duration of the campaign and that Ministers and government members would also be required to adhere to the travel restrictions.

In summing up, I can understand Hon Phil Pendal feeling passionately about the issue in 1992 and again this evening. However, I find it very difficult to accept the passionate views of members of the Australian Labor Party with regard to proclaiming all of this Bill in its current form.

Mr Ripper: It was our vote in this House which put the clause into the legislation.

Mr SHAVE: The member possibly knew that the Bill would not go through the other House if the clause was not put in. The reality is that Labor members want two bob each way.

Mr Ripper: We want the standards which you advocated in opposition applied to you in government.

Mr SHAVE: The members opposite do not. They want to restrict us in the proper management of government business and government agencies in an election period, because they feel it will give them some electoral advantage. The Government will behave in a responsible manner. We will have a code of conduct for various departments, Ministers and agencies. It will be provided in the lead-up to the election. To allay the fears of Labor members, I am sure those provisions will adequately cover their concerns.

Question put and passed.

Bill read a second time.

House adjourned at 11.17 pm

QUESTIONS ON NOTICE

CANNING RIVER REGIONAL PARK - BUDGET ALLOCATIONS

830. Dr WATSON to the Minister representing the Minister for the Environment;

In each year from 1988 onward, what budget has been allocated by agencies in the Minister's portfolio to the Canning River Regional Park?

Mr MINSON replied:

The Minister for the Environment has provided the following response -

WRC -
None. However, trust officers provided advice and served on the planning team that developed the Canning River Regional Park draft management plan.

CALM -
The information requested cannot be provided by the Department of Conservation and Land Management as it has not had direct responsibility for management of land or waters in the Canning River Regional Park. The expenditure CALM incurred from 1988 to 1993 was approximately $6 000 per year for program coordination, liaison, advice, education programs and training of volunteers. This increased to $23 000 per year for 1994 and 1995 when the management plan was being prepared. CALM's budget for 1996 is $10 000.

JUSTICE, MINISTRY OF - FORMER DIRECTOR GENERAL, DISMISSAL

1060. Mr BROWN to the Minister representing the Attorney General:

(1) Further to question on notice 45 of 1996, on what date did the Minister -

- (a) meet with the Acting Director General of the Ministry of Justice;
- (b) request the Acting Director General of the Ministry of Justice to provide a written brief on all matters that needed to be discussed?

(2) Was the written brief provided as requested by the Minister?

(3) On what date was the brief provided?

(4) Did the Minister recommend the -

- (a) dismissal;
- (b) transfer,

of the former Director General of the Ministry of Justice?

(5) Was the Minister's only reason for making that recommendation a concern that the former Director General's style was not to delegate and that he failed to allow the full benefit of the amalgamated ministry to be achieved?

(6) Was that the only reason?

(7) If not, what were the other reasons?

(8) At the time the Minister made the recommendation, had he received -

- (a) a briefing;
- (b) a report;
- (c) an overview;

(d) other information,
on the outstanding matters in the Ministry of Justice?

(9) Did the Minister come to the conclusion he did on the performance of the former Director General of the Ministry of Justice from information provided by the Ministry of Justice?

(10) If not, what information did the Minister rely on?

Mr PRINCE replied:

The Attorney General has provided the following reply -

(1) (a) 27 December 1995.
(b) On several occasions.

(2) See answer to question on notice 45.

(3) 16 February 1996.

(4) Yes.

(5) See answer to question on notice 45.

(6) Yes.

(7) Not applicable.

(8) The Minister has been the representative Minister in the upper House since 1993 and was well aware of the affairs of the ministry.

(9) From his dealings with the Director General and the ministry.

(10) Not applicable.

JUSTICE, MINISTRY OF - FORMER DIRECTOR GENERAL, DISMISSAL

1084. Mr BROWN to the Minister representing the Attorney General:

(1) Further to question on notice 45 of 1996, on what date did the Minister

(a) meet with the Acting Director General of the Ministry of Justice;
(b) request the Acting Director General of the Ministry of Justice to provide a written brief on all matters that needed to be discussed?

(2) Was the written brief provided as requested by the Minister?

(3) On what date was the brief provided?

(4) Did the Minister recommend the -

(a) dismissal;
(b) transfer;

of the former Director General of the Ministry of Justice?

(5) Was the Minister's reason for making that recommendation a concern that the former Director General's style was not to delegate and that he failed to allow the full benefit of the amalgamated ministry to be achieved?

(6) Was that the only reason?

(7) If not, what were the other reasons?

(8) At the time the Minister made the recommendation, had he received -

(a) a briefing;
(b) a report;
(c) an overview;
(d) other information;

on the outstanding matters in the Ministry of Justice?

(9) Was that information provided by -

(a) one source
(b) a number of sources?

(10) What -

(a) agencies - departments;
(b) individuals;

provided the information?

(11) Did the Minister come to the conclusion he did on the performance of the former Director General of the Ministry of Justice from information provided by the Ministry of Justice?

(12) If not, what information did the Minister rely on?

Mr PRINCE replied:

The Attorney General has provided the following reply -

(1)-(8) I refer the member to question on notice 1060.

(9)-(10)
Not applicable.

(11)-(12)
I refer the member to question on notice 1060.

TAXES AND CHARGES - FEES AND FINES, TOTAL COLLECTIONS

1186. Dr GALLOP to the Treasurer:

(1) What has been the total collection of taxes, fees and fines in dollar terms in the following years -

(a) 1987-88;
(b) 1988-89;
(c) 1989-90;
(d) 1990-91;
(e) 1991-92;
(f) 1992-93;
(g) 1993-94;
(h) 1994-95;
(i) 1995-96?

(2) What has been the total collection of taxes, fees and fines in real per capita terms in the following years -

(a) 1987-88;
(b) 1988-89;

(c) 1989-90;
(d) 1990-91;
(e) 1991-92;
(f) 1992-93;
(g) 1993-94;
(h) 1994-95;
(i) 1995-96?

(3) What has been the percentage contribution of taxes, fees and fines to total government revenue in the following years -

(a) 1987-88;
(b) 1988-89;
(c) 1989-90;
(d) 1990-91;
(e) 1991-92;
(f) 1992-93;
(g) 1993-94;
(h) 1994-95;
(i) 1995-96?

(4) What was the total per capita collection of taxes, fees and charges in -

(a) Western Australia;
(b) South Australia;
(c) Victoria;
(d) Tasmania;
(e) New South Wales;
(f) Queensland;
(g) Australian Capital Territory;
(h) Northern Territory?

in the years of -

(i) 1987-88;
(ii) 1988-89;
(iii) 1989-90;
(iv) 1990-91;
(v) 1991-92;
(vi) 1992-93;
(vii) 1993-94;
(viii) 1994-95;
(ix) 1995-96?

Mr COURT replied:

(1) (a) $1 421m;
(b) $1 688m;
(c) $1 737m;
(d) $1 825m;
(e) $1 925m;
(f) $2 010m;
(g) $2 376m;
(h) $2 529m;
(i) $2 718m - estimate.

(2) (a) $1 123m;
(b) $1 229m;
(c) $1 185m;
(d) $1 206m;

(e) $1 252m;
(f) $1 273m;
(g) $1 492m;
(h) $1 542m;
(i) $1 560m - estimate.

Taxes, fees and fines revenue have risen significantly in per capita terms in all States and Territories. The increase in Western Australia incorporates strong economic growth, particularly since 1993-94.

(3)-(4) (a) 31.3 per cent.
(b) 34.1 per cent.
(c) 33.0 per cent.
(d) 33.2 per cent.
(e) 33.5 per cent.
(f) 33.7 per cent.*
(g) 37.2 per cent.*
(h) 37.8 per cent.*
(i) 36.4 per cent.* - estimate

*The growth in taxes, fees and fines revenue has been offset by reductions in commonwealth grants. General purpose grants to Western Australia have fallen from 31.1 per cent of total general government revenue in 1987-88 to 26.9 per cent in 1992-93 and an estimated 20.6 per cent in 1995-96. According to the latest Commonwealth Grants Commission data, Western Australia's tax rates are the second lowest of all the States. As a percentage of gross state product, state general government revenue, including all commonwealth grants - except compensation for the sale of BankWest - has fallen from 15.4 per cent in 1987-88 to 14.3 per cent in 1992-93 and an estimated 14.1 per cent in 1995-96.

(4) (a)-(h)

	1987-88	1988-89	1989-90	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96 (*)
	$	$	$	$	$	$	$	$	$
Western Australia	938	1,083	1,088	1,123	1,168	1,206	1,407	1,474	1,560
New South Wales	1,129	1,307	1,394	1,433	1,506	1,558	1,693	1,736	1,836
Victoria	1,040	1,160	1,213	1,280	1,352	1,458	1,655	1,728	1,896
Queensland	705	871	917	942	981	1,071	1,151	1,225	1,233
South Australia	765	884	916	1,023	1,099	1,201	1,279	1,321	1,414
Tasmania	814	921	1,000	1,089	1,153	1,190	1,267	1,362	1,393
Northern Territory	636	700	867	934	1,008	1,081	1,232	1,371	1,488
Australian Capital Territory	0	0	1,140	1,279	1,471	1,627	1,742	1,787	1,859

(*) Estimate.

ECONOMIC GROWTH - RATES

1187. Dr GALLOP to the Treasurer:

(1) What was the rate of economic growth in Western Australia in the following years -

(a) 1987-88;
(b) 1988-89;

(c) 1989-90;
(d) 1990-91;
(e) 1991-92;
(f) 1992-93;
(g) 1993-94;
(h) 1994-95;
(i) 1995-96?

(2) What was the rate of economic growth in Australia in the following years -

(a) 1987-88;
(b) 1988-89;
(c) 1989-90;
(d) 1990-91;
(e) 1991-92;
(f) 1992-93;
(g) 1993-94;
(h) 1994-95;
(i) 1995-96?

(3) What was the rate of economic growth of all States and Territories besides Western Australia in the following years -

(a) 1987-88;
(b) 1988-89;
(c) 1989-90;
(d) 1990-91;
(e) 1991-92;
(f) 1992-93;
(g) 1993-94;
(h) 1994-95;
(i) 1995-96?

Mr COURT replied:

(1)
(a) 7.6 per cent.
(b) 8.9 per cent.
(c) 5.4 per cent.
(d) 1.7 per cent.
(e) 4.0 per cent.
(f) 2.4 per cent.
(g) 9.3 per cent.
(h) 3.7 per cent.
(i) 4.75 per cent - estimate.

(2)
(a) 5.2 per cent.
(b) 4.4 per cent.
(c) 3.1 per cent.
(d) -0.7 per cent.
(e) 3.0 per cent.
(f) 3.5 per cent.
(g) 4.9 per cent.
(h) 3.8 per cent.
(i) 4.3 per cent - estimate.

(3)

	NSW	Vic	Qld	SA	Tas	NT	ACT
	%	%	%	%	%	%	%
(a)	5.0	4.5	6.1	2.8	-0.4	5.2	6.3
(b)	3.9	3.7	8.8	2.9	-0.5	9.7	6.2
(c)	2.8	2.5	3.9	4.7	3.1	14.9	4.9

(d)	-0.8	-2.2	-0.1	-1.1	0.7	4.2	1.3
(e)	-0.4	-2.3	4.0	-2.4	1.6	-1.7	2.6
(f)	2.9	3.2	6.3	3.7	4.4	-4.1	3.4
(g)	4.5	4.4	5.8	3.3	-1.6	8.8	8.4
(h)	3.9	4.7	5.4	-0.1	0.1	10.1	1.3
(i)	2.8	4.0	2.2	3.0	2.5*	8.0	2.5* - estimate.

*1995-96 Budget Estimates

JUSTICE, MINISTRY OF - SENIOR POSITION, SELECTION PROCESS

1256. Mr BROWN to the Minister representing the Attorney General:

(1) I refer to questions on notice 2230, 2231 and 2232 of 1995, in which the Minister refused to provide details of the promotional selection processes used by the Ministry of Justice to fill a senior position on the grounds that to do so would be contrary to section 105(1)(a) of the Public Sector Management Act 1994 and subsequent advice from the Commissioner for Public Sector Standards that it would not be contrary to the Act to provide Parliament with that information and ask -

(a) did the Minister intentionally mislead the Parliament;

(b) if so, was this in an attempt to hide the truth about the selection process used by the Ministry of Justice?

(2) Given that the parliamentary questions sought to test the veracity of the promotional selection processes used by the Minister for Justice, did the Minister seek any independent verification that the answer he ultimately gave to the Parliament was correct?

(3) If no to (2) has the Minister been negligent by not checking on the veracity of answers provided by the ministry when they dealt with matters of management impropriety at the highest levels?

Mr PRINCE replied:

The Minister for Justice has provided the following reply -

(1)-(3) In response to this question and in relation to questions 2230, 2231 and 2232 of 1995, I stand by the previous response in that I am satisfied that the Ministry of Justice has appropriate selection practices. In addition, as previously indicated, given the prohibition contained in section 105(1)(a) of the Public Sector Management Act, it is neither necessary nor proper for me to provide a further response to this question.

