



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1998

LEGISLATIVE ASSEMBLY

Wednesday, 8 April 1998

Legislative Assembly

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

ACTS AMENDMENT (ABORTION) BILL

Ruling by the Speaker

THE SPEAKER (Mr Strickland): I have been asked whether the Acts Amendment (Abortion) Bill infringes Standing Order 178 by putting to the House a question which is the same in substance as that dealt with in the Criminal Code Amendment Bill, which was passed by this House on Thursday, 2 April. Standing Order 178 is as follows -

No question shall be proposed which is the same in substance as any question which, during the same session, has been resolved in the affirmative or negative.

Under this standing order, the Speaker makes a judgment on two similar motions or two similar Bills to determine whether they are the same in substance. Both the Criminal Code Amendment Bill and the Acts Amendment (Abortion) Bill deal with the law relating to abortion. They both have provisions amending the Criminal Code and the Health Act 1911.

On the Criminal Code Amendment Bill both in the House and in Committee a very wide debate was conducted with members canvassing a great range of matters to do with abortion. It is highly likely that many of those issues would be debated again if the Acts Amendment (Abortion) Bill were to proceed. However, that does not mean that the Bills are the same in substance. Erskine May's *Parliamentary Practice*, twenty-first edition at pages 468 to 470, notes that a Bill cannot be proceeded with if it has substantially the same provisions as another Bill in the same session which has either been given or refused a second reading. Some United Kingdom examples in the volume show that the Speaker looks to the objects of the Bills and not just their terms to determine whether the second Bill is in order.

In the Australian House of Representatives, the relevant standing order gives the Speaker a discretion on invoking the same question rule and *House of Representatives Practice*, third edition at page 307, notes that the rule has been rarely invoked. *Senate Practice*, eighth edition at page 197, notes that the Senate has virtually eliminated the rule -

This rule, known as the same question rule, is seldom applied, because it seldom occurs that a motion is the same as a motion moved previously. Even if the terms of a motion are the same as one previously determined, the motion almost invariably has a different effect because of changed circumstances and therefore it is not the same motion. There may also be different grounds for moving the motion.

McGee's *Parliamentary Practice in New Zealand*, second edition at page 185, notes -

However, this particular rule has suffered some attenuation so that a technical view is taken of its province, and members, with some care, are often able to avoid its effects.

I do not suggest that this House has adopted as narrow an interpretation as the Senate, but I have referred to practice elsewhere to point out that the rule has been applied in other jurisdictions with caution, and there has been much greater tolerance of potentially repetitive issues than was the case in the past. The same is true in this House, and there have been several occasions in the past 10 years - for example, the lead up to the calling of the Royal Commission into Commercial Activities of Government and Other Matters - when very similar motions have been considered by this House in the same session.

To an extent, this review of the application of the same question rule is not necessary, because although the two Bills have markedly similar objectives, I have looked at the approach of the Bills and their effect and consider that they are not the same in substance. Even if this House had not been more tolerant in recent years, I would have come to the same conclusion.

In an extremely busy period for the Standing Orders and Procedure Committee, as part of its work it is undertaking a thorough review and rewording of all the standing orders. It will soon have the opportunity to consider Standing Order 178 and whether its application in the House should remain or be varied. If members have a view on the matter generally, it would be opportune to mention it to a member of that committee.

HANSARD

Quotations in Members' Speeches

THE SPEAKER (Mr Strickland): I remind members that when they quote from documents of any sort, the Hansard

staff are required to check the accuracy of the quotation. Therefore, it is essential that members supply to Hansard staff a copy of the quoted material, as the staff are responsible for ensuring that the material is accurately published in *Hansard*. Members will shortly receive a letter from me on the matter explaining the issue in more detail and I will be grateful for members' cooperation in that regard.

BILLS (2) - APPROPRIATIONS

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

1. Transport Co-ordination Amendment Bill.
2. Western Australian Treasury Corporation Amendment Bill.

SHEPPERTON ROAD TRAFFIC SIGNALS

Petition

Dr Gallop (Leader of the Opposition) presented the following petition bearing the signatures of 44 persons -

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 on the State Government to provide a right turn signal for traffic exiting Shepperton Road into Mint Street, East Victoria Park.

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

[See petition No 178.]

POTATO ACT

Petition

Dr Gallop (Leader of the Opposition) presented the following petition bearing the signatures of 30 persons -

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

We the undersigned people of Western Australia petition to have the potato Act repealed to enable all growers and associated industries to compete in a free market, for the benefit of the potato industry and that of the Western Australia community generally.

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

[See petition No 179.]

ABORTION LAW

Petition

Mr Barron-Sullivan presented the following petition bearing the signatures of 90 persons -

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

We, the undersigned,

are dismayed that some members of the Parliament of this State are contemplating further liberalisation of abortion laws in Western Australia;

are vigorously opposed to abortion;

affirm the paramount right of the conceived, yet-to-be-born human being to be born and thereafter enjoy the love and nurture of parents/family/friends and an eternal life with God;

believe the morality of a society can be measured by the degree it protects the rights of those that

do not have the ability to protect their own rights such as the unborn and some of the aged and handicapped. Abortion totally ignores and overrides the rights of the unborn;

acknowledge that an unplanned pregnancy does often occasion deep personal distress/trauma and financial difficulty for the family members involved, particularly the mother and/or father of the unborn child;

commit ourselves to assisting the Roman Catholic Church to fulfil its sacred obligation to provide assistance and support to the unborn and any person experiencing distress on account of an unplanned pregnancy.

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

[See petition No 180.]

SHOALWATER MARINE PARK

Petition

Mr McGowan presented the following petition bearing the signatures of 10 persons -

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

We the undersigned, would like to strongly protest against the petroleum exploration permit granted for area W96-22 near the Shoalwater Marine Park. We are very concerned at the impact on the Shoalwater Marine Park of surveying and in particular seismic surveying which involves the use of explosive charges to create loud noises within the sea.

We wish to object at the issuing of the permit and seek assurances from the Government that petroleum extraction will not be allowed to occur near or in the Shoalwater Marine Park.

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

[See petition No 181.]

WESFI FACTORY SITE

Petition

Dr Gallop (Leader of the Opposition) presented the following petition bearing the signatures of 90 persons -

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

We the undersigned petitioners condemn the Minister for Planning for ignoring the wishes of the local community and Town of Victoria in relation to the zoning of the Wesfi factory site and call on the State Government to review and reconsider his decision.

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

[See petition No 182.]

VISIT TO JAPAN

Statement by Premier

MR COURT (Nedlands - Premier) [11.16 am]: I recently returned from a four day visit to Japan, which involved negotiations with major trading and investment companies in Tokyo and, on the weekend, the dedication of a memorial park commemorating the tragic loss of life in the 1995 Kobe earthquake. In addition, along with Minister Foss, I attended the official opening of the world's largest suspension bridge linking Kobe and Awaji Island which is in Western Australia's sister State, the Hyogo Prefecture.

The Japanese economy is of crucial significance to Western Australia, as Japan is by far this State's largest export

market. The Japanese economy itself is an international giant with a gross domestic product that is second only to that of the United States, and greater than those of the rest of the Asian region, including China. The Japanese economy has been relatively stagnant for some years, and there is growing concern that some sectors of the economy, particularly the finance sector, have been slow to reform. The Japanese Government is under pressure to deliver significant tax cuts, in addition to more radical reforms that open many industries to more competitive pressures. Recent initiatives to deregulate the foreign exchange markets are an example of this.