NATIONAL PARKS - CONSERVATION PARKS, NEW DECLARATIONS

1258. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) Further to question on notice 219 of 1996 regarding new or enlarged national parks and conservation parks the coalition Government claims to have created -

(a) what is the area involved;
(b) when was the legislation to create a national park passed;
(c) were any of them previously a different category of conservation reserve?

(2) If so -

(a) what category of conservation reserve were these previously;
(b) when was the enabling legislation to create that reserve category passed?

(3) For each of the 11 new conservation parks -

(a) what is the area involved;
(b) when was the legislation to create a conservation park passed;
(c) were any of them previously a different category of conservation reserve?

(4) If so -

(a) what category of conservation reserve were these previously;
(b) when was the enabling legislation to create that reserve category passed?

(5) For each of the 11 additions to national parks -

(a) when was the enabling legislation for the additions passed;
(b) what is the area of the additions;
(c) what is now the area of the national park?

(6) For each of the two additions to conservation parks -

(a) when was the enabling legislation for the additions passed;
(b) what is the area of the additions;
(c) what is now the area of the conservation parks?

(7) Have there been any excisions from national parks, conservation parks or nature reserves under this Government?

(8) If so -

(a) what parks and reserves;
(b) what area was excised from each of the parks or reserves;
(c) when was it excised;
(d) what is now the area of the park or reserve?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

The following answers pertain to the period since the coalition has been in government - from 6 February 1993.

(1) (a) 142 703 ha which comprises the following -

Reserve	Area	Gazettal date
Nambung National Park	44 ha	21.2.95
D'Entrecasteaux National Park	1 221 ha	12.12.95
Leeuwin Naturaliste National Park	24 ha	28.11.95
" "	76 ha	25.6.93
" "	16 ha	25.6.93
" "	113 ha	23.7.93
Karijini National Park	20 848 ha	15.7.94
Purnululu National Park	31 000 ha	20.12.94
Rudall River National Park	300 ha	15.7.94
Stirling Range National Park	259 ha	14.1.94
Tuart Forest National Park	265 ha	14.6.94
Yalgorup National Park	113 ha	30.5.95
Wongonderah Conservation Park	2 369 ha	26.3.93
Jarrahdale Conservation Park	30 ha	7.1.94
Rowles Lagoon Conservation Park	405 ha	8.4.94
Coalseam Conservation Park	754 ha	22.4.94
Devonian Reef Conservation Park	41 371 ha	28.6.94
Geikie Gorge Conservation Park	5 332 ha	28.6.94
Brooking Gorge Conservation Park	7 967 ha	28.6.94
Leschenaultia Conservation Park	342 ha	23.9.94
Lake Joondalup Conservation Park	27 ha	30.5.95
Wandoo Conservation Park	29 765 ha	9.6.95
Erskine Conservation Park	62 ha	3.10.95

(b) National parks - and nature reserves - vested in the National Parks and Nature Conservation Authority came into operation with the Conservation and Land Management Act 1984 - commencement date 22 March 1985.

(c) Yes.

(2) (a) Karijini National Park - additions - previously conservation park.
Wongonderah Conservation Park - previously nature reserve.
Rowles Lagoon Conservation Park - previously nature reserve.
Coalseam Conservation Park - previously for the purpose preservation of natural features.
Leschenaultia Conservation Park - previously state forest.
Wandoo Conservation Park - previously state forest and nature reserves.

(b) See (1)(b).

(3) (a) See (1)(a).

(b) Conservation parks came into operation with the Conservation and Land Management Amendment Act 1991, which commenced on 23 August 1991.

(c) Yes.

(4) (a) See (2)(a).

(b) Nature reserves vested in the National Parks and Nature Conservation Authority and state forest vested in the Lands and Forest Commission came into operation with the Conservation and Land Management Act - commencement date - 22 March 1985. The Coalseam Reserve was vested in the shire under the Land Act 1933.

(5) (a) The additions were made under the Land Act. If the member wishes to pursue this further, I suggest she takes it up with the Minister for Lands.

(b) 54 279 ha.

(c)

Nambung National Park	18 362 ha
D'Entrecasteaux National Park	115 787 ha
Leeuwin Naturaliste National Park - 4 additions	19 143 ha
Karijini National Park	627 445 ha
Purnululu National Park	239 723 ha
Rudall River National Park	1 283 706 ha
Stirling Range National Park	115 920 ha
Tuart Forest National Park 2 049 ha	
Yalgorup National Park	13 001 ha

(6) Not applicable. The additions to Lane Poole Conservation Park occurred on 29 January 1993 - that is, before 6 February 1996. Wongonderrah Conservation Park was inadvertently listed in parliamentary question 219(3) as an addition to conservation park, whereas it should have been included in that question in the list of new conservation parks.

(7) Yes.

(8) (a)-(d) See tables and notes below.

National Parks

Reserve No	Name	Reduction(ha)	Gazette Date	New Area(ha)
35104	Collier Range	42 679	15.6.93	235 162
36996	D'Entrecasteaux	0.6	24.9.93	115 787
27023	Frank Hann	16	17.5.94	67 550

40250	Tuart Forest	0.3	20.12.94	2 049
27004	Kalbarri	3 045	20.12.94	183 004
7537	John Forrest	0.1	14.7.95	2 676
28862	Serpentine	2.7	19.1.96	4 360

Note: In addition the Leeuwin Naturaliste and Rudall River National Parks were recalculated as to their areas and were found to be smaller than stated. The recalculations were -

Reserve No	Name	Reduction(ha)	Gazette Date	New Area(ha)
42065	Leeuwin Naturaliste	51	15.6.93	19 143
34607	Rudall River	286 053	15.7.94	1 283 706
Conservation Parks				
26666	Lupton	0.4	9.4.94	9 327
42443	Shell Beach	0.9	17.5.94	518
39898	Purnululu	31 000	20.12.94	79 602
Nature Reserves				
24511		5.2	12.3.93	174
16245		0.5	1.6.93	271
28088	Yenyening Lakes	17.3	1.6.93	2 417
36128	Dragon Rocks	15.2	10.8.93	32 204
24496	Beekeepers	3.1	31.12.93	68 236
"	"	134	14.6.94	"
"	"	778	24.2.95	"
24869	Bernier/Dorrie Is	0.1	24.4.94	9 720
39422	Lake King	8.4	22.4.94	40 096
31675	Wanagarren	75	24.2.95	10 994
29073	Lake Logue	11.9	30.5.95	5 037

Note: In addition reserves 32259, 36203, 17778, 15386, 36324 and 33749 were recalculated as to their areas and were found to be smaller than stated. The recalculations were -

Reserve No	Name	Reduction(ha)	Gazette Date	New Area(ha)
32259		0.1	31.12.93	7.3
36203	Yardanogo	21.4	8.2.94	6 591
17778		4	7.4.95	23
15386	Yelbini	10.6	13.4.95	82
36324	Peringillup	180.6	13.6.95	218
33749	Boodalan	0.4	17.10.95	1.2

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - SCIENTISTS RESEARCH FINDINGS CENSORED ALLEGATIONS; INDEPENDENT REVIEW PANEL

1267. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) With reference to a recent letter from the Department of Conservation and Land Management's Science and Information Director, Dr J.A. Armstrong, to the *Warren Blackwood Times* stating that "in 1993 the then Environment Minister set up an independent review panel to consider and adjudicate between allegations (of CALM's censorship and suppression of the research findings of its scientists) and CALM's detailed response", would the Minister please advise -

(a) who was on the "independent review panel";
(b) who gave evidence to the panel;
(c) when and where did it hold hearings;

(d) where can the public obtain a copy of its report;
(e) was legal advice sought regarding the allegations?

(2) If yes -

(a) what advice was sought;
(b) from whom was it sought;
(c) what was the gist of the advice?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1) (a) Hon Kevin Minson MLA, the then Minister for the Environment, conducted an inquiry independent of the Department of Conservation and Land Management into allegations by the Conservation Council of Western Australia that CALM had censored and suppressed research findings of its scientists. Mr Minson conducted the inquiry, assisted by a private consultant, Dr T. Meagher and other ministerial staff.

(b) Mr Minson interviewed seven scientists; namely, F.J. Bradshaw, F.J. Bunny, P.E.S. Christensen, D.S. Crombie, A.J.M. Hopkins and G. Wardell-Johnson, as well as members of the Conservation Council. The scientists were offered ministerial protection prior to being interviewed.

(c) The inquiry was conducted in early March 1993 and the interviews held in the Hon Minister's offices.

(d) No report was published. The Minister presented a media statement dated 18 March 1993 in which he strongly rejected the Conservation Council's allegations. Mr Minson's findings were reported widely.

(e) Yes.

(2) (a) The Minister sought advice concerning possible defamation action on behalf of CALM and its staff.

(b) The Minister sought the advice of the then Attorney General.

(c) Advice provided to the Attorney General by the Crown Solicitor's Office was that senior CALM officers were defamed in the media release of the Conservation Council dated 24 February 1993, the report in "The Real Forest News" and certain statements made by Dr Schultz on radio 6WF on 18 March 1993. Reports in *The West Australian* of 31 December 1992 and 1 March 1993 appeared to be less objectionable but could have been found to be defamatory.

JUSTICE, MINISTRY OF - CRICHTON-BROWNE, SENATOR NOEL; TITELIUS, RICHARD

1275. Mr BROWN to the Minister representing the Attorney General:

(1) Further to question on notice 631 of 1996, is it true that in September 1995 officers of the Perth Magistrate's Court spoke to a member of Senator Noel Crichton-Browne's staff about Richard Titelius?

(2) Is it also true that in September 1995 officers of the Perth Magistrate's Court spoke directly with Senator Noel Crichton-Browne about Richard Titelius?

(3) Is it also true the discussions took place, as mentioned in (1) and (2), concerning the role played and actions taken by Richard Titelius?

(4) Is it true to say the Ministry of Justice did not provide either Noel Crichton-Browne or Esther Crichton-Browne with any information on Richard Titelius or his employment with the ministry?

Mr PRINCE replied:

The Attorney General has provided the following reply -

(1)-(4) Discussions took place between officers from the Perth Magistrate's Court and Senator Crichton-Browne and staff of Senator Crichton-Browne's office as part of investigations into allegations of impropriety by an officer from the Perth Magistrate's Court. No specific information concerning Mr Titelius was provided to either Senator Crichton-Browne, his wife or any members of his staff.

JUSTICE, MINISTRY OF - LISTENING DEVICES, PURCHASE AND USE

1280. Mr BROWN to the Minister representing the Attorney General:

(1) Did the Ministry of Justice or any of its predecessors purchase listening devices any time in the last 10 years?

(2) If so, what are the listening devices used for?

(3) Are listening devices still used?

(4) For what purpose are they used?

(5) Are the listening devices used by -

(a) police officers;
(b) Ministry of Justice officers - or officers of the former departments of the Ministry of Justice?

(6) What happens to information gained from the listening devices?

(7) If any listening devices were purchased, are any of a portable nature?

(8) Have any of the listening devices been used to record discussions between staff or between staff and prisoners?

(9) Who authorises the use of such devices?

Mr PRINCE replied:

The Attorney General has provided the following reply -

(1)-(9) I am advised by the Ministry of Justice that these matters relate to public security. I am prepared to arrange for the relevant officers to provide a confidential briefing to the member responsible for the Justice portfolio should this be required.

JUSTICE, MINISTRY OF - CORRESPONDENCE, RESPONSE POLICY

1282. Mr BROWN to the Minister representing the Attorney General:

(1) Does the Ministry of Justice have a policy of responding to correspondence received?

(2) If not, which correspondence does the Ministry of Justice not respond to?

(3) Are people who write to the Ministry of Justice about issues the Ministry of Justice will not provide a substantial response to, advised the ministry will not provide a substantial response to their inquiries?

(4) If not, why not?

(5) Is it true to say the Ministry of Justice simply ignores correspondence it finds difficult to responsd to?

(6) What is the normal time the Ministry of Justice takes to respond to letters and inquiries?

(7) Is a member of the public writing to the Ministry of Justice entitled to receive some sort of official response to their letter within one month of it being received?

(8) If not, why not?

(9) Is the Minister prepared to initiate an independent investigation as to why the Ministry of Justice elects not to respond to correspondence?

(10) If not, why not?

Mr PRINCE replied:

The Attorney General has provided the following reply -

(1) Yes.

(2) Not applicable.

(3) Yes.

(4) Not applicable.

(5) No.

(6) This is dependent upon the nature of the request, but generally responses are provided within four weeks.

(7) Yes.

(8) Not applicable.

(9) No.

(10) I am satisfied with the current actions of the Ministry of Justice in responding to correspondence.

JUSTICE, MINISTRY OF - RESTRUCTURING, OFFENDER MANAGEMENT DIVISION

1309. Mr BROWN to the Minister representing the Attorney General:

Further to question on notice 56 of 1996, can the Minister explain -

(a) the focus of the way offenders were managed prior to the recent restructuring of the ministry;
(b) the way offenders are now managed;
(c) the exact nature of the shift in focus on the way offenders are managed;
(d) whether a shift in focus required a change in the competencies, skills or other attributes of senior administrators;
(e) what attributes and skills senior administrators now have that they did not have previously?

Mr PRINCE replied:

The Attorney General has provided the following reply -

Government policy requires the Offender Management Division of the Ministry of Justice to -

ensure custody of offenders for the protection of the community;
ensure the health and safety of prisoners in custody within a just and humane environment;
minimise future recidivism of offenders in custody by all available means including the provision of remedial programs, further education and the development of employment skills;
manage offenders in the community so as to minimise future recidivism;
collaborate with other agencies in strategies to achieve the primary prevention of crime; and

provide timely and constructive advice to sentencing and releasing authorities that balances the needs of the offender and the community.

As previously indicated, to achieve these strategies some staff changes have occurred and changes in administrative processes have commenced.

JUSTICE, MINISTRY OF - FORMER DIRECTOR GENERAL

Royal Commission into the Wanneroo City Council

1461. Mr BROWN to the Minister representing the Attorney General:

(1) Prior to giving evidence to the Royal Commission into the Wanneroo City Council, did the former Director General of Ministry of Justice confer with the ministry or any of its senior officers or managers?

(2) If so, was the meeting held to discuss matters unrelated to the royal commission?

Mr PRINCE replied:

The Attorney General has provided the following reply -

(1) No.

(2) Not applicable.

JUSTICE, MINISTRY OF - WHITTAKER, FIONA, CORRESPONDENCE

1501. Mr BROWN to the Minister representing the Attorney General:

(1) Has the Minister received a letter from Fiona Whittaker about the failure of the Ministry of Justice to reply to correspondence from her husband Colin Whittaker?

(2) Did the Ministry of Justice receive correspondence from Colin Whittaker?

(3) On what date or dates was the correspondence received?

(4) Did the Ministry of Justice formally respond to the correspondence?

(5) If not, why not?

(6) Does the Ministry of Justice intend to respond to the correspondence?

(7) If not, why not?

(8) Taking into account the recommendations of the Royal Commission into Commercial Activities of Government and Other Matters, has the Ministry of Justice acted in accordance with the findings and recommendations of that royal commission in the way it has dealt with the correspondence?

(9) If so, in what way has the Ministry of Justice so acted?

(10) Has the Ministry of Justice declined to answer the correspondence?

(11) If so, why?

Mr PRINCE replied:

The Attorney General has provided the following reply -

(1)-(11)

Yes. I have instructed the acting Director General of the Ministry of Justice to ensure that the areas of concern raised by Mrs Whittaker are fully investigated and responded to as soon as possible.

JANDAKOT WATER MOUND - DAMES & MOORE PTY LTD RESULT; PROTECTION

1650. Dr WATSON to the Minister representing the Minister for the Environment:

(1) What is the result of the Dames & Moore consultancy to define the Jandakot water mound?

(2) How is it being guaranteed to prevent contamination?

(3) Is the disused Southern River toxic chemical dump a threat in any way to ground water?

(4) What is the threat?

Mr MINSON replied:

The Minister for the Environment has provided the following response -

(1) The Dames & Moore consultancy scientifically determined the ground water recharge areas of public water supply wells and wetlands of the Jandakot mound. The results of this study have now been published.

(2) The Jandakot mound ground water will be protected by land use zonings and reservations which control potentially polluting activities. A new zone has been established in the metropolitan region scheme - rural ground water catchment protection - to enable protection.

(3) The site has been used for a variety of potentially polluting wastes and is therefore considered a potential ground water pollution threat. However, that site is not in the recharge area for the public water supply wells and does not pose a threat to drinking water supplies.

(4) A consultative environmental plan has been prepared to manage any potential threat.

COMMONWEALTH GAMES 2006 - WA BID FAILURE

1695. Dr GALLOP to the Premier:

I refer to the Government's failed Commonwealth Games bid, in particular, to the Premier's claim after Western Australia was disqualified that he "smelled a rat" in the selection process -

(a) what evidence does the Premier have that there was any impropriety in the selection process; and
(b) if the Premier has no evidence, will he apologise to the Australian Commonwealth Games Association and those States which played by the rules?

Mr COURT replied:

(a) I have said that I "smelled a rat" and that the "rat" is the process used by the Australian Commonwealth Games Association. I believe the selection process conducted by the ACGA is wrong. In particular, it is wrong for the ACGA to change the original conditions laid down by them in February 1996; namely that "Applicants will agree to sign an endorsement contract as provided by the ACGA, should their application be successful". Further, I believe it is wrong for the ACGA to require a Government to sign a contract which is akin to a "blank cheque" for the association.

(b) The ACGA have said that they have applied the same rules for all bidders and that legally they had to otherwise it would be unfair to individual bidders. I accept this and I expect the ACGA and the States and Territory who signed the contract required by the ACGA to abide by the strict terms of that contract. I expect that if there is any varying from the terms of the contract, then South Australia and Western Australia will be offered the chance to bid on a similar basis; so reopening the bid process.

KINGS PARK BOARD - TWO POSITIONS RECENTLY FILLED, ADVERTISING

1706. Ms WARNOCK to the Minister representing the Minister for the Environment:

(1) Were the two positions recently filled for the Kings Park Board advertised?

(2) If so, when?

(3) If not, what selection criteria were used for selection?

(4) Were there more than two applicants?

(5) Is it intended that Bold Park will come under the control of the Kings Park Board?

(6) If so, was this known when the former City of Perth commissioner, Mr Tony Ednie-Brown and newly appointed member of the Kings Park Board, was involved in the decision to take Bold Park from the Town of Cambridge two days prior to the democratically elected council taking office?

Mr MINSON replied:

(1) No.

(2) Not applicable.

(3) Their ability to contribute.

(4) Not applicable.

(5) Yes.

(6) Is this a question or a speech?

PUBLIC SECTOR MANAGEMENT OFFICE - CONTRACTING OUT SERVICES, MONITORING

1714. Dr GALLOP to the Premier:

(1) Does the Public Sector Management Office monitor the contracting out of services throughout government?

(2) If yes, what is the total value of contracted out services - including the contract with Health Care of Australia to deliver hospital services - in 1996?

Mr COURT replied:

(1) It has been a longstanding policy that purchasing authority, including contracting, be delegated to agencies. In order to get an overview of contracting, the Public Sector Management Office has engaged Sydney University to conduct an independent survey of contracting for services in the public sector for the years 1993-94 and 1994-95. Reports have been made public and the Opposition has been briefed by the report's author, Professor Simon Domberger, at the conclusion of the most recent survey.

(2) The present total value of contracted services is not known. Professor Domberger is currently surveying contracting for services in the WA public sector. The survey report which includes the value of contracted services will be available towards the end of this year.

FAMILY AND CHILDREN'S SERVICES - CHILD CONCERN REPORTS; CHILD PROTECTION

1734. Mr BROWN to the Minister for Family and Children’s Services:

(1) Are all 'child concern' reports made to the Department of Family and Children’s Services followed up in a timely manner?

(2) What resources have been allocated to following up these reports?

(3) Have any staff employed by the Department of Family and Children's Services reported they have been unable to deal with child protection or child concern reports due to a heavy workload?

(4) Have any offices in the Department of Family and Children's Services reported staff are under pressure dealing with child protection or child concern matters?

(5) Is the Government giving consideration to increasing the number of staff dealing with child protection/child concern matters?

(6) Does the Government intend to undertake an assessment or evaluation of the need for additional staff in this area?

(7) If so, when?

Mrs EDWARDES replied:

(1) Early indications are that referrals classified as child concern reports are followed up in a timely manner. The department requires that referrals are responded to within specific time frames. These are set according to the priority assigned to each case. Priority time frames for child concern reports are being met in 82 per cent of priority one cases and in 76 per cent of cases with lower priorities. These percentages are high in view of the logistics involved in responding to many referrals - travel to remote communities, inability to locate families concerned etc. This aspect of new directions will continue to be monitored.

(2) There have been no new or additional resources allocated as a result of the introduction of new directions. The new approach focuses on more effective and efficient ways of providing services to our client base.

(3)-(4) While some district offices are at times significantly more under pressure than others, this cannot be attributed to the impact of new directions. The department will, as it has done in the past, respond to workload pressure by reallocating staff from other areas or by making other appropriate organisational adjustments.

(5)-(7) The department has not indicated that the introduction of new directions necessitates an increase in staff numbers. It is intended that the new directions process will be evaluated when it has been in operation for at least 12 months.

FAMILY AND CHILDREN'S SERVICES - PARENTING PLUS PROGRAM

1735. Mr BROWN to the Minister for Family and Children's Services:

(1) In developing its parenting plus program, has the Government carried out an assessment of any risks that may be associated with having unqualified people work with families?

(2) Are there any risks?

(3) What are the risks that have been identified?

(4) Can the Minister assure the House there is no risk in this respect?

Mrs EDWARDES replied:

(1)-(4) Family and Children's Services links families to the appropriate level of service depending on the nature of the presenting problem. For instance, where children are at risk of harm, appropriately qualified professional staff make assessments and provide services. The Parent Link Home Visiting Service uses trained volunteers to provide support to families to prevent substantial problems emerging. Prior to volunteers being used the service coordinators, who are paid staff, assess the suitability of the program in meeting each family's needs and particularly the appropriateness of delivering the service through a volunteer. The coordinators also monitor the progress of each case.

BUDGET (COMMONWEALTH) - CUTS; SAVINGS, COST CUTTING MEASURES

1755. Mr BROWN to the Minister for Health:

(1) Has the Minister asked any of his departments or agencies to identify savings, cost cutting or other measures that will enable the Government to cover the $90m cut imposed on the State by the Howard Commonwealth Government?

(2) Have any savings, cost cutting or other measures been identified which will save some or all of the shortfall?

(3) What savings, cost cutting or other measures have been identified?

(4) What measures does the Government intend to implement?

(5) When does the Government propose to implement these measures?

Mr PRINCE replied:

I refer the member to question on notice 1740 of 1996.

SHERIFF'S OFFICE - CIVIL DEBT RECOVERY

1762. Mr RIEBELING to the Minister representing the Attorney General:

(1) In relation to the civil debt recovery now operating under the control of the Sheriff's Office, what is the recovered/receipted amount in dollars collected by the Sheriff's Office in civil debt recovery in 1994-95 and 1995-96?

(2) What amount of money has been paid to consolidated revenue from the civil debt functions of the Sheriff's Office in 1994-95 and 1995-96?

(3) What are the work functions of each person employed in the Sheriff's Office and the amount of time spent on each function?

(4) Did the McCarrey investigation examine the operation of civil debt recovery by Local Court bailiffs and/or the Sheriff and District Court bailiffs?

(5) Did the McCarrey investigation include the operation of the Sheriff's's Office, particularly in civil debt recovery, and if not, why not?

(6) Are there any plans for any examination of the operations listed in (4) and (5) above?

(7) Does the Government consider civil debt recovery a core operation of Government?

(8) To whom are the Sheriff, District Court bailiffs and Local Court bailiffs accountable?

(9) Is the Sheriff sitting on any administrative review committees or has he done so in the past six months?

(10) If the answer to (9) above is yes -

(a) on what committees;
(b) when; and
(c) who did they report to?

Mr PRINCE replied:

The Attorney General has provided the following reply -

(1)

1994-95	$1 055 076.80
1995-96	$1 819 228.75

(2) 1994-95 $78 984.00
1995-96 $116 381.72

(3)

Function Split 1994-95 */**(FTE)

	Jury	Civil	Fines	Security
Sheriff	0.2	0.2	0.3	0.3
Research and Admin Officer	0.2	0.3	0.3	0.2
Manager Country Serv's	0.1	0.4	0.5	
Sheriff's Officers				
Northam			1.0	
Geraldton			1.0	
Kalgoorlie			1.0	
Mandurah			1.0	
Officers level one x 5	1.3	1.8	1.5	0.4
Manager Enforcement Services		0.6	0.4	
Senior Sheriff's Officer		0.2	0.8	
Sheriff's Officers x 8		4.0	4.0	
Manager Jury Services	1.0			
Jury Pool Supervisor	1.0			
Information Officer	1.0			
Kitchen personnel	2.0			
Orderlies	3.3			
Total	**10.1**	**7.5**	**11.8**	**0.9**

*Full time equivalent **Estimate only

(4) No.

(5) No; unknown.

(6) Yes; currently being examined.

(7) Yes for coordination and regulation. No as a service provider.

(8) Sheriff and District Court bailiff are statutorily accountable to the Chief Justice and the Chief Judge of the District Court, administratively to the Executive Director Court Services (Director General). Local Court bailiffs are statutorily accountable to the magistrate and administratively ultimately to the Attorney General.