The companies with which we met were well aware of the problems but, at the same time, there were encouraging signs that Western Australia's longstanding trade relationship with Japan will limit the impact of the economic downturn currently being experienced by this State's largest export market. My meetings in Tokyo reinforced that Western Australia is regarded as a very competitive and reliable supplier of materials, such as iron ore, to the Japanese market. In fact, Western Australia now accounts for more than half of Japan's total iron ore imports. Western Australia's reputation is such that I received a strong message that, as far as possible, this State will be cushioned from the flat period currently being experienced by the Japanese steel industry. Japanese steel makers are going through a difficult time at the moment, with current production forecasts at the lowest level for 25 years. However, there is a willingness among producers to ensure that Western Australia will be the last supplier affected by the downturn because it is seen as the most reliable and cost effective supplier.

My meetings with the trading companies also indicated strong interest in investing in downstream processing opportunities in Western Australia. The clear indication is that the Japanese are considering investment in value-adding projects in WA, primarily to supply growth markets outside Japan. During the meetings I stressed that the State Government is committed to attracting more downstream processing to the State, especially as an increased number of opportunities have resulted from the deregulation of the energy market and vastly increased reserves, which have led to very competitive energy costs.

Energy growth projections for Western Australian liquefied natural gas into Japan were not optimistic, in particular the two additional LNG trains producing 7 million tonnes a year as part of the North West Shelf expansion, but it was stressed that this could be revised with coal and nuclear power falling out of favour in preference to LNG.

In short, my visit has underlined the fact that, although there has rightly been a strong focus in recent times upon the effect of the Asian currency crisis on this State's trading partners, such as Japan, the Government must look past these short term conditions and encourage the Japanese to not only renew existing export contracts, but also invest in new opportunities. Also, new markets must be identified in Japan.

While there was a strong economic focus to my trip, I am honoured to have been able to participate in the handover of the memorial park developed by the Australia-Japan Society to commemorate the tragic loss of life in WA's sister State, the Hyogo Prefecture, during the devastating earthquake that struck Japan in 1995. It was a moving ceremony, and the Japanese were extremely appreciative of Western Australia's involvement in the park. The sculpture of five swans represented the qualities shown by the people of the region following the earthquake - courage, tenacity, tolerance, perseverance and cooperation.

As I said previously, we also attended the opening of the Akashi Kaiyo bridge linking Kobe and Awaji Island. It is almost four kilometres long, and I am pleased to say that a big part of this all steel bridge comes from Western Australia.

DAMPIER TO BUNBURY PIPELINE ACT

Statement by Minister for Energy

MR BARNETT (Cottesloe - Minister for Energy) [11.20 am]: In accordance with section 6(4) of the Dampier to Bunbury Gas Pipeline Act 1997, I am required to table a copy of a direction given to AlintaGas entitled "Gas Pipeline Sale Process Direction 1998, No 2". The direction given on 20 March 1998, under section 6(2) of the Act, supersedes the Gas Pipeline Sale Process Direction 1998 given on 6 January 1998 and provides as an attachment to the direction the latest terms of reference for the Gas Pipeline Sale Steering Committee dated 1 March 1998.

The purpose of the new direction was to update arrangements between the corporation and the committee and to include, as provided for in section 6(3) of the Act, that the corporation is to act only in accordance with any recommendation or instruction in writing by the committee in matters related to the sale of the pipeline through to completion of the sale of the pipeline and during the warranty period.

I table the ministerial direction entitled "Gas Pipeline Sale Process Direction 1998, No 2".

[See paper No 1318.]

BILLS (2) - INTRODUCTION AND FIRST READING

1. Western Australian Treasury Corporation Amendment Bill.

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

2. Transport Co-ordination Amendment Bill.

Bill introduced, on motion by Mr Omodei (Minister for Local Government), and read a first time.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

Leave to Sit when House is Sitting on Thursday, 9 April

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

That leave be given for the Public Accounts and Expenditure Review Committee to meet when the House is sitting on Thursday, 9 April.

LIQUOR LICENSING AMENDMENT BILL

Report

Report adopted.

Third Reading

Bill read a third time, on motion by Mr Cowan (Deputy Premier), and transmitted to the Council.

CHARITABLE TRUSTS AMENDMENT BILL

Second Reading

Resumed from 17 March.

MR MCGINTY (Fremantle) [11.25 am]: This is a worthwhile Bill that is supported by both sides of the House. In his second reading speech the Minister traced the background to the operation of charitable trusts and the way in which the Supreme Court has power to vary the purposes of the trusts. He drew attention to four particular difficulties that have arisen over the years, such as when trusts have sometimes lost the purpose for which they were created or when the amount of money is insufficient to maintain that purpose, and problems in the way applications to vary the terms of the charitable trusts are made to the Supreme Court.

In essence these amendments seek to facilitate the operation of charitable trusts by providing four changes in the way they operate. The first of these relates to an alternative approval procedure for schemes. Where a charitable trust has operated and wishes to alter the purposes or the mode of administration of the trust, under current law the trustees are required to make an application to the Supreme Court to vary the trust. That is an expensive system involving considerable costs borne in all cases by the trust itself. This is often a great impost on a smaller trust, with the legal expenses being taken out of the capital of the trust. This legislation is designed to follow the law in New South Wales, Victoria and Tasmania and to place the State Attorney General in the same position as the Supreme Court, and to enable the trustees of a charitable trust to apply to the Attorney General for a variation in the trust.

It is intended under this legislation that a trust with property value less than \$50 000, or an annual income of less than \$10 000 - in other words a small charitable trust - will be able to make an application to the Attorney General rather than to the Supreme Court, and in that way avoid the excessive costs involved with an application to that court. That seems to be an eminently sensible way to proceed. The Attorney General will stand in the same position as the Supreme Court and will act as the custodian of the public interest in determining that matter by a more expeditious and less expensive route. The end result will be exactly the same but it is a means of facilitating the operation of smaller charitable trusts. To the extent that the amendments achieve that, we happily support them.

The second aim of the legislation is to provide in the case of small charitable trusts another provision in which they might better achieve their charitable ends. Existing provisions of the law on charitable trusts provide that where the property or income of a charitable trust is inadequate to carry out the purpose of the trust, the trustees may apply for approval to have the property or income disposed of for some other charitable purpose or a combination of such purposes. However, it is the case, as has been pointed out by the Minister in the second reading speech, that where the property or the income of a charitable trust is very small, it may be more expedient to expend both the income and the capital of the trust to achieve that charitable purpose and by that mechanism effectively wind up the trust by leaving it with no property, rather than to require the residual property to be applied to another charitable purpose.

With the passage of time, I can see that may be an appropriate way to proceed in some cases. That is a matter for the trustees to determine. This provision would apply only where the value of the trust property in the case of a small charitable trust is less than \$50 000. The amendments provide for the trust property or the income to be applied to a charitable purpose. In that way it would wind up the trust, and terminate it. That has the support of the Opposition.

The other two matters this legislation deals with are essentially of a procedural nature. The legislation which we are seeking to amend today makes provision for the trustees of two charitable trusts to combine those trusts where the objectives they seek are similar; in other words, when their purposes are similar. This legislation seeks to enable trustees to combine their schemes, if that is thought to be a better way to achieve the charitable purposes which are the objects of the charitable trusts in question. This provision is somewhat different from the earlier one.

The first two provisions I spoke about cover small charitable trusts making an application to the Attorney General, rather than to the Supreme Court, to ascertain the ways in which those trusts can be terminated. The provision relating to the combining of the respective trusts' funds, where that can better achieve the common charitable purposes, is intended to apply to large and small charitable trusts and will not be limited to those that have a small amount of property or income. Whether the combination of the two trusts' property will require the approval of the Supreme Court or the Attorney General will be regulated by the provisions to which I have already referred. The property of small trusts could be combined by an application to, and approval of, the Attorney General; whereas with a charitable trust that has property in excess of \$50 000 an application to combine the schemes must still be made to the Supreme Court. It is intended to increase by regulation from time to time the amounts which in the legislation are regarded as the cut-off point between a small charitable trust and other charitable trusts. That amount, currently set at \$50 000 for property, will be increased over time in the regulations, and that is appropriate. These machinery aspects need not occupy an inordinate amount of the time of the Parliament.

The final procedural change envisaged by this legislation is to enable trustees of a number of trusts with a common element to make a single application for approval of their respective schemes. That will be administratively convenient where the application seeks to achieve the same objective. It will also minimise costs if it goes before the Supreme Court. If this legislation is passed, an application from charitable trusts to the Attorney General will involve a minimum amount of time and money. The combined schemes and the joint applications seem to us to be administratively appropriate. No issues arise out of those two changes.

We should do all we can to provide mechanisms which will ease the administration of charitable trusts, which do such good work in the community, and assist them to achieve more efficient management of their trusts, in a very practical, commonsense way. It appears to me that the terms of the legislation are practical and based on commonsense and should earn the support of members on both sides of the House.

MR McGOWAN (Rockingham) [11.35 am]: I also put on the record the Opposition's support of the Bill. I intend to make a few brief remarks on this legislation because it has bipartisan support across the Chamber. It is somewhat surprising that I find myself speaking on this matter. When I finished studying trusts a little over 10 years ago I vowed I would never again in my life have anything to do with them. It is a very boring subject and involves a great deal of common law handed down in the United Kingdom, which takes a great deal of understanding and time to come to grips with.

Having said that, the subject of trusts is one I have been considering to a large degree of late because of the misuse of trusts in the taxation system and the system of declarations by people in public office in relation to the assets and interests they hold. I will expand on that later. The purposes of this Bill are sound. It is designed to allow the office of the Attorney General to have a role in the administration of trusts, particularly where a charitable trust has a small amount of money and its aims and objectives are no longer relevant to the day at hand. A disposition by a trustee or a will is normally subject to the rule against perpetuities. It sets out that a disposition, either by trust or will, has a life span. That life span is known as a life in being, plus 21 years.

The exception to that rule relates to charitable trusts. They can endure for a very long time. As the Minister set out in the second reading speech, that can often lead to problems because trusts set up last century may well have been established for the benefit of orphanages or organisations which were around at that time, but which are no longer relevant in the 1990s and, shortly, in the next millennium. There is a need for the aims and objectives of charitable trusts to be amended. That role was assumed by the Supreme Court where applications could be made to amend the aims and objectives of a charitable trust. The big problem was that the cost of undertaking such an application to the Supreme Court had to be met by the trust.

Trusts were set up by somebody's will to look after a charity. Many people set up trusts to look after animals with dog havens, cat havens or things of that nature. They may well not have had very much money set aside in the trust; as such, we would not want that money to be unnecessarily expended on court proceedings, as seems to be the case increasingly in a whole range of areas, not only charitable trusts. This scheme is particularly good. It enables the

Attorney General's office to become involved in certain trusts where the property is valued at less than \$50 000 or a prescribed amount, which I presume will change as time goes by.

Mr Prince: Yes, that would certainly be the intention. The sum of \$50 000 would probably lift from time to time.

Mr McGOWAN: The sum of \$50 000 would not get anybody very far in the Supreme Court. It is a good idea that money is not wasted unnecessarily on lawyers and court costs to the detriment of a trust.

Mr Prince: We only waste it when it is necessary, as one lawyer to another.

Mr McGOWAN: Some people think it is more necessary than others. It is important we do not waste money on lawyers and on the Supreme Court. For that reason I am supportive of the scheme. It should make a difference for charities which are the beneficiaries of trusts.

My only other point is that as we are dealing with trusts, in the area of family trusts there are some abuses of the taxation laws of this nation. It is high time that when we talk about tax reform we talk about the misuse of family trusts in order to devolve income throughout a range of family members and therefore reduce the taxation liability of those who generally should be paying a higher amount of tax. When we talk about tax reform we should not be talking about greater levels of tax imposed across a greater range of people, normally those people least able to afford it. We should be talking about cracking down on those mechanisms by which the most affluent people in our society escape paying their fair share of taxation revenue to this nation. The family trust arrangements that are in use under current commonwealth laws should be a prime target, if we are to talk about tax reform. The Federal Labor Opposition will be doing exactly that if it is elected in July, as most probably it will be.

Mr Prince: That has nothing to do with charitable trusts at all.

Mr Baker: Exactly, and what about other bases of tax reforms?

Mr McGOWAN: The Minister may make a point of order. I simply thought that the point should be made. We do not often get an opportunity to discuss trusts in this House. I have not had a great opportunity to prepare for this address, but I thought the point should be made. I thought it would be particularly relevant to the Minister.

Mr Prince: Oh, really!

Mr McGOWAN: We need to deal with family trusts.

Several members interjected.

The SPEAKER: Order, members!

Mr McGOWAN: Family trusts will be an ongoing issue when the federal election campaign starts, probably in June of this year. This is a decent Bill and we support it.

MR PRINCE (Albany - Minister for Health) [11.44 am]: I thank both members of the Opposition who have spoken for their support. I should just correct a slight misunderstanding which inadvertently occurred between myself and the member for Rockingham. The value of property at \$50 000 and income of less than \$10 000 is in the Bill in proposed section 10A. If this Bill passes, it will be in the Statute and, therefore, not able to be changed by regulation. However, I stand by my remarks by way of interjection; it would be intended that those limits be raised from time to time.

Mr McGowan: By Act?

Mr PRINCE: Yes.

Mr McGowan: The second reading speech referred to "where the value of the trust property is less than \$50 000 or a prescribed amount". That is set out on the second page of the second reading speech.

Mr PRINCE: I am looking at the clause notes. On page 6 of the Bill clause 9 seeks the insertion of proposed section 10A. Proposed subsection (1)(a) refers to an asset value of \$50 000 and proposed subsection (1)(b) to an income of \$10 000. I have made the point that that is intended to be in the Statute. That means that when there is the requirement to lift that amount, it will require a small amendment Bill. I would not anticipate any great problem with that. In similar Acts limits are specified in the Acts rather than the regulations. The Administration Act, which deals with the administration of deceased estates, comes to mind. It deals with how much can be distributed to a surviving spouse and/or children and in what proportions. The way in which the asset is divided up depends upon the value of the estate. That is contained in the Act and is changed by a small amendment Act from time to time. I emphasise the point that it is in the legislation rather than in the regulation making power. I apologise for that slight misunderstanding.