(9) Yes.

(10) (a) (i) Project Manager, Review of Civil Debt Recovery System
(ii) Member of project team, Review of Courts of Summary Jurisdiction.

(b) (i) Ongoing since March 1996
(ii) Ongoing since May 1996

(c) Executive Director Court Services, Ministry of Justice.

POLICE SERVICE - ANGEL, JEANIE

1774. Dr WATSON to the Minister representing the Attorney General:

(1) When will Jeanie Angel be compensated for the grave injustices she has suffered?

(2) What are the reasons for the delay?

Mr PRINCE replied:

The Attorney General has provided the following reply -

(1)-(2) Following the tabling of the Report of the Select Committee on Western Australia Police Service he requested the Solicitor General to review the case of Jeanie Angel and to provide advice on the issue of possible compensation. He has been informed by the Solicitor General that he has called for all of the relevant files and that he is currently reviewing them. The Solicitor General's advice is expected in the near future.

SWAN RIVER - NEAR MINIM COVE, MOSMAN PARK, MONITORING

1786. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) What monitoring of the Swan River has taken place near Minim Cove, Mosman Park, in the last six months?

(2) Will the Minister please table a copy of such data collected?

Mr MINSON replied:

The Minister for the Environment has provided the following response -

(1) Following intensive investigation of the foreshore and river near Minim Cove in late 1995 and early 1996 by the Swan River Trust and the Water and Rivers Commission it was recommended that the public foreshore be decontaminated. LandCorp agreed to carry out the clean up as an addition to the clean up of the adjacent site. No further monitoring has taken place but the trust will monitor the river and ground water entering the river on a regular basis following completion of the site and foreshore clean up.

(2) There was extensive media coverage of the work carried out by the Swan River Trust and the Water and Rivers Commission. Reports on the investigations were provided to the EPA, the local community group and published. Copies are available from the Water and Rivers Commission.

SWAN RIVER - NUTRIENT RUN-OFF FROM GOLF COURSES, DATA

1787. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) Has data been collected on the nutrient run-off from golf courses into the Swan River?

(2) If yes, what sort of data has been collected?

(3) Will the Minister please table a copy of data collected, if any, for the last three years?

(4) For what purpose is the material collected?

(5) Are there any guidelines as to the threshold levels of nutrient run-off that are acceptable?

Mr MINSON replied:

The Minister for the Environment has provided the following response -

(1) The Swan River Trust does not monitor specific golf courses but does monitor the Swan River and main drains entering the river. Since the formation of the trust, nutrient and irrigation management plans have been required for major users of fertilisers such as golf courses. This puts the onus for management and monitoring back on the landowner, allowing the trust to measure performance through its downstream monitoring program.

(2) An example of the type of information collected is through the NIMP for the Peninsula golf course at Maylands, whereby the City of Stirling undertakes monitoring of total nitrogen, nitrate, ammonia, total phosphorus, soluble phosphorus, total soluble salts, conductivity and pH.

(3) The data for Maylands is available from the City of Stirling in a report titled "Nutrient and Irrigation Monitoring Report - Peninsula Golf Course, Maylands August 1995".

(4) The data enables the land manager to minimise fertiliser and water use and prevent external pollution. Many councils are saving thousands of dollars by using NIMPs or their equivalent.

(5) There are no formally accepted guidelines for nutrient run-off from broad acre activities. General guidelines for river quality are contained in the "Australia Water Quality Guidelines for Fresh and Marine Waters" compiled by the Australian and New Zealand Environment and Conservation Council in 1992. These have been adopted for use in assessing developments in Western Australia.

SULPHUR DIOXIDE - KALGOORLIE-BOULDER

1790. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) Is the Minister aware that very high levels of sulphur dioxide have been experienced in parts of Kalgoorlie-Boulder?

(2) On what dates in 1996 were these high levels recorded?

(3) What were the levels and at what sites were these recorded?

(4) Has the Department of Environmental Protection identified the source of these elevated emissions?

(5) What action has been taken to prevent this problem from reoccurring?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1) Yes.

(2) Levels in excess of the limit contained in the environmental protection policy for the Kalgoorlie area were recorded on 5 and 25 January and 14 February and 12 June 1996. With the exception of the event recorded on 12 June, these levels were within the requirements of the EPP and the exemption granted to Western Mining's Kalgoorlie nickel smelter.

(3) The only site to record levels in excess of the EPP requirements - and the exemption - on 12 June 1996, was at the Westrail yard in west Kalgoorlie. Data from each monitor in the area for the months of January, February and June 1996 is annexed.
[See paper No 519.]

(4) Yes. Western Mining Corporation has admitted that it caused the high levels on 12 June, by emissions from its Kalgoorlie nickel smelter.

(5) The company has commissioned an acid plant which, when at full capacity, will remove in excess of 80 per cent of its sulphur dioxide emissions from the smelter. The company has also modified its air quality system to better deal with the type of atmospheric conditions which led to the event of 12 June. The Department of Environmental Protection has amended the company's operating licence to reflect the above changes. The previous exemption held by the company, from meeting the current requirements of the EPP, no longer exists. This means that the company is now required - along with all other sulphur dioxide emitters in the area - to comply with the requirements of the EPP. These changes should lead to a continual improvement in air quality in the Kalgoorlie area.

PORT KENNEDY RESORTS PTY LTD - GROUND WATER EXTRACTION LICENCE, TABLING

1804. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) Will the Minister table a copy of the ground water extraction licence provided to Port Kennedy Resorts Pty Ltd?

(2) If not, why not?

(3) Will the Minister table a copy of the documentation which the developers lodged in support of their application for a ground water extraction licence?

(4) If not, why not?

(5) Will the Minister table a copy of the departmental advice that resulted in approval of the ground water extraction licence?

(6) If not, why not?

Mr MINSON replied:

The Minister for the Environment has provided the following response -

(1),(3),(5)
No.

(2),(4),(6)
Any information which can be released under freedom of information will be made available from the Water and Rivers Commission on request.

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - AUSTRALIAN NATURE CONSERVATION AGENCY (ANCA), FUNDS; DISTRIBUTIONS

1806. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) Is the Department of Conservation and Land Management the central agency in Western Australia distributing funds from the Australian Nature Conservation Agency?

(2) If so, what was the total amount of funds received from ANCA for distribution in the State in -
(i) 1994-95;
(ii) 1995-96?

(3) For each financial year how much money was distributed to -
- (i) the Western Australian Museum;
- (ii) state universities;
- (iii) community groups;
- (iv) the Zoo;
- (v) CALM;
- (vi) other agencies?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1) No. ANCA distributes funds to CALM for its projects alone, with the exception of those that are joint projects.

(2) (i) CALM received $3 043 253 from ANCA in 1994-95 for its projects including joint projects managed by CALM.
(ii) In 1995-96 CALM received $3 552 334.

(3) Not applicable.

WATER AND RIVERS COMMISSION - NUTRIENT LEVELS, TOBY'S INLET NEAR DUNSBOROUGH INQUIRY

1809. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) Has the Water and Rivers Commission investigated the high levels of nutrients in the vicinity of Toby's Inlet near Dunsborough?

(2) If so, will the Minister table the report?

(3) What can be done to rectify the problem?

Mr MINSON replied:

The Minister for the Environment has provided the following response -

(1) Water and Rivers Commission staff are working with members of the Toby's Inlet subcommittee of the Sussex Land Conservation District Committee to develop and implement a catchment monitoring program. This will identify the main sources and concentrations of nutrients flowing into the inlet. In parallel, the commission is monitoring the inlet and assessing its condition.

(2) The work is well advanced but is not yet ready for reporting.

(3) After the key sources, concentrations and impacts of nutrients have been clearly identified, the Water and Rivers Commission will assist the local community to develop a management plan for the catchment and the inlet.

MINIM COVE DEVELOPMENT, MOSMAN PARK - CONTAINMENT CELL

Landowners, Compensation

1810. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) Has the Government set aside any funds to compensate present or future landowners adjacent to the containment cell recently constructed at Minim Cove, in the event that such landowners obtain a judgment against the Government for compensation, due to leakage of the contained material onto adjoining properties?

(2) If so, how much in relation to both present and future landowners?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1) No.

(2) Not applicable.

[M|S:ETHNIC GROUPS:Legislative Council|N|D:1]ETHNIC GROUPS - NON-ENGLISH SPEAKING BACKGROUND (NESB) PEOPLE, PROGRAMS MEETING NEEDS; LANGUAGE SERVICES, FUNDING ALLOCATIONS

1821. Mrs ROBERTS to the Minister representing the Minister for the Arts:

(1) What funds have been allocated within the Minister's portfolio for programs which are aimed at specifically meeting the needs of ethnic groups and individuals of non-English speaking background?

(2) To which/what programs have these funds been allocated?

(3) What amount has been allocated for language services?

Mr NICHOLLS replied:

The Minister for the Arts has provided the following reply:

ArtsWA

(1) No funds have been identifies specifically for non English speaking background clients. However, ArtsWA provided general purpose funds on an ongoing basis to the Multicultural Arts Centre of WA. The amount is $104 000 per year. Non English speaking background artists and ethnic community organisations are eligible to apply to all arts investment funding programs.

(2) These funds are allocated through the arts investment subprogram of ArtsWA.

(3) No funds have been specifically earmarked for language services. However, interpreter and translation services are contracted on a needs basis.

Library and Information Services of Western Australia

(1) $320 566. This includes funds to maintain and develop the multi language resource collection; provide catalogues and brochures in non-Roman scripts; acquire newspapers and journals in languages other than English; access the Translating and Interpreter Service; provide cross cultural training; and organise the Multicultural award to public libraries for service to the multicultural community.

(2) Public Library Services; and Reference and Information Services.

(3) If what is meant by language services is translation or interpreting, the Library and Information Services of Western Australia does not make a specific allocation for this.

Perth Theatre Trust

(1) There have been no funds allocated by the Perth Theatre Trust for programs aimed at specifically meeting the needs of ethnic groups and individuals of non-English speaking background.

(2)-(3) Not applicable.

Western Australian Museum

(1) A total of $168 000 allocated as follows:

$130 000 for a new, permanent exhibition at the Fremantle History Museum entitled "A New Australia: Post-War Immigration to Western Australia".

$8 000 for four community exhibitions in the Hearthealth Community Gallery, Fremantle History Museum - a community access gallery which is available to community groups to fund their own exhibitions.

$30 000 for a research officer, to continue research into immigration and post-war settlement in Western Australia with particular reference to Fremantle and Northbridge, for inclusion in future exhibition programs.

(2) Western Australian Museum - social and cultural history subprogram.

(3) No specific funds have been allocated for language service. However, gallery guides are now being printed in languages other than English. We have just introduced the Japanese one. Many staff are multilingual and these skills can be called upon.

ATLAS SITE, MIRRABOOKA - REZONING PROPOSAL UNDER METROPOLITAN REGION SCHEME AMENDMENT No 977/33 (PROPOSAL 4)

1866. Mr KOBELKE to the Minister for Planning:

(1) How many submissions were received in opposition to the proposed rezoning of the Atlas site in Mirrabooka from regional open space to industrial under the MRS Amendment No 977/33 (Proposal 4)?

(2) How many of these letters of objection were standard letters, signatories to petitions or individual letters and, in each case, what were the suburbs of the address of the signatories?

(3) How many submissions were received in support of the proposed rezoning of the Atlas site in Mirrabooka from regional open space to industrial under the MRS Amendment No 977/33 (Proposal 4)?

(4) How many of these letters of support were standard letters, signatories to petitions or individual letters and, in each case, what were the suburbs of the address of the signatories?

Mr LEWIS replied:

(1) 607.

(2) 509 objecting submissions were standard letters, one was a petition (over 1 800 signatures), and 97 were individual letters.

	Standard letters	Individual letters
- Mirrabooka	350	62
Adjacent suburbs (Balga, Ballajura, Dianella, Hamersley, Girrawheen,Koondoola, Malaga, Nollamara, Noranda, Westminster)	56	23
- Other metropolitan areas north of the Swan River	41	11
- Other metropolitan areas south of the Swan River	8	1
- No address given	54	

(3) 593 submissions in support.

(4) 566 letters in support were standard letters, 27 were individual letters. No petitions were received in support.

	Standard letters	Individual letters
- Mirrabooka	14	-
- Adjacent suburbs (Balga, Ballajura, Dianella, Hamersley,	114	6

	Girrawheen, Koondoola, Malaga, Nollamara, Noranda, Westminster)		
-	Other metropolitan areas north of the Swan River	306	16
-	Other metropolitan areas south of the Swan River	128	5
-	Country	3	-
-	No address given	1	-

YOUTH EMPLOYMENT - GOVERNMENT DEPARTMENTS; APPRENTICESHIPS; TRAINEESHIPS; CADETSHIPS

1890. Mr BROWN to the Minister representing the Minister for the Arts:

(1) How many -

(a) apprenticeships;
(b) traineeships;
(c) cadetships,

were made available to young people -

(I) under the age of 21 years;
(ii) between 21 years and 25 years,

during the 1995-96 financial year, by each department and agency under the Minister's control?