Mr McGowan: Why not do it by regulation?

Mr PRINCE: It would not be done by regulation because it is such an important matter. One would have to create a special regulation making power. If one put it in the Act and there were a necessity to change it, then one could introduce an amending Bill. That surely is not the sort of issue that would take up much time of the Parliament. It can be readily dealt with and publicly known. I thank members for their support of this Bill.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate and passed.

GUARDIANSHIP AND ADMINISTRATION AMENDMENT BILL

Second Reading

Resumed from 17 March.

MR McGINTY (Fremantle) [11.49 am]: This is an earth shattering Bill!

Mr Prince: Will we be here all day?

Mr McGINTY: I wish we could be, but unfortunately not. This is essentially a one line Bill to overcome a perception of what might be a problem with the internal administration of the Guardianship and Administration Board. As the Minister briefly pointed out in his second reading speech, the perception exists that a problem could arise if a registrar of the Supreme Court concurrently held the position of President of the Guardianship and Administration Board. That was never intended to be a problem. The Bill seeks to place beyond any doubt that the two positions can be held concurrently. Therefore, if a registrar of the Supreme Court were appointed President of the Guardianship and Administration Board, the suggestion - I understand it is rated no higher than that - that person could not continue as a registrar of the Supreme Court is not valid. That seems to be the beginning and end of this Bill; as such, there is nothing really that can be said about it.

MR PRINCE (Albany - Minister for Health) [11.50 am]: I am obliged to the member for Fremantle for his brevity.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate and passed.

REAL ESTATE AND BUSINESS AGENTS AMENDMENT BILL

Second Reading

Resumed from 25 November 1997.

MR McGINTY (Fremantle) [11.51 am]: Should I stand up and embarrass myself or can I ask for a brief, one minute -

The SPEAKER: I take it the member for Fremantle is not the lead speaker?

Mr McGINTY: No. The member for Armadale will be the lead speaker on behalf of the Opposition; therefore, I will not seek to occupy the position normally occupied by the lead speaker on this matter.

MR McGOWAN (Rockingham) [11.52 am]: This is a very important issue. The member for Alfred Cove, the Minister for Fair Trading, is in charge of this Bill, so I am convinced that something is wrong with it!

Mr House: As a new member you may not be aware that a famous speech has been made to this Parliament a number of times called a speech for all occasions. You should get a copy of it, because it has been read into *Hansard* a few times on occasions such as this.

Mr McGOWAN: Who invented that speech?

Mr House: I think it was written by John Roberts, who at the time, some 30 years ago, was the Clerk of the Legislative Council. It waffles on for about 20 minutes and does not say anything. I am sure you will not do that. I am looking forward to your contribution.

Mr McGOWAN: It will be a fairly standard speech. I would hate to repeat what my colleague the member for Fremantle has said on this Bill, but his contribution was so impressive that it would be difficult to emulate.

I am convinced that the member for Alfred Cove is up to no good with this Bill. I understand that he was formerly a real estate agent, so he has some considerable interest in this matter. Is that correct?

Mr Shave: Yes, for about two weeks in the middle of a depression; and I should add that it was when the Labor Party was in government.

Mr McGOWAN: Yesterday the Minister was dealing with the Liquor Licensing Amendment Bill when he used to be a publican, and today he is dealing with the Real Estate and Business Agents Amendment Bill when he used to be a real estate agent. I am convinced something fishy is going on! Something is rotten in the State of Western Australia!

Mr Wiese: Do you realise it is unusual to have someone who knows about a particular industry speak to it?

The SPEAKER: Order!

Mr McGOWAN: The member for Wagin has waded into this debate, I feel in a totally unjustified way. He is normally a calm and reasoned fellow, but he has waded into this debate with a cutting remark that I do not think is necessary.

I know that the member for Armadale is an expert on this Bill and is champing at the bit to have her say about this matter. That indicates to me that the way Bills are managed in this place gives members little opportunity to examine Bills before they come on for debate. I recently visited the Federal Parliament. All members of that Parliament have a number of research officers in their office, and they have a great deal of time to examine Bills to ensure that they receive proper scrutiny. I understand it has been a fact during the term of a number of Governments in this State, not just the present Government, that Bills come into this place and are scheduled for debate with very little notice to members.

Mr Barnett: This Bill has been on the Notice Paper for some time, and the Opposition was advised in writing on Monday that the Bill would be debated today.

Mr McGOWAN: On Monday? Today is Wednesday.

Mr Barnett: You are very good on the calendar.

Mr McGOWAN: This morning's *The West Australian* indicates that perhaps six major issues are under way in this State at the moment, and we all need to keep abreast of those issues. I am sure the Leader of the House is aware of that. The member for Armadale has a particular interest in the issue at Fremantle wharf.

Mr Barnett: You would notice also if you looked at the Notice Paper that this Bill was second read by the Minister on 25 November 1997. That has given you a bit of notice to prepare yourself; and when it is confirmed on Monday that it will be debated today, we expect you to be able to do that. It is not up to the Government to do the job of the Opposition, difficult as you seem to find it.

Mr McGOWAN: Echoes of the member for Wagin! It seems to me, as someone who is new to this place, that members are given far too little time to prepare to debate these important issues.

Mr Barnett: Is four months too tight for you?

Mr McGOWAN: We know the Bills have come in, but we do not look at them until it becomes apparent that they will be debated -

Mr Barnett: You should be up with them.

Mr McGOWAN: Is that what the Leader of the House did when in opposition?

Mr Barnett: We did. We worked far harder in opposition. That is why we got into government.

Ms MacTiernan: After 10 years! We will be in government after eight.

The SPEAKER: Order! I remind the member for Rockingham that we are debating the second reading of this Bill, and it would be pertinent and relevant if he stuck to what is in the Bill.

Mr McGOWAN: This Government is proposing to deregulate real estate agents' fees. It has been considering that matter for a long time. That seems to me to reflect a range of things that are occurring across our nation and that have been forced on us by the National Competition and Consumer Council. This Government is considering the removal of a set range of fees for real estate agents. In my view, this will be a mistake.

It has been the case across Australia when set fees have been removed in areas such as real estate that fees have increased, on average. It is a mantra often chanted by members of the Government that that will expand the choice and people can negotiate what real estate agents' fees they want to pay when they sell their house or business. However, inequality often arises in bargaining power between vendors and agents because real estate agents are

experts and are used to buying and selling property. They know the tricks involved in selling property and clinching a deal to receive a vendor's business.

To remove the fees laid down under the current legislation would be a mistake. We are increasingly moving to a system which removes protections for ordinary people. I know the member for Geraldton would agree, as he normally speaks his mind on these issues. For real estate agents to exercise their superior position in the marketplace unfettered by the constraints imposed by a reasonably benevolent Government would not be in the interests of Western Australian consumers; namely, the many hundreds of thousands of people who buy and sell property.

Mr Bloffwitch: You're wrong. The existing fixed position is a cartel and never involved any discounting of fees.

Mr McGOWAN: None will result from this change either.

Mr Bloffwitch: I believe it will. Experience in other States where deregulation has occurred is that it is common for people to approach a real estate agent and say, "What's your fee for selling?" Currently, it is a standard from which they will not move. In many States consumers receive a reduced price.

Ms MacTiernan: The current fee is a maximum, not a minimum.

Mr McGOWAN: The member for Geraldton is a wily customer. He would probably get around his real estate agent and bargain down fees. Nevertheless, nine out of 10 people do not have the brazenness of the member for Geraldton and could not bargain down fees. As the member for Armadale said, the current fees are a maximum which can apply in the market. Nothing will stop real estate agents charging increased fees under this change. A set fee for lawyers enables people to know what they will pay for photocopying, lodging a writ or a day in court. Under a deregulated system, people may be presented with a lengthy contract which sets out many requirements, percentages and increases depending on the length of time taken to sell the property, the efforts of the agent and other such matters. Therefore, people will be required to sign something with which they are not familiar.

I have nothing against real estate agents, except for the Minister for Lands! However, agents have particular skills which they use to talk people into making decisions. I have a case in point in relation to a family matter which illustrates that agents often mislead people and obtain things for themselves.

Mr Bloffwitch: Are you aware that the industry fought the deregulation?

Ms MacTiernan: Hold on; you're out of date!

Mr Bloffwitch: I talk to my people in my electorate and they are disgusted that we will take this nice little arrangement away from them.

Mr McGOWAN: The evidence from other States is that fees for real estate services increase when deregulation occurs. This creeping menace of the removal of protection for ordinary people across this nation is un-Australian. Competition reforms are heading into many unintended areas. The original intention of competition reform was to free up the electricity market on the east coast of Australia, but as Western Australia is so far away, that intent did not apply to us. The idea was to abolish their State basis and set up a national grid. However, competition reforms are heading into many other areas. For instance, I travel around Western Australia and speak to many local councils. Garbage collectors, people working in parks and gardens and those in some administrative areas of drafting are terrified of losing their jobs as a result of competition reform. What are we breeding here? Those who are least able to afford to defend themselves or maintain their positions in our society are under increased threat from competition reforms. That is un-Australian and is in conflict with our history.

Mr Bloffwitch: Do you believe that ratepayers should pay more for a service to entrench the council work force? I do not think so.

Mr McGOWAN: I am interested to hear the member's comment.

Mr Bloffwitch: We all must be competitive.

Mr McGOWAN: The council in the member's electorate is strongly opposed to reform. Competition was introduced in a range of areas throughout the 1980s and 1990s, in the airlines, banks, and other financial services, and the whole ethos in Australia became more competitive. However, things go too far when splits occur within a local authority, and two garbage men on the same plant compete to retain a job. Also, the savings involved are negligible. Ultimately, the council sells off the dump truck and loses the employees, and it becomes too hard to restart the operation as the expertise and capital are lost. When contractors increase prices, or the service is not of a high enough standard, where is the ability for the council to manage its affairs? This problem is manifest across the nation. These reforms of real estate agents' fees are another manifestation of this problem.

Mr Bloffwitch: Before competition reforms, many councils entered new arrangements with garbage collection. It is not only a matter of national competition. It is councillors trying to achieve the best value in the services they provide. That should be ongoing.

Mr McGOWAN: I am interested in the member's comments. This area of competition reform has principally arisen since the Hilmer report was released in August 1993, but the policy has been applied in unintended areas. For instance, Victorian local government sacked 25 000 employees, and only 15 000 local government employees remain across the State to service 4.5 million Victorians. A malicious State Government forced councils into overbearing and compulsory competitive tendering.

I am pleased the Government has not been as strict with these reforms in this State. However, I am concerned that in future this State will go down that path. Communities throughout Victoria have been decimated. The electorate of the member for Geraldton is a perfect case in point. Towns such as Geraldton - not so much Kalgoorlie which has an increasing private sector - Bunbury and Albany need to maintain a government work force. Contrary to the views of the member for Dawesville, I grew up in a country town where a stable work force was the mainstay of the town.

Mr Bloffwitch: Geraldton is past needing a government work force to enable the town to survive.

Mr McGOWAN: As bodies such as Main Roads, the Water Corporation and local councils are increasingly forced into a range of competition reforms for the services they provide, in the first instance expertise is lost. Main Roads has lost its expertise in the mid west. Advice on bitumen, roads, graders, etc, which was formerly provided free of charge to local councils, is no longer available. Firms from Perth are contracted to provide work forces to repair roads in Geraldton.

Mr Bloffwitch: They are not only from Perth.

Mr McGOWAN: According to the Geraldton constituents they are primarily from Perth. When the work done by teams sent primarily from Perth is not done properly a long period of negotiation follows to get them to return to fix the problem. The work force is not on hand to do the job or to provide the necessary advice to the local authorities in Geraldton, Chapman Valley, Northampton or Greenough.

These policies have gone far enough. This is another example of how real estate agents' fees have affected ordinary people. This Bill will remove protections traditionally in place for ordinary people. We must draw a line on these policies. Enough is enough. If limits are imposed on lawyers, they should also be imposed on real estate agents.

MS MacTIERNAN (Armadale) [12.12 pm]: As the lead speaker on this Bill I am very grateful to the member for Rockingham for his fine contribution at such short notice. The legislation purports to improve the functioning of the Real Estate and Business Agents Act. In a couple of minor ways it may do that. However, in no way will it solve either the substantial problems the Opposition believes exist in the industry, or the very real problems in the administration of the Ministry of Fair Trading in so far as it is responsible for the regulation of the real estate industry. It does nothing to address the very real need for a major structural change in the way this industry is regulated.

Mr Shave: Sorry, we are interrupting.

Ms MacTIERNAN: We are pleased that the Minister is awake today; we want to seize the opportunity to put some points to him!

It is certainly the Opposition's view that it is not the Government which is regulating the real estate industry; it is very much the real estate industry which is regulating this Government. The industry has been very powerful in ensuring that few of the changes that should be made are in fact being put in place by this Government.

The genesis of some of this Bill is deregulation. As the Minister sets out in his second reading speech, it was the Government's intention earlier to deregulate the way commissions were charged by real estate agents. The Opposition had no difficulty with that for either commercial transactions or the top end of the real estate market. However, the Opposition believes the reasons that these controls were put in place in the first instance still apply today; that is, the bulk of the general public does not engage in real estate transactions with any frequency. Their capacity to develop caveat emptor - let the buyer beware - is therefore very limited. Given the size of the transactions, it is important that people have some protection.

This Bill seeks to put in place a mechanism that the Government says will provide adequate protection for punters at the lower end of the real estate market who may fall prey to what are described as "unscrupulous" real estate agents who charge higher fees.

Mr Shave: Do you support this Bill?

Ms MacTIERNAN: The Opposition supports certain aspects of it, but other aspects fall pitifully short of what is

needed. The Opposition does not support the move towards total deregulation, although given that the Government is determined to do it, the small concessions in this Bill must be supported because at least to some extent they may be better than nothing.

The measures in the Bill supposedly to protect the naive or commercially unsophisticated are quite inadequate. One of the first issues will be how, in a deregulated environment, the board will be able to determine what is an unjust fee. One argument by which the Minister has tried to sell his deregulation message is that consumers who believe they have been wrongly dealt with will be able to ask the board for financial relief by saying that the fees they were charged were unjust.