(2) How many young people not employed on apprenticeships, traineeships or cadetships were employed by each agency and department under the Minister's control in the 1995-96 financial year?

(3) How many young people described in (2) above were -

(a) under 21 years of age;
(b) between 21 and 25 years of age?

Mr NICHOLLS replied:

Arts WA -

(1) No apprenticeships, traineeships or cadetships were made available to young people during the 1995-96 financial year under the age of 21 years and between 21 years and 25 years. The department provided three persons over the age of 25 years with six month placements under the commonwealth Jobskills program.

(2) Of a total of 38 people employed by the department in 1995-96 financial year, two were young people.

(3) Of the two young people described in (2) above, one person was under 21 years of age and one person was between 21 and 25 years of age.

Perth Theatre Trust -

(1) None.

(2) Two.

(3) (a) None.
(b) Two.

Note: Casual staff have not been included for the purposes of this response.

WA Museum -

(1) (i) No apprenticeships, traineeships or cadetships were made available to young people under the age of 21 years during the 1995-96 financial year.

(ii) Two apprenticeships, traineeships or cadetships were made available to young people between the age of 21 years and 25 years during the 1995-96 financial year.

(2) The total number of employees at the Western Australian Museum under the age of 25 in 1995-96 was 26.

(3) (a) Thirteen of those young people described in (2) above were under 21 years of age.

(b) Thirteen of those young people described in (2) above were between 21 and 25 years of age.

Screenwest -

(1) (a) Nil.
(b) (i) Two
(ii) Nil.
(c) Nil.

(2) One.

(3) (a) One.
(b) Nil.

Art Gallery -

(1) The Art Gallery does not employ anyone under apprenticeships, traineeships or cadetships; however, during the 1995-96 financial year it employed two people under the commonwealth government Jobskills program who were between 21 years and 25 years.

(2) During the 1995-96 financial year there were seven young people not employed on apprenticeships, traineeships or cadetships at the Art Gallery.

(3) (a) There was one young person under 21 as described in (2) above.

(b) There were six young people between 21 and 25 years of age as described in (2) above.

Library and Information Services of WA -

(1) For 1995-96 financial year, the employment made available to young people was as follows -

(a) apprenticeships - nil
(b) traineeships - one between 21 and 25 years
(c) cadetships - nil.

(2) There were 31 young people employed by this agency in the 1995-96 year who were not on apprenticeships, traineeships or cadetships.

(3) Of the young people described in (2) above, the following information is provided -

(a) under 21 years of age - 14
(b) between 21 and 25 years - 17.

YOUTH EMPLOYMENT - GOVERNMENT DEPARTMENTS; APPRENTICESHIPS; TRAINEESHIPS; CADETSHIPS

1891. Mr BROWN to the Minister representing the Minister for the Environment:

(1) How many -

(a) apprenticeships;
(b) traineeships;
(c) cadetships,

were made available to young people -

(i) under the age of 21 years;
(ii) between 21 years and 25 years,

during the 1995-96 financial year, by each department and agency under the Minister's control?

(2) How many young people not employed on apprenticeships, traineeships or cadetships were employed by each agency and department under the Minister's control in the 1995-96 financial year?

(3) How many young people described in (2) above were -

(a) under 21 years of age;
(b) between 21 and 25 years of age?

Mr MINSON replied:

The Minister for the Environment has provided the following response -

Water and Rivers Commission -

(1) (a) Nil
(b) Six traineeships
(i) Nil
(ii) Six
(c) Nil.

(2) 39.

(3) (a) Nil
(b) 39.

Perth Zoological Gardens -

(1) (a) (i) One - a young woman is doing her apprenticeship at Perth Zoo through the Metropolitan Industries Group Training Association of WA.
(b)-(c) None.
(i)-(ii) Not applicable.

(2) 17.

(3) (a) Nine
(b) Eight.

Department of Conservation and Land Management -

(1) (a) (i) Three
(ii) Two
(b) 90 - the split of ages is not available
(c) Nil.

(2) The department employed 1 300 FTE in 1995-96. See (3)(a) and (b) for details of people within age groups.

(3) (a) 130.
(b) 223.

Department of Environmental Protection -

(1) The Department of Environmental Protection employed no people within the categories of apprenticeships, traineeships or cadetships.

(2) Of those employed during the 1995-96 financial year five people were within the age categories described.

(3) All five were between 21 and 25 years of age.

Kings Park and Botanic Gardens -

(1) (a) One
(b) Nil
(c) (i) One
(ii) Nil.

(2) Five.

(3) (a) Two
(b) Three.

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - FOREST AGREEMENT, MONITORING; PRIVATE FOREST, ROLE IN COMBATTING SALINITY AND SOIL DEGRADATION

1921. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) Given the agreement between the Western Australian Government and the Federal Government to lower from 15 per cent to 10 per cent the proportion of forest types to be conserved, can the Minister please explain what level of monitoring will be undertaken to ensure no loss of biodiversity or salinity encroachment will result from this agreement?

(2) If not, why not?

(3) Does the Minister expect private forest in Western Australia will be required to meet any shortfall in a comprehensive, adequate reserve system as provided for under the new woodchip export licensing regime?

(4) If not, why not?

(5) What role does existing private forest play in combatting salinity and soil degradation?

(6) What percentage of native forest in Western Australia is privately owned?

(7) Does the Minister expect the loss of private forest for woodchips to contribute to soil degradation and salinity management problems?

(8) If not, why not?

(9) Could clearfelling for woodchips be permitted on private land?

(10) Would the Minister consider the introduction of voluntary schemes, such as the Victorian Land for Wildlife, which aim to facilitate conservation practices on private land, to be of any significance to Western Australia?

(11) Why?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1) There is no agreement between the Western Australian Government and the Federal Government to lower from 15 per cent to 10 per cent the proportion of forest types to be conserved. Both Governments have agreed to adopt the criteria for biodiversity assessment stated in the national criteria for the establishment of a comprehensive, adequate and representative reserve system for forests in Australia.

(2) Not applicable.

(3) The Governments have agreed that in developing the RFA for the south west region, regard will be given to native forest on both public and private land. In respect of private land both Governments have undertaken to encourage and facilitate the active participation of all landowners. Both Governments have indicated that they will seek to protect biodiversity values on private land using a range of strategies, including purchase of priority areas, incentives for protection mechanisms and covenants on leasehold and freehold lands.

(4) It is not always necessary for land to be included in public conservation reserves to protect nature conservation values.

(5) The retention of existing native forest on private land in some parts of the south west and agricultural regions plays a very important role in combatting salinity and soil degradation.

(6) In the south west forest region approximately 9 per cent of native forest is privately owned.

(7) No.

(8) Native forest is not 'lost for woodchips'. Where native forest is logged and properly regenerated no long term soil degradation or salinity management problems are expected. Where native forest is cleared following all of the statutory approval processes, the sale of some logs for woodchips is incidental to the clearing process. Soil degradation and salinity issues are carefully considered before clearing approval is given.

(9) Clearing of trees from private property may occur provided statutory approvals are given.

(10) This matter is being considered.

(11) Not applicable.

JUSTICES OF THE PEACE - APPOINTMENTS; NUMBERS

1925. Mr McGINTY to the Minister representing the Attorney General:

(1) How many justice of the peace appointments are there currently in Western Australia?

(2) What is the total number of JPs residing in each state electorate?

Mr PRINCE replied:

The Attorney General has provided the following reply -

(1) As at 2 September 1996, 3 175 justices of the peace were recorded on the Commission of the Peace.

(2) Justice of the peace numbers are not recorded for electoral districts. Details are available for localities (town/suburb), local government areas and magisterial districts.

JUSTICE, MINISTRY OF - CAMP KURLI MURRI, LAVERTON

1935. Ms ANWYL to the Minister assisting the Minister for Justice:

(1) When was the decision made to abandon the Kurli Murri work camp?

(2) Who made the decision?

(3) Where will the intensive treatment centre be located and when will it open?

(4) What will be its budget?

(5) Will the mobile work camps extend to the goldfields and, if so, when?

(6) How many mobile work camps will exist?

(7) What resources will be directed to the review of programs targeting offenders, facing their first custodial sentence?

(8) What is the full range of options for those offenders facing their first custodial sentence and with what frequency has each been used for convictions in 1995-96?

Mr MINSON replied:

(1) 26 August 1996.

(2) State Cabinet.

(3) Nyandi and Riverbank are being considered as options; to be decided.

(4) Estimated budget $1.36m.

(5)-(6) The mobile work camps project is currently being developed. The location and number of camps will depend upon community need and availability of resources.

(7) From within the Ministry of Justice. External resources may be accessed, where appropriate.

(8) With the work camp now no longer an option the current options are prison or detention. The intensive treatment centre will become a further option in the 1997-98 financial year.

First custodial sentence -

1995 to 1996 sentenced to work camp - 16 to 21 years - 31
1995 to 1996 sentenced to detention - under 18 years - 116
1995 to 1996 sentenced to prison - 17 years - 10
1995 to 1996 sentenced to prison - adults - 1 041.

CONTRACTS - GOVERNMENT DEPARTMENTS

1941. Mr BROWN to the Premier; Treasurer; Minister for Public Sector Management; Youth; Federal Affairs:

(1) In each department and agency under the Premier's control, how many contracts does the Government have with the private sector for work which was carried out by government employees when the Government was elected to office in February 1993?

(2) What is the name of each contractor?

(3) What is the nature of the work provided by each contractor?

(4) What is the contract price paid to each contractor?

(5) How many government employees used to carry out the work that is now carried out by each contractor?

Mr COURT replied:

(1)-(5) The specific information sought in this question is not collated or recorded centrally. Individual agencies would need to dedicate significant time and numbers of staff to extract the information and present it in the format requested. Furthermore, it is likely to be difficult to ensure the accuracy of all relevant information over the period requested. The member for Morley has already been provided with copies of the reports on the first two annual surveys of competitive tendering and contracting and the third survey report will be completed towards the end of this year.

CONTRACTS - GOVERNMENT DEPARTMENTS

1942. Mr BROWN to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

(1) In each department and agency under the Deputy Premier's control, how many contracts does the Government have with the private sector for work which was carried out by government employees when the Government was elected to office in February 1993?

(2) What is the name of each contractor?

(3) What is the nature of the work provided by each contractor?

(4) What is the contract price paid to each contractor?

(5) How many government employees used to carry out the work that is now carried out by each contractor?

Mr COWAN replied:

Department of Commerce and Trade

(1) Six

(2)

Document Security	
Adia Centacom	
NBM Fleetcare	
Sharn Tutt	
Tracy Bell	
Panel Contract for Design and Print Management	TM Typographic
	Acorn Design
	Design Ethic
	Type Foundry
	Krismaar Design

(3)

Document Security	Offsite storage and retrieval service for archive departmental records
Adia Centacom -	Provision of a telephone and reception service
NBM Fleetcare -	Provision of a fleet management service
Sharn Tutt	Assistance with personnel classification review
Tracy Bell	Assistance with personnel classification review
TM Typographic - Acorn Design Design Ethic Type Foundry Krismaar Design	All those contracted to the Panel Contract were engaged to provide document design and print management services for departmental publications.

(4)

Document Security	$ 3 600 per annum
Adia Centacom	$78 000 per annum
NBM Fleetcare	$75 000 per annum (estimated full year expenditure)
Sharn Tutt & Tracy Bell	$ 6 000 per annum (approx 20 assessments at $300 per assessment)
Panel Contract for Design and Print Management	$20 000 per annum (estimated cost based on individual fee for service)

(5)

Document Security	0.25 FTE
Adia Centacom	2.00 FTEs
NBM Fleetcare	0.25 FTE
Sharn Tutt & Tracy Bell	0.10 FTE
Panel Contract for Design and Print Management	1.00 FTE

Small Business Development Corporation

(1) One.

(2) Fujitech.

(3) Fujitech is contracted to maintain the SBDC's computer network and associated software and hardware.

(4) The contract price for 1995-96 was $12 440 with $15 000 budgeted for 1996-97.

(5) The contracted work equates to approximately 0.5 of a full-time employee.

Great Southern Development Commission

(1) One.

(2) Fujitsu Australia Pty Ltd.

(3) Payroll processing.

(4) $1 800 per annum.

(5) The government employees who used to do this work (from the Department of State Services) have been absorbed in the private sector.

Mid West Development Commission

(1) Three

(2) NBM Fleetcare
Fujitsu
Matrix

(3)

NBM Fleetcare	-	Vehicle Fleet Management
Fujitsu	-	Payroll/Personnel
Matrix	-	Vehicle Leasing

(4) The contract prices were negotiated as across government common use contracts. Matrix is yet to determine a lease cost for the Mid West Development Commission.

(5) NBM Fleetcare - Fleet management was previously performed by the commission. The amount of time spent on this function was negligible.