The Bill includes no definition of "unjust". It will be very difficult for the board to determine a benchmark for what is just or unjust even if it were mindful of doing that. The Minister says that it is being done that way to leave the options open and broad. The reality will be the board's incapacity to say what is just or unjust. Often the sale of land at the lower end of the market absorbs an enormous amount of a real estate agent's effort. That is not necessarily readily appreciated by someone selling a block of land in Armadale or Westfield.

I am concerned that people could sign contracts with real estate agents and find that a very sizeable percentage of the value of their properties has been consumed through agents' fees. The agent is able to justify this in terms of work and advertising expenditure. However, the person is unaware that the contract that he has signed allows such an open ended approach to the charging of fees. I do not think this legislation adequately provides protection to home buyers. On the basis of the past performances of the board one must be sceptical about whether the board would have the propensity or the capacity to deal with the matter. Each year over 500 complaints are made against real estate agents. However, only a small proportion of these complaints is dealt with by the board and only a minute percentage ever result in prosecutions. That is not simply because there is no basis to these complaints.

Time and again the Opposition has brought into this House well founded complaints containing clear breaches of ethics, and of the legislation, but the board has taken no action. Either the matter has not been referred to the board or, having been referred to it, the matter is not dealt with. That is evident from the prosecution rate.

From time to time the Minister has tried to suggest some divergence of view between the member for Willagee and me in this regard. On the one hand, the Minister suggests I am saying that the board and his real estate unit are not doing their job, partly because of antiquated legislation, the nature of the board, and the dog's breakfast that is the division of responsibilities between the ministry and the board. On the other hand, he suggests that the member for Willagee is arguing the opposite and the board is overzealous. In fact, there is no conflict between us.

What is occurring in the real estate industry is also occurring with settlement agents. They are related issues. In order to increase their prosecution rates these boards are going after the small fry. For example, they trawl through trust accounts, particularly of independent operators who are not part of large chains, to find some sort of irregularity to enable them to show a greater number of prosecutions and disciplinary actions. However, those boards are not responding to consumer complaints. They are not responding to consumers who have been ripped off. The department is going after the small fry, so it appears to be doing something, while the culpable people are let off scot-free. This will protect not only those culpable individuals but also a system of vested and conflicting interest that has been allowed to persist in Western Australia but is not tolerated in any other State in Australia.

The nub of the problem within this State's real estate industry is that the Government allows in real estate transactions, systemically, such extraordinary conflicts of interest that people are being ripped off. They are ripped off because we have no independent person in a transaction who is able to point out to a purchaser and in some instances to a vendor what is occurring. We have allowed a system to be perpetrated where a developer, vendor, purchaser, and financier all might be represented by related parties. That system has resulted in many of the worst frauds and resulting complaints.

I will talk about the problem in the way this industry is administered and how confusing it is for people to try to sort out who has responsibility for what. I will illustrate this by way of example. I have raised this issue many times in this place, and it has still not been dealt with. We saw the development of the Sure Sale scheme which purported to guarantee to home buyers a fixed price for the sale of their houses. A person's home would be auctioned and Sure Sale would guarantee a floor price. People were told that the real advantage of this scheme was that although they were auctioning their properties they could put in unconditional offers on other properties because they had been guaranteed minimum selling prices. It sounds dodgy and it was.

This quickly came to the attention of investigators within the Ministry of Fair Trading, in particular Mr Colin Sharkey. He investigated this matter with considerable energy. Not only Mr Sharkey, but also the Real Estate Institute of Western Australia was concerned. Various letters were written to the Government warning it of the real problems which existed with the scheme. That did not stop government involvement. This matter goes back to the

deep and close links between certain elements of the real estate industry and the front bench of the Government. Mr Kierath, the then Minister for Housing, was at the launch of Sure Sale and made the ceremonial first bid at that launch.

The complaints came in and they were being investigated by the ministry. The investigator, Mr Colin Sharkey, advised the consumers he was attempting to assist that his investigations were being compromised by the fact that the real estate industry board was chaired by Mr Miller, the lawyer who drew up the documents for the Sure Sale scheme. The board which oversees not only the regulation of the industry but also the officers investigating this scheme is comprised substantially of people who are active players in the industry. In that situation, because the investigators are subject to the board, they are compromised in their capacity to investigate this issue. The Minister refused to stand down Mr Miller but he moved the investigation to the other side of the hall, so it would be conducted by someone who operated strictly within the ministry.

We have this bizarre situation in which someone who telephones the Ministry of Fair Trading to make a complaint will be referred on some days to an investigator who is employed by the board and on other days to an investigator who strictly speaking is an officer of the ministry. It does not make sense.

We had this absolute nonsense in which Mr Sharkey was taken off the job and another person - it now turns out this person is a disgraced New South Wales policeman - was put onto the job. Supposedly, the investigation started again, but it was never completed. The Minister must work out who will do the investigations. We need to set up a structure in which there is only one body of investigators, not two, and in which the investigators are not answerable to the board. The board will become removed from the process of investigation, to ensure that this sort of charade does not continue; and we can be confident and comfortable that the investigation is with one body, and that that body, having completed its investigations, will make recommendations to the board. Given the complexion of the board, it is inappropriate that the board seemingly is in charge of running the investigations as well.

At one time, the chairman of the board was Mr David Miller who, I think, was with Jackson McDonald. One of the major real estate scandals at the time could not be and would not be investigated by the board, due to Mr Miller's presence on the board. The Minister refused to stand him down. Also, the board is not very reflective of the industry as a whole. For example, it comprises two real estate representatives effectively of REIWA. One is a direct appointment from REIWA and the other is an elected appointee from all real estate agents - but is almost inevitably a person who is also from REIWA. Yet the real estate representatives, as opposed to the agents, have long sought from the Government, representation on the board as well. It seems logical to have one representative who is an agent and another who is representing the licensed representatives. The Minister has never given a good account of the reason he is allowing two agents on the board but refuses steadfastly to give the larger group of people, the licensed representatives, any representation either directly through election - as he permits with agents - or through their representative body.

I also note that the Government has considered virtually every agency and eliminated union representation from those agencies. The Maritime Union of Australia has been taken off each of the port authorities; it has been taken off a plethora of boards. Yet the one union that seems to be immune from that is the real estate agents' union, which is REIWA. I ask the Minister to explain, when union representation has been taken off virtually every other board, why REIWA -

Mr Shave interjected.

Ms MacTIERNAN: Which boards?

Mr Shave: I do not have them here, but I will provide a list.

Ms MacTIERNAN: That is fine -

Mr Shave: It is a scattergun approach. It is not quite true.

Ms MacTIERNAN: It is true that there has been a determined government policy to take unions off boards. I cite the Transport portfolio; and each port authority board had representatives of users, employees and government, and a representative of a union. It is likewise with MetroBus and various other agencies reflecting that employees were stakeholders within the industry.

Mr Shave: Unions are not necessarily representatives of all employees.

Ms MacTIERNAN: That is an interesting comment. That applies to REIWA; nevertheless REIWA as an organisation is given direct representation on the board. Not only that; we recognise REIWA may not cover the entire field; yet we have a voting procedure whereby all licensed agents are given a vote, and we can have someone who, arguably, is representative of the whole industry. I am very interested in why we have a two-tiered approach - why

we are giving one organisation which represents a certain sector of the real estate agents an entitlement as of right, and all the industry puts in another person.

Mr Shave: Why are you criticising us for something that your side of politics has condoned?

Ms MacTIERNAN: I do not think we necessarily cleaned up the real estate industry to the extent we should have done. I guess we had so many fish to fry in the industry -

Mr Shave: Are you saying that if you came to government you would take REIWA representatives off the board?

Ms MacTIERNAN: We will make sure the board is more truly reflective of all stakeholders in the industry.

Mr Shave: As you see it!

Ms MacTIERNAN: As can be objectively identified. If the Minister believes the board is well structured and represents all stakeholders, perhaps he can explain why there is no representation for the licensed real estate representatives? Why are they denied the same opportunity as agents have to vote for a representative on the board? The Minister is interested in engaging in dialogue on this matter.

Mr Shave: I will answer the question later when I sum up.

Ms MacTIERNAN: We note that the Minister will answer the question later. He will tell us why we need both a dual structure which provides two representatives for real estate agents, but no provision that allows real estate industry representatives to be represented. We have a very real problem with real estate representatives in this industry. Basically we are churning them out at a rate of knots. A person can gain admission to a real estate course simply by approaching an agent and asking to be employed if the person undertakes a representative's course.

Mr Shave: On the one hand you want representatives to be on the board and on the other hand you say that they are being churned out by the dozen - implying perhaps that they are not competent.

Ms MacTIERNAN: I am not implying that they are not competent. I am implying that we are using the representatives basically as cannon fodder. One might argue that REIWA and TAFE in offering the courses might not be making enormous amounts of money from the process of churning people through real estate courses. We know with the downsizing and right-sizing that is going on at the moment that enormous numbers of people in their thirties and forties are looking to buy themselves a job. This is happening in the taxi industry, because people are desperate. I have seen MetroBus drivers who are facing redundancy; and workers from Telstra and from other government sectors who must go to the private sector without the necessary skills that would find them a place in the private sector, particularly when the job market is not exactly booming. They are very much attracted to the real estate industry as an option. When they approach the local real estate agent, he encourages them and signs the necessary form. Of course, he has no problem saying he will employ them because it costs him absolutely nothing. When the person has spent \$1 000 or so to complete the course, he is employed on a commission only basis. In addition, he is required to pay the advertising costs for the properties for sale. Many of these new representatives go into the industry and are required to fork out thousands of dollars to the agent in their first three months of employment for advertising and other service costs. When they finally sell a property, effectively they receive no commission at all because the entire commission payable is retained by the agent to cover all the advertising expenses of the full range of properties the representative has on the market. Characteristically, representatives then recognise it is a bad joke because they have worked for three months and, having achieved a sale, receive no money from it. They decide they can no longer afford to participate in the real estate industry. They leave the game and the agent has lost absolutely nothing. One of his properties has been sold and he has covered all his costs. The Real Estate Institute of Western Australia and Technical and Further Education, who are running the courses, have received approximately \$1 000 for training the real estate representative. Their attitude is that there are plenty more fish in the sea and they can net more people. It is completely unethical, and it is massive exploitation of many thousands of people who are unable to find work. They desperately take on this employment without being made fully aware of their chances of earning any income or of their liability, when operating on commission, to pay up-front all the advertising fees. Nevertheless, obviously some representatives do well and stay in the industry, but in our view they have as much right as the real estate agents to be represented as stakeholders on the board.

Reluctant as I am to acknowledge that the Minister for Fair Trading has ever done anything sensible - bearing in mind that he stuck with David Miller quite improperly for a year and effectively destroyed the capacity of the Sure Sale victims to get any speedy justice - his subsequent appointment of someone from the Bar, who has no connections with the real estate industry and does not have an active clientele of real estate agents and developers, is very sensible. The Minister has made a very wise appointment with David Dawes, and I wonder who helped him with it because it is such a sensible decision!

Mr Shave: I will not bite at comments like that.

Ms MacTIERNAN: I take that back, but I commend the Minister. After a very bad start by failing to act and remove Mr Miller from that position, the Minister subsequently made a very sound appointment. I would hate to see that jeopardised by the incapacity of the Government to recognise that his workload is far heavier than it has been in the past. If the board is to deal with the backlog of thousands of claims, board members must spend a lot more time on their duties. As such, the Government must review the remuneration for the chairman and probably for the entire board. I certainly do not believe they are capable of discharging those duties in the very limited time for which they are currently paid.

The Sure Sale investigation is set down for a hearing in May, and five days have been allocated. That is just one of the thousands of complaints with which the board must deal. I understand the chairman is paid only \$28 000 a year. It is not realistic to appoint a person of the standing required, and clearly such a person has been attracted to this position, on the basis that it is a part time board that might meet once or twice a month. If the board is to do its job and make up for the years of neglect, it must sit much more often than that. I will be interested to hear what the Minister is doing to review the remuneration paid to board members.

I mentioned the conflict of interest problem, which is at the heart of much of the failure to investigate and properly deal with the real estate scandals that have occurred. Only in Western Australia are real estate agents and finance companies allowed to own settlement agencies. Finance companies can be as culpable as real estate agents, but generally the worst excesses have been situations in which finance companies have not been directly involved. Allowing real estate agents to own settlement agencies means that a purchaser and a vendor can be represented by a settlement agent whose primary allegiance is to the real estate agent. Real estate agents send their work to the settlement agencies they own. This creates an enormous conflict of interest for settlement agents in discharging their duties properly.

In this Parliament over time the Opposition has set out case after case of extraordinary sagas in which consumers have been badly represented as a result of their being in this situation. They have tended to be the most dramatic cases, in which people have lost amounts such as \$300 000 or their life savings. Opposition members know from conveyancers that in many more routine cases people lose \$1 000 here or there, their interests are not properly guarded, they could have had a better deal and certain matters should have been sorted out before the settlement but were not because of the conflict of interest. At the heart of this conflict is the difference in fees. The sale of a house worth \$120 000 might involve a settlement agency fee between \$500 and \$600, but the real estate agent's commission on that sale is between \$5 000 and \$6 000. That real estate agent's commission is far higher and of far more interest to the composite group than the relatively small amount attracted by the settlement agent's fee. There is real pressure on the settlement agents operating under those circumstances to ensure the transaction is completed. The real estate commission is paid only if the property settlement goes ahead.

There are many instance in which the purchasers or the vendors should be alerted to problems with the transactions for the properties they might be purchasing or selling, and the opportunities they may have to exit the contract. That does not happen when the settlement agency is also owned by the real estate agent. If the agents alerted the vendors or the purchasers to their full rights, they would be undermining the financial position of their proprietor. It is an absolute scandal.

Because the industry must protect that relationship, when complaints surface about real estate agents who own a settlement agency, and when there has not been an independence of representation which has contributed to the problem, as it often does, there is a concerted effort to sit on these types of complaints to make sure the agents involved are not prosecuted. If these cases ever went before an impartial body - before one of the courts - there is no doubt that the comments that would be made by the judge deliberating on these matters would be extremely adverse to the structure we permit at the moment. The judges would say that the fundamental problem was the underlying conflict of interest which is tolerated only in this State, and nowhere else.

The Minister likes to say that we run this issue to protect the lawyers. I have no interest in protecting the lawyers in this area. It has been a very positive move that we have settlement agents in this State and, by and large, they have provided a very high standard of conveyancing service.