Fujitsu - This function was previously performed by the Department of State Services. The quantity of time devoted by DOSS performing this function for the commission is not known.

Other Agencies

All other agencies in my portfolio responsibility advise that they do not have any contracts with the private sector for work which was carried out by government employees when the Government was elected to office in February 1993.

CONTRACTING OUT - PUBLIC SECTOR SERVICES, REVIEW

1965. Mr BROWN to the Premier:

(1) Will the University of Sydney, or any other body, be contracted to carry out a review of government contracting out?

(2) Is such a review -

(a) planned;
(b) under way;
(c) completed; or
(d) under consideration?

(3) Has such a review been completed or partially completed recently?

(4) When -

(a) was
(b) will

the review be completed?

(5) Will the review be publicly released?

Mr COURT replied:

(1) Professor Simon Domberger of the University of Sydney has been contracted to report on the third annual survey of contracting for services in the WA public sector.

(2) The survey process is under way.

(3) Agencies have been requested to provide their survey returns to the Public Sector Management Office by 20 September 1996, after which they will be checked and forwarded to Professor Domberger for analysis.

(4) Professor Domberger's report on the survey results is expected in November 1996.

(5) As in previous years, the survey report will be sent to all chief executives and Ministers and will be made available to other interested parties on request.

FAMILY AND CHILDREN'S SERVICES - PEOPLE FROM ABUSIVE FAMILIES, ABORIGINAL AND ETHNIC GROUPS, FUNDING

1968. Mr BROWN to the Minister for Family and Children's Services:

(1) Further to question on notice 1304 of 1996, is the Minister aware that in April 1994 the former Minister for Community Development promised that additional funds would be provided to programs for people from abusive and potentially abusive families as well as additional funds being provided to assist Aboriginal and ethnic groups?

(2) Does the Minister recall that in the answer to question on notice 31 of 1996, the Minister advised that funds had been allocated to a media campaign and the Family Helpline?

(3) Apart from funds allocated to the programs described in (2) above, what other programs have been funded to help people from abusive or potentially abusive families and to assist Aboriginal and ethnic groups?

Mrs EDWARDES replied:

(1)-(2) Yes.

(3) Question on notice 31 of 1996 identified four areas including the mass media program and the Family Help Line. The additional new programs were -

(a) abuse in families funding to non-government agencies to which $179 659 was allocated;

(b) Abuse in Families campaign - local initiatives expenditure totalling $25 530.

Without further specification, the reply to question on notice 1304 of 1996, which stated that the question was very broad and could apply to a wide range of services provided by Family and Children's Services remains valid. The question is not specific enough for a detailed response to be provided.

ASSET SALES - OVER $100 000

2010. Mr BROWN to the Minister for Labour Relations; Housing; Lands:

(1) Has any department or agency under the Minister's control sold any assets over the value of $100 000 since February 1993?

(2) What assets were sold?

(3) How much was received for each asset?

(4) How were the proceeds of each asset sale used?

Mr KIERATH replied:

Department of Productivity and Labour Relations; Office of Commissioner of Workplace Agreements; WorkSafe Western Australia; WorkCover Western Australia; WA Industrial Relations Commission -

(1) No.

(2)-(4) Not applicable.

Homeswest -

(1) Yes.

(2)-(4) Homeswest has raised over $605m from the sale of assets since 1992-93. If the member has a specific question relating to a particular sale, I will respond to it.

Government Employees Housing Authority -

(1) Yes.

(2) 62 houses and duplex pairs.

(3) The amount for each property varied from $100 000 to $200 000 with an average being $135 700.

(4) The sale proceeds were utilised to fund the authority's capital works program and to reduce outstanding debt (loans).

Rural Housing Authority and Industrial and Commercial Employees Housing Authority -

(1) Yes.

(2) Residential assets owned by ICEHA and located in various country towns in Western Australia.

(3) In total $5 465 435 was received for the sale of 45 properties since February 1993 at an average sale price of $121 454.

(4) All proceeds of sales were utilised to retire debt owed to Treasury and Western Australian Treasury Corporation.

Department of Land Administration -

(1) Yes.

(2) Land

(3) Approximately $150m.

(4) All proceeds were paid into the consolidated fund for appropriation by Parliament.

LandCorp -

(1)-(4) LandCorp's industrial, residential and commercial land sales between the period 1 February 1993 and 31 August 1996 amount to approximately $279m. There have been no asset sales over the value of $100 000 since February 1993.

ASSET SALES - OVER $100 000

2016. Mr BROWN to the Minister for Health; Aboriginal Affairs:

(1) Has any department or agency under the Minister's control sold any assets over the value of $100 000 since February 1993?

(2) What assets were sold?

(3) How much was received for each asset?

(4) How were the proceeds of each asset sale used?

Mr PRINCE replied:

Health Department of Western Australia -

(1)-(4) Control of assets within the Health Department of Western Australia has been devolved to individual service units and it would require considerable research and contact with every Healthcare unit to provide a response to the member's question. I am not prepared to allocate resources for this purpose. However, should the member have a specific concern I would be more than happy to responde.

Alcohol and Drug Authority -

(1) No.

(2)-(4) Not applicable.

Healthway -

(1) No.

(2)-(4) Not applicable.

Aboriginal Affairs Department -

(1) Yes.

(2) Freehold property owned by the Aboriginal Lands Trust in the Lake Grace area was disposed of by auction in February 1996.

(3) $680 000.

(4) To discharge outstanding commitments on the property with utilisation of the balance to be determined.

ASSET SALES - OVER $100 000

2020. Mr BROWN to the Minister representing the Minister for the Arts:

(1) Has any department or agency under the Minister's control sold any assets over the value of $100 000 since February 1993?

(2) What assets were sold?

(3) How much was received for each asset?

(4) How were the proceeds of each asset sale used?

Mr NICHOLLS replied:

The Minister for the Arts has provided the following response -

(1) No.

(2)-(4) Not applicable.

PREMIER'S AWARDS FOR EXCELLENCE IN PUBLIC SECTOR MANAGEMENT - DATE

2029. Mr BROWN to the Minister for Public Sector Management:

(1) Have arrangements been made for the presentation of the Premier's awards for excellence in public sector management?

(2) When will the awards be presented?

(3) What is the nature of the function that will be held for the presentation?

(4) What is the estimated cost of the function?

Mr COURT replied:

(1) Yes.

(2) Friday, 1 November 1996.

(3) The function will be hosted by myself. It will involve a formal presentation to announce the awards and will be followed by morning tea for the attendees.

(4) Based on an audience of 300 people, the estimated cost of the function will be $4 740. This includes catering costs, room hire and hire of audio visual equipment at the venue.

WATER AND RIVERS COMMISSION - AIRBORNE GEOPHYSICAL INVESTIGATION, FUNDING

2032. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) What amount has been budgeted by the Water and Rivers Commission for airborne geophysical investigation in 1996-97?

(2) What approaches have been made to the Federal Government to match this funding?

(3) What was the outcome of these approaches?

Mr MINSON replied:

The Minister for the Environment has provided the following response -

(1) The Water and Rivers Commission has not budgeted directly for airborne geophysical investigations in 1996-97 but has budgeted for supporting work to allow hydrological assessment of any trials.

(2) A state submission has been made to the Federal Government through the national Landcare program.

(3) No final decision has been made but it is likely two or three sites will be evaluated in Western Australia.

WILSON INLET - BAR, OPENING DECISION

2036. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) What were the reasons for the Minister's decision to open the Wilson Inlet bar?

(2) What are the implications for the future of the Wilson Inlet Management Authority?

Mr MINSON replied:

The Minister for the Environment has provided the following response -

(1) The acting Minister for the Environment formally directed the Wilson Inlet Management Authority to proceed with a western opening, and this direction has been given effect. This direction was given, following consultation with myself, as a result of consideration of several important issues and I unequivocally support the decision to issue such a direction. One of the most important issues was the difficulty for the management authority to reach a consensus position on the location of the opening, a matter in which the community has expressed strong, but opposing, views. The tied voting at the special meeting of the management authority on 29 July 1996 indicates that the authority is representative of the community's polarisation on the issue. However, this polarisation has made it difficult for the authority to make a decision that would be seen as representing the views of an entire, but divided, community. Under these circumstances, it was appropriate for the acting Minister to intervene as an arbitrator. More importantly, the focus on the inlet's health was lost in the process of arguing over which opening configuration was the best, and in a desire to pursue a degree of scientific precision that was irrelevant to the central concern of the inlet's health.

(2) The important thing now for the management authority is to focus on the future where the main issues to be addressed are control of nutrients entering the inlet; identification of the real needs of the estuary, including how much seawater exchange is necessary to ensure its health; the most cost effective means of maintaining the Prawn Rock channel; and what is to be done with the limited funds and resources available, in the more important area of catchment and river management to reduce nutrient contributions to the inlet. The Wilson Inlet Management Authority will have an ongoing role in developing programs, in conjunction with the Water and Rivers Commission, to address these issues to achieve the most effective outcomes for the estuary system as a whole.

HYDROFLUORIC ACID - PERMITS

2040. Dr EDWARDS to the Minister for Health:

(1) How many permits are held currently for the purchase, storage and use of hydrofluoric acid?

(2) Who are the holders of these permits?

(3) When was each issued?

(4) What volume of the acid does each permit allow?

Mr PRINCE replied:

(1) There were 685 permits issued as at 26 August 1996. Of these 55 permits were issued specifically for the purchase of hydrofluoric acid. Some of the other permits were issued generally for schedule 7 poisons which may therefore include hydrofluoric acid. Without viewing each permit individually there is insufficient information to determine the exact number of permits for hydrofluoric acid.

(2) The names and addresses of these permit holders are attached together with the names and addresses of all permit holders as printed in the *Government Gazette* No 121 (Special) of 26 August 1996.
[See paper No 520.]

(3) Each permit is issued on a different date between 1 June 1996 and 30 July 1996. To obtain the exact date of issue each permit would have to be viewed individually. This has not been possible in the time frame available.

(4) Permits issued for hydrofluoric acid specify the pack size as either 500ml or less, 2.5 litres, or an unspecified volume.

FAIR TRADING, MINISTRY OF - GUIDELINES FOR COMPLAINTS PROCEDURES DEALT WITH BY INDUSTRY REVIEW BODIES

2042. Dr EDWARDS to the Minister for Fair Trading:

(1) What do the Ministry of Fair Trading guidelines provide for complaints procedures dealt with by industry review bodies (such as the Security Agents Institute of WA)?

(2) How many complaints are received annually by the ministry from consumers unhappy with house alarms and related security systems?

Mrs EDWARDES replied:

(1) The Ministry of Fair Trading's guidelines are detailed in two of its publications, "Business Notes: Complaint Handling Guidelines for Traders" and "Business Notes: Industry-based Dispute Resolution" and include commitment to a complaint handling system, fairness, effectiveness, accessibility and accountability. These publications have been widely distributed to trader organisations including the Security Agents Institute of WA.

(2) Complaints received by the Ministry of Fair Trading over the past four years regarding burglar and personal danger alarms, security services, and the installation of security and burglar alarms are as follows -

1992-93	18
1993-94	14
1994-95	8
1995-96	20
1996-97 (1.7.96 to date)	10

WARDLE, STEPHEN - AUTOPSY SAMPLES

2052. Mr McGINTY to the Minister representing the Attorney General:

(1) Who was responsible for retaining tissue blocks, skin samples and brain materials at State Laboratories following the autopsy and death of Stephen Wardle in February 1988?

(2) Is it true that on 17 January 1991 the Coroner advised that tissue blocks, skin samples and brain material were available for testing by a United States forensic scientist?

(3) Did these samples disappear soon afterwards?

(4) What security measures were in place at te time to secure evidence?

(5) If none, why not?

Mr PRINCE replied:

The Attorney General has provided the following reply -

(1) Samples were retained by the Chief Forensic Pathologist, State Health Laboratory Services at the direction of the Coroner.

(2) Yes.

(3) No.

(4)-(5) This question would be better addressed by the Minister for Health.

WORKPLACE AGREEMENTS - TELEVISION ADVERTISEMENTS

2053. Mr McGINTY to the Minister for Labour Relations:

(1) Who produced the advertisements appearing on television networks regarding workplace agreements?

(2) At what cost was this advertisement produced?

(3) What is the advertising budget for this particular advertisement?

(4) How many times has this advertisement appeared?

(5) For each showing of the advertisement will the Minister provide the following details -

(a) on which channel did the advertisement appear;

(b) at what time did the advertisement appear;

(c) on what date did the advertisement appear; and

(d) what was the cost of that advertisement?

(6) Who wrote the advertisement?

(7) Who approved the advertisement?

(8) From which budget were the funds drawn?

Mr KIERATH replied:

(1) No advertisements for workplace agreements are currently appearing on television networks. It is assumed that the member is referring to the most recent series of advertisements which appeared between April and July 1996. These advertisements were produced by Benchmark Advertising and 303.

(2) Total production costs were $112 332.00.

(3) $400 000.00 was allocated in the 1995-96 budget for awareness raising and advertising of government industrial relations initiatives.

(4) 311 advertising sports ran on television channels seven, nine and 10.

(5) Detailed information on costs is commercially “in confidence” under the terms of the contract with the Government's media bulk inquiry agency. The amount paid to channels seven, nine and 10 for television advertising is approximately $205 000.00.

(6) The advertisements were written in consultation between the advertising agencies and the Department of Productivity and Labour Relations.

(7) I approved the advertisements.

(8) Program 1.2: Advisory and Information Services.

NORTHBRIDGE TUNNEL - DEWATERING ZONE

2054. Ms WARNOCK to the Minister representing the Minister for the Environment:

How far does the dewatering zone extend from the Northbridge tunnel in relation to Baulderstone Clough's contractual obligation to protect vegetation and buildings?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

The city northern bypass is being managed by Main Roads Western Australia and the member should direct the question to the responsible Minister.

BUSHLAND - CLEARING; LOTS GREATER THAN ONE HECTARE, APPROVAL

2057. Dr EDWARDS to the Minister for Planning:

(1) Why have 1 490 hectares of environmentally valuable Perth bushland been cleared since 1994 even though identified as worthy of preservation?

(2) What approval has been obtained for lots greater than one hectare in size, to be cleared?

(3) Were -

(i) the Western Australian Planning Commission; or
(ii) the Commissioner for Soil and Land Conservation

consulted?

(4) What communication and correspondence has occurred between the Minister, the department and Agriculture WA about clearing land in the metropolitan area greater than one hectare?

Mr LEWIS replied:

(1) In general these areas would have had pre-existing development approvals.

(2) There is no specific requirement to approve the clearing of bushland under planning legislation. The zoning, subdivision and development application processes effectively provide approval.

(3) Since mid-1995, the WAPC's Urban Bushland Advisory Group provides comment on subdivision applications involving metropolitan bushland. The Commissioner for Soil and Land Conservation deems the assessments accompanying the rezoning process as sufficient for soil conservation purposes. The Soil and Land Conservation Act does not address bushland protection for nature conservation purposes.

(4) There is no formal correspondence between the Minister, the department and Agriculture WA about land clearing for the reasons stated above.

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - PRESCRIBED BURNING, HECTARES

2059. Dr EDWARDS to the Minister representing the Minister for the Environment:

How many hectares of prescribed burning will be undertaken by the Department of Conservation and Land Management between now and next autumn?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

The Department of Conservation and Land Management has planned to undertake a prescribed burning program over the next six months which is slightly below that undertaken in the past burning season. Although it is not possible to provide exact areas as these are subject to constant change, the approximate total areas for different purposes of prescribed burning in the south west are as follows -

	ha
Fuel reduction for protection	150 000
Silviculture	40 000
Nature conservation	15 000
Tourism and Recreation	25 000
Total	230 000

HOSPITALS - KALGOORLIE REGIONAL

Laundry and Catering Services, Privatisation

2061. Ms ANWYL to the Minister for Health:

(1) Does the Minister require the further privatisation of the Kalgoorlie Regional Hospital laundry and catering staff despite their long years of service?

(2) Have the rural benchmarking teams provided details of competitive rates for laundry and catering services and will he provide these figures?

Mr PRINCE replied:

(1) Kalgoorlie Regional Hospital will follow the CTC Country Health Services policy.

(2) The rural benchmarking project is still in the process of collecting the data from hospitals. Until this phase is completed it will not be possible to provide any rates.

FAMILY COURT - VOLUNTARY MARRIAGE COUNSELLING, FEES

2064. Mrs HENDERSON to the Premier:

(1) Has the Premier received advice of the Federal Government's plan to introduce fees of $40.00 per hour for voluntary marriage counselling provided by the Western Australian Family Court?

(2) Does the Premier support such fees?

(3) Given that the Family Court of Western Australia is the only family court in Australia set up by a state government, will the State Government now provide funds to enable couples whose marriages are in difficulty to receive free counselling, as they have done in the past, to enable them to settle matters regarding the care, custody and access of their children by agreement rather than through the court?

Mr COURT replied:

(1)-(2) The federal Attorney General's department has advised the Family Court of Western Australia that consideration is being given to the introduction of fees for counselling nd mediation services under the Family Law Act 1975 (commonwealth). As a consequence, consideration is currently being given to the introduction of fees for these services under the Family Court Act 1975 (state).

(3) Funding of the Family Court of Western Australia is subject to an agreement between the Commonwealth and the State. The provision of funding for counselling and mediation services will be considered in this context.

COMMUNITY LEGAL CENTRES - FUNDING

2067. Mrs HENDERSON to the Premier:

As community legal centres provide advice and help to some of the most needy in our community, what action will the Premier take to assist Western Australian community legal centres which have just had their funds cut in the recent Federal Budget?

Mr COURT replied:

I am advised by the Attorney General that the Ministry of Justice has provided interim funding for the remainder of 1996 to three community legal centres. The Ministry of Justice is examining means for that interim funding to be confirmed as a recurrent contribution to the funding of these community legal centres.

QUESTIONS WITHOUT NOTICE

REAL ESTATE AND BUSINESS AGENTS ACT - SECTION 61A, PROCLAMATION REVOCATION

498. Mr McGINTY to the Minister for Fair Trading:

(1) Did the Minister take a formal minute to Cabinet recommending deproclamation of section 61A of the Real Estate and Business Agents Act?

(2) Did Cabinet formally resolve to advise the Governor to deproclaim part of the Act?

Mrs EDWARDES replied:

(1) No, but I advised Cabinet in an informal way.

Several members interjected.

Mrs EDWARDES: It is not a legal requirement. Any order that goes to the Governor is signed by the Premier.

Several members interjected.

The SPEAKER: Order! The Deputy Leader of the Opposition.

REAL ESTATE AND BUSINESS AGENTS ACT - SECTION 61A, PROCLAMATION REVOCATION

499. Mr McGINTY to the Minister for Fair Trading:

As a supplementary question, did Cabinet formally resolve to advise the Governor to deproclaim the Act?

Mrs EDWARDES replied:

I thought I had answered that. I informally brought the matter to Cabinet; therefore, there was no formal decision of Cabinet. The executive order was signed by the Premier.

ROADS - GREAT NORTHERN HIGHWAY, BULLSBROOK, UPGRADE

500. Mrs van de KLASHORST to the Minister representing the Minister for Transport:

Due to the increase in heavy haulage through the Bullsbrook townsite, the Bullsbrook community is anxious for the promised safety upgrade of the Great Northern Highway to be carried out as soon as possible. Will the Minister please advise when the safety upgrade will commence?

Mr LEWIS replied:

I thank the member for some notice of this question.

As usual the Minister for Transport has given me some advice on this. It is planned to commence next month the work on the upgrade of the Great Northern Highway in Bullsbrook. There is a caveat; it is subject to federal funding, which is of course subject to the federal Budget. Strenuous representations are being made by the Minister for Transport to the federal Minister for Transport for the approval of the funds for this project. There must be some public consultation with regard to the contracted works. Particular items which must be consulted about are the turning pockets into the shopping centres and the RAAF base at Pearce and its side roads, the provision of a pedestrian crossing island and the footpaths associated with it, the upgrading of drainage and street lighting, and landscaping improvements by the local authority. The estimated cost of these works will be $500 000.

GOLD ROYALTY - REVENUE

501. Mr GRILL to the Minister for Resources Development:

I refer to the Minister's rationale for a gold royalty, being that gold should be treated exactly the same as other metals, and ask:

(1) As the average royalty on other metals is 5 per cent and as the value of gold production exceeds $3b, on the basis of the Minister's own rationale, how does he escape the conclusion that the State will collect $150m in tax and not the $75m that he has quoted?

(2) If $150m will be taken out of the goldmining industry, does the Minister concede that higher gold grades will need to be mined, and consequently the life of existing mines will be curtailed and some marginal mines will not be developed?

(3) Is that a good policy in these times of high unemployment?

Mr Blaikie: Do you have a vested interest in that question?

Mr GRILL: Absolutely!

Mr C.J. BARNETT replied:

(1)-(3) When I asked the Department of Minerals and Energy some time ago to advise me as to the amount of the collections if a gold royalty were applied, the answer I received, from memory, was that a gold royalty applied under the normal conditions of the Mining Act would raise in the order of $70m.

Mr Grill: At 2.5 per cent. For every other mineral it is either 5 per cent or 7.5 per cent.

Mr C.J. BARNETT: If a royalty were applied at the Mining Act rate, it would be $70m.

Mr Grill: I can quote you the Act. At 7.5 per cent it would be -

Mr C.J. BARNETT: The member can do that, but I am telling him what the Department of Minerals and Energy, which administers the Act, has advised. The unique aspect of this matter is that there is an exemption for gold. If that exemption was removed and the Mining Act was applied in the normal way -

Mr Grill interjected.

Mr C.J. BARNETT: All I can do is offer to the member for Eyre, if he would like it, an explanation by a departmental officer of how the royalty system works and how a mining regulations royalty will apply.

Mrs Roberts interjected.

The SPEAKER: Order! I think the House can tolerate the member for Eyre posing the question as he is doing, but we cannot tolerate two or three supporters, and I ask members not to interject in that way.

Mr C.J. BARNETT: The departmental advice that I have received is that a mining royalty imposed under the Mining Act would raise in the order of $70m. There is no proposal for a royalty. If ever there was a royalty, there would be all sorts of issues about distant deposits, low grade deposits, and the like. That is the reality. The mining industry talks about the issue all the time, and I am sure it talks to the member for Eyre about it too.

HOMESWEST - WISE-CHOICE UNITS, KALAMUNDA, CONSTRUCTION DELAY

502. Mr DAY to the Minister for Housing:

I refer to the proposal by Homeswest to construct a number of Wise-Choice units for senior citizens on lot 296, Dixon Road, Kalamunda, and ask -

(1) In view of the fact that the proposal has been in existence since 1993, what is the cause of the delay in the commencement of the project?

(2) When is it anticipated that construction will commence?

Mr KIERATH replied:

(1)-(2) This development has a very complicated history, and I can understand that the member for Darling Range and his constituents want an answer. The interest in this block goes back to the late 1950s when the land was appropriately zoned; and until 1991, development had been limited because of an existing road proposal. In 1993, the Shire of Kalamunda rezoned the land from residential to residential and public open space. Homeswest became interested, and another rezoning was put forward to meet the requirements not only for bushland in the area but also the purchase of some land from the Department of Land Administration. Unfortunately, the proposal was subject to referral under the previous Land (Titles and Traditional Usage) Act gazetted in 1995. Following the High Court decision on the validity of the state Act, it has now been necessary to subject this property to the federal Native Title Act.

There are two claims under that Act and negotiations have been continuing. The Department of Land Administration and Homeswest have commenced negotiations with the claimants and, if agreement cannot be reached by 11 October, the State will need to lodge an application for a future Act determination. This process could mean an extension for a further six months, which at this stage is likely. This highlights the differences and the complexities for all Western Australians in the federal Native Title Act. It is a rather tortuous and drawn out legalistic nightmare that does not serve any party well. The only winners are the lawyers, and that is tragic for all involved. I only hope commonsense prevails and that the property can be used for retirement units. It goes to show that those people who said that native title would not stop people developing retirement homes were completely wrong.

GOLD ROYALTY - PREMIER'S POSITION

503. Ms ANWYL to the Premier:

Yesterday in this place the Premier claimed that the Government was working through its position on a gold royalty. Yet, in *The West Australian* today it is reported that he has virtually ruled out a gold tax, which he admitted would send small producers broke. Given that this latest somersault is causing a great deal of confusion and uncertainty in the goldfields -

(1) Why did the Premier tell Parliament one thing and a journalist another?

(2) Will he for once show some spine and tell this House whether a gold royalty will be imposed if this Government is returned to office at the next election?

Mr COURT replied:

(1)-(2) As the Minister for Resources Development said, the issue is raised with us on a regular basis by the goldmining industry.

Several members interjected.

Mr COURT: Members might be surprised about the way in which it is raised and some of the proposals that are being discussed by the industry. What I said yesterday was correct: I meet the mining industry on a regular basis and we discuss a wide range of issues, and it says we are doing a terrific job in government.

GOLD ROYALTY - PREMIER'S POSITION

504. Ms ANWYL to the Premier:

(1) How does the Premier reconcile his refusal to rule out a gold royalty with his admission in today's *The West Australian* that he accepts the view that small producers and marginal ore deposits will not survive the imposition of a royalty?

(2) Why is the Premier treating the goldfields with such contempt?

(3) Why does he not show some backbone and, like the members sitting on either side of him, declare his position publicly?

Mr COURT replied:

(1)-(3) I repeat: The Government gave a commitment in relation to a gold royalty and it has met that commitment. The member is asking whether I will rule out a gold royalty in the future. I am not ruling out any changes to taxation in the future; and that is a responsible approach to take. The member also referred to the effect that a royalty would have on small producers. This Government would never impose a royalty where it would affect small producers, or in the case of the gold industry, those people with marginal grades of ore. The industry is perfectly safe.

EDUCATION DEPARTMENT - CATHOLIC SCHOOLS, FUNDING

505. Mr BLOFFWITCH to the Minister for Education:

I have received many letters from parents of students attending Catholic schools who are concerned about the growing gap between funding for Catholic schools and government schools. Does the Minister agree with the statement that there is a growing gap?

Mr C.J. BARNETT replied:

I thank the member for some notice of this question. I do not agree with the statement. I make it very clear that this Government fully supports both government and non-government education. However, there are some interesting trends. In the past year enrolments at non-government schools have increased by about 6 per cent and by about 1 per cent in government schools. That has put strains and pressures on non-government schools. I hope that there is more balanced growth in years to come. We provide all sorts of assistance for non-government schools, including Catholic schools, and that assistance includes operating grants. The objective has been to provide grants to non-government schools equivalent to 25 per cent of the cost of educating a child in a government school. The Government's calculation is that it is achieving approximately 24 per cent, but there is still some way to go. The Government will continue to increase funding to non-government schools. The grants amount to approximately $90m. The State Government also provides assistance through low interest loan schemes which are extremely popular. In fact, the Government has increased the funding by a further $5m this year and $25m-worth of loans will be made available. With reference to the balance of funding, I refer members to the state Budget. It clearly indicates that, while total education spending increased by 7 per cent, funding for non-government schools increased by 16 per cent. This Government is redressing what has been an imbalance and it is giving more support to non-government schools than previously.

BHP - DIRECT REDUCED IRON PLANT, PORT HEDLAND

Local Content Level; Crane Contract

506. Mr RIPPER to the Minister for Resources Development:

(1) Is it true that excluding civil works, much less than 50 per cent of Broken Hill Proprietary Co Ltd's investment in the direct reduced iron plant at Port Hedland will flow to Western Australian companies?

(2) Has BHP awarded the heavy lifting contract for the site to the Dutch company Van Seumeren operating out of Singapore?

(3) To facilitate the contract, did Van Seumeren apply for a Federal Government concession on the import duty which would usually apply to the import of cranes required?

(4) Will Dutch crews operate the cranes?

(5) Does not the State Government's feeble local content policy deny this work to Western Australians?

Mr C.J. BARNETT replied:

(1)-(5) I would have appreciated some notice of the question because I would then be in a position to tell the House exactly whether there are Dutch, German or Australian crews operating the cranes. I am afraid I do not carry that information in my head. I cannot recall the exact level of local content involved in the direct reduced iron plant. However, if members consider the local content for that and other projects in this State they will find that generally the level of Australian content is between 65 to 85 per cent and the Western Australian content is between 55 to 75 per cent. Indeed, the level of Australian, and particularly Western Australian, content has increased dramatically. For example, with the port facilities at Point Nelson, Western Australian content was in the order of 95 per cent. The goldfields gas pipeline is running at around 75 per cent Australian content, most of it local. I will provide the member opposite with the information and I hope he will have the honesty to get up in this Parliament and recognise that the level of Australian and state content is far higher.

Mr Ripper: Don't they have to advise you? Wouldn't you have the information in your office?

Mr C.J. BARNETT: Yes, and I would have provided the member with the information today had he given me the courtesy of telling me he wanted detailed information.

Mr Kobelke: You will have time to cook the figures.

Several members interjected.

Withdrawal of Remark

The SPEAKER: Order! That remark is unparliamentary and I call on the member to withdraw his remark.

Mr KOBELKE: Mr Speaker, which words should I withdraw?

Several members interjected.

The SPEAKER: Order! I do not welcome those interjections from my right. It is an imputation of improper motives to talk about a person cooking the books. Everybody in this place knows that cooking the books means fraud. Therefore, I call on the member to withdraw his remark.

Mr KOBELKE: I withdraw the imputation that it is fraud. I was simply stating that he was wishing to put out figures that did not reflect the truth. There has been a decline in local content and everyone knows it.

The SPEAKER: Order! The member has not withdrawn his remark and I ask him to do so without reservation.

Mr KOBELKE: I withdraw.

Questions without Notice Resumed

Mr C.J. BARNETT: I am aware of the details of the contract for the crane associated with the DRI plant because the Department of Resources Development was involved in negotiations. There were specific requirements for the crane, not only for the lifting capacity, but also the amount of foot space it took up and the structure of the crane. Some cranes are of a vertical structure and others include weight mechanisms which take up a lot of space on site. The department looked at this question very carefully with the company and it dealt with local crane operators and importers. I understand BHP sought some sort of concession. The issue was dealt with properly.

Members opposite should be supporting Western Australian industry. The Government recognises that it is a big task. The level of local content is increasing dramatically. The oil and gas industry is faced with a huge challenge. I suggest to members opposite that they look at the work which is taking place in Jervoise Bay. We develop the infrastructure and we have high levels of local content.

Mr Kobelke: You had to argue long and hard to win that. The Deputy Premier won the issue of local content in spite of your opposition.

Mr C.J. BARNETT: The member for Nollamara would be interested to know that the local content proposal put forward by the Deputy Premier and me was supported by both departments and is being implemented with the support of industry, including, most importantly, the project proponents, and that is the difference.

LUPINS - ANTHRACNOSE DISEASE OUTBREAK

506. Mr McNEE to the Minister for Primary Industry:

What action is being taken by his department to control the recent outbreak of anthracnose disease in albus lupins?

Mr HOUSE replied:

This is the first time that Western Australia has had an outbreak of a disease of this magnitude that has the potential to destroy one of the State's primary agricultural crops. It is serious to the extent that not only could it cost growers in Western Australia, and therefore the State, millions of dollars, but also it has the potential, because lupins are such an important part of the agronomic cycle, to affect landcare and incomes of farmers for a long time to come. Currently there are 37 identified properties. A number of farmers have been ordered to destroy the crops on those properties. That has been done in full consultation with the Western Australian Farmers Federation and the Pastoralists and Graziers Association. There is some broad agreement in industry for a compensation fund funded by industry on a voluntary basis. We expect that more properties will be affected over the next few weeks. There is a great deal of cooperation between farmer bodies, the farmers affected and Agriculture Western Australia. I compliment the people working for Agriculture Western Australia who have done a fantastic job to help get on top of the problem. We are currently discussing how that compensation will be paid - whether it will be paid on an acreage basis or a yield basis. I intend bringing to this House as soon as possible amendments to the skeleton weed legislation which will enable us to trigger a compensation fund in the future. That has been done with the full agreement of industry and I am sure it will get the full support of this House at the appropriate time.

HOSPITALS - JOONDALUP

Emergency Services, Treatment Problems

507. Dr GALLOP to the Minister for Health:

I refer the Minister to his newly privatised Joondalup hospital and the promise of 24 hour accident and emergency services and ask -

(1) Is it acceptable for the residents from the northern suburbs presenting at Joondalup's accident and emergency centre to be ignored for two and a half hours and then be shunted off to a private medical practice?

(2) Is this not a good case study of privatisation in action?

Mr Leahy: No and yes.

Mr PRINCE replied:

(1)-(2) To the contrary, I would be interested to know when this happened.

Mr Leahy: We will look into it and do nothing about it!

Mr PRINCE: I will have it investigated. Under the contract for services to be provided out of the new Joondalup hospital, which is in the process of being built, terms and conditions require the highest quality service, particularly

from the emergency services as well as every other part of the hospital. If there is a breach, the contract may well be terminated or other action may be taken. I would like to know the chapter and verse of what the Deputy Leader of the Opposition is talking about before I take it further.

HOSPITALS - JOONDALUP

Emergency Services, Treatment Problems

508. Dr GALLOP to the Minister for Health:

A supplementary question. I refer to the case of Mr Harold Shaw, a resident of Quinns Rock, who was forced to wait two and a half hours for treatment at Joondalup hospital and was then sent to a private doctor's practice but who went home that evening without being examined. While he was at the hospital, two other patients who presented themselves for treatment were shunted off also, one in extreme pain and the other with a psychiatric disorder. All of this happened on Wednesday, 4 September this year. The Opposition said at the time the legislation was dealt with that the Government was creating a two-tiered health system, one for the Minister's friends, the rich, and the other for ordinary working people in this State. When will the Minister get on top of what is happening in our health system and make sure that public money is spent equally and fairly among all the citizens of this State?

Mr PRINCE replied:

It is spent equally and fairly. In fact, the only imbalance is between the metropolitan area and the country.

Dr Gallop: You are out of touch.

Mr PRINCE: There is a movement of funds out of the metropolitan area to the country to correct the imbalance. It is a matter of only $6m, but it is helping. I thank the member for bringing those instances to my attention. The terms of the contract for services to be provided in that hospital are very strict as to standard. There is no negotiation on standard and quality. I will have what the Deputy Leader of the Opposition has told me investigated fully if he will be so good as to give me the details.

Dr Gallop: You will get a case a day until you do something about this health system and you go back to your Government and get an injection of funds for the people of Western Australia.

Mr PRINCE: If the Deputy Leader of the Opposition presents a case a day, I will have every one of them investigated. However, the Deputy Leader of the Opposition has brought up one case in respect of Royal Perth Hospital. There were 70 000 admissions to Royal Perth Hospital last year. I am sure that the Deputy Leader of the Opposition does not know about every one of those admissions. There were 18 000 surgical operations carried out at Royal Perth Hospital last year, and I am sure the Deputy Leader of the Opposition does not know about every one of them. The Deputy Leader of the Opposition came up with one instance, which is being investigated. I will not pressure Royal Perth Hospital to provide the answer today, because it is dealing with a problem at the rehabilitation hospital at Shenton Park. As soon as I receive the answer I will provide it to the Deputy Leader of the Opposition. Please, by all means, present me with a case a day. It is a human system run by human beings who do their best.

Dr Gallop: You are the Minister.

Mr PRINCE: I am responsible politically for what they do. No doubt errors will occur from time to time because it is a human system. I will investigate those cases and make the findings public. I do not have any problem with that at all.

LOCAL GOVERNMENT - PLANNING APPROVALS, COMPLAINTS

509. Mr BLAIKIE to the Minister for Planning:

(1) What is the Government's policy on local government requiring contributions from development proponents in order to receive local government planning approval?

(2) Is the Minister aware of this, and does he propose any action to address my concerns?

Mr LEWIS replied:

(1)-(2) It is true that a substantial number of complaints have been received from people about some of the activities of a minority of local authorities in dealing with planning approvals. I had a constructive meeting on Monday evening with the Western Australian Municipal Association. We decided that WAMA will incorporate a peer group of professionals including local government, legal representatives and a representative from my office to counsel these local authorities who have not been doing the right thing. Other actions will be taken by WAMA and me to ensure these improper practices do not continue.

TRAVEL - PREMIER

Esperance Trip

510. Mr GRILL to the Premier:

(1) Did the Premier fly to Esperance at short notice to attend a two hour Liberal Party crisis meeting on Monday last week?

(2) Did he use a taxpayer-paid chartered aircraft or commercial aircraft to attend the meeting?

(3) Who accompanied him and what was the nature of the meeting?

Mr COURT replied:

(1)-(3) I am glad the member for Eyre reads the newspaper. I did go to Esperance last Monday. I was accompanied by another member of Parliament, Hon Murray Nixon, and Jeremy Buxton, a ministerial officer.

I attended a number of meetings in Esperance. I attended a Liberal Party committee meeting, and at other meetings discussions were held on the local electricity issue, of which I am sure the member is aware, and the drought relief being requested for that area. Final approval for that was given the following day. The other area of discussion was the firearms legislation.

Dr Watson: Where is the firearms legislation?

Mr COURT: We hope to introduce the firearms legislation into the Parliament next week.

TRAVEL - PREMIER

Esperance Trip

511. Mr GRILL to the Premier:

(1) How does the Premier justify the use of taxpayers' money to attend a Liberal Party crisis meeting when, during the same week, he refused to attend another crisis meeting organised by the Esperance Chamber of Commerce over Western Power's new regional pricing policy?

(2) Is the Premier aware that the local business community has launched a scathing attack on his wrong priorities?

(3) How does the Premier account to the people of Esperance for putting petty coalition infighting ahead of the welfare and wellbeing of their community?

Mr COURT replied:

(1)-(3) I did not attend a crisis meeting of the Liberal Party. I was not invited to the meeting of the Chamber of Commerce in Esperance on Wednesday. The Minister handling that issue has met the people involved a couple of times. The Government has arrived at a proper resolution to that particular power issue.

Several members interjected.

Mr COURT: The long time prospects for Esperance becoming part of the electricity grid are much higher under this Government than they were under the previous Government.

Mr Leahy: We had uniform tariffs.

Mr COURT: In case the member for Northern Rivers has not been informed, he should know that the uniform tariff policy is still the policy in this State.