Mr Shave: With minimal complaints against them.

Ms MacTIERNAN: No; minimal complaints that the Minister has been prepared to hear. Time after time in this place I have set out cases of absolute conflict of interest and departure from ethical standards by real estate agents and settlement agents, and the Minister has come back with advice prepared by his department saying it cannot see the problem.

Mr Shave: Very rarely do you raise complaints against the legal fraternity. That is why I have difficulty addressing your concerns at times; I feel you are slanted against the lawyers who do not behave in a proper manner.

Ms MacTIERNAN: I think part of the Minister's problem is that he does not understand this: I am not the shadow Attorney General; if I were, no doubt I would be raising those sorts of issues. I am very concerned about this issue, as was Hon Peter Foss before he was nobbled by the real estate industry. When he first came on board as the Minister for Fair Trading, he wanted to do something about it. He understood the notion of conflict of interest. The real estate agent cum settlement agent lobby - that is, the associated real estate agents - got to him and said, "This is unfair; you can't wipe out conflict of interest. What about lawyers who can act for both sides?" The then Minister for Fair Trading said that he would stop that too. I support him 100 per cent in that.

If we eliminate conflict of interest between the settlement agencies and real estate agents, and even within the settlement agencies themselves, we have an absolute obligation to impose similar restrictions on the legal profession. I have no difficulty whatsoever with that. I support it 100 per cent.

Mr Shave: You are not helping the battlers by including the lawyers. I have never known a lawyer to help a battler in his life.

Ms MacTIERNAN: Obviously the Minister has not looked very far. In a number of the cases I brought to this Parliament, the government agencies - that is, the Real Estate and Business Agents Supervisory Board, the Settlement Agents Supervisory Board, the ministry - point blank refused to provide any assistance whatsoever to the elderly people who had been defrauded of every penny they had. Lawyers - even some from the most conservative legal firms in this State - were so horrified by the travesty that had been perpetrated by the failure of the Minister's department and agencies to deal with it, that they acted on a pro bono basis for these clients.

Mr Shave: What do you mean by that?

Ms MacTIERNAN: I will translate it: It means free of charge.

Mr Riebeling: The lead singer with U2!

Ms MacTIERNAN: The classic case that we set out involved a developer, a real estate agent, a finance company and a settlement agency which were all related parties. That was the case of Myra Parker. The legal firm Jackson McDonald must be complimented for taking on the case of this elderly pensioner who had been forced, at the age of 74 years, to go out to work again to pay off a mortgage that she was left with as a result of that unethical dealing. She was cheated not only by those people, but also by the government agencies over which the Minister presides

Mr Shave: That is very harsh.

Ms MacTIERNAN: It is absolutely true.

Mr Shave: You are back to knocking government agencies, saying that they are cheating elderly people. That is quite inappropriate.

Ms MacTIERNAN: I am saying that the job is not being done, in part, because the agencies under the Minister's responsibility refused to act on behalf of these elderly people. It goes back to what this Government did when it came to office: It said, "The Department of Consumer Affairs will be no more. We are not interested in having an agency that is in any way a consumer advocate. We will now call this the Ministry of Fair Trading and we will reorient -

Mr Bloffwitch: Do you think Fair Trading helps the consumer?

Ms MacTIERNAN: It could do. Behind the name change was a change in philosophy, namely that it would do as little as possible for consumer advocacy and make sure that as many of these problems as possible would be papered over. The consumer is not always right. I have no doubt many unrealistic and unwarranted claims are made by consumers. It is instructive that before the last election the then President of the Young Liberals, Marc Dale, and Mr Ehrenfeld were racing around saying that they had the Minister's approval to disband the Small Claims Tribunal.

Mr Bloffwitch: We were not going to disband it.

Ms MacTIERNAN: It was in the Government's policy.

Mr Bloffwitch: It was not. It was that it would be moved into the courts, and court magistrates would do it. They would just slightly change the format of it, not get rid of it.

Ms MacTIERNAN: It was being called an amalgamation, an absorption.

Mr Shave: Just distort it a little.

Ms MacTIERNAN: No. Some key elements of the Small Claims Tribunal were to disappear with its absorption into the small debts division of the Local Court. Some of those key provisions were informal and were the very essence

of why this legislation was introduced in the first instance, and I might say, by an earlier Liberal Government, although subsequent Liberal Governments got very confused about this and thought it was a nasty, social initiative. It is very instructive to read the *Hansard* debates on this legislation when it was amended.

Some of the key elements that would disappear included the informality of the proceedings, so that it was not an adversarial system in which the consumer gets one opportunity to present a case and the business person gets one opportunity. It was a much more flexible approach whereby information could come forward, and the referee could act in a far more inquisitorial role as a judicial figure. We were able to get a much fairer presentation of evidence from people on both sides. Also importantly, there was no right of appeal against the decisions of the Small Claims Tribunal.

That brings me back to this piece of legislation. Before we suspend for lunch, I ask the Minister to consider whether the power he is proposing to give the board to deal with unjust fees, would include a provision under which the decision made in that regard was not challengeable on appeal. It may be subject to judicial review, but it should certainly not be subject to appeal. We have seen before - the Builders Registration Board of Western Australia is a case in point - that these claims are often thwarted by the fact that only one party can afford to take the case to appeal and the effectiveness of the appeal is undermined by the threat that resorting to appeal has on the consumer.

The ACTING SPEAKER (Mr Barron-Sullivan): If the Minister wants to respond by way of interjection briefly, he is more than welcome to do so. Otherwise the member might care to seek leave of the House to continue her remarks at a later stage of this day's sitting.

Mr Shave: The specific reason for creating this legislation is to avoid a situation in which people go to unnecessary expense, particularly people who may be financially ill-equipped to do that. I cannot give an undertaking to the member because I have not spoken to my legal advisers, but the intent and the spirit of the Bill is to assist people who have been treated badly by a real estate agent and, in those circumstances, to get them some sort of justice, without their having to pay excessive legal fees to some lawyers. Some of the lawyers are absolutely shocking in what they charge for their services. I am happy to look at the issues raised by the member. As the debate continues, I will respond to it accordingly.

[Leave granted for speech to be continued at a later stage.]

Debate thus adjourned.

Sitting suspended from 1.02 to 2.00 pm

[Questions without notice taken.]

BUSINESS OF THE HOUSE AND ACTS AMENDMENT (ABORTION) BILL

Standing Orders Suspension

MR BARNETT (Cottesloe - Leader of the House) [2.35 pm]: I move -

That so much of the standing and sessional orders be suspended as is necessary to enable -

(1) Private members' business to take precedence from 4.30 pm to 8.00 pm and government business to take precedence at other times on Wednesday, 8 April; and

(2) The Acts Amendment (Abortion) Bill to be dealt with when government business has precedence, and to proceed through all its stages in one day.

It is proposed that private members' business will begin at 4.30 pm today and will include grievances and approximately one hour of a private member's motion on a matter determined by the Opposition.

The previous so-called Foss abortion Bill which in a sense was sponsored by the Government was facilitated through the Government in this House. We now have before the House the so-called Davenport Bill, a private member's Bill which can be forwarded and promoted through this House by members supportive of it. The Government will certainly cooperate with the debate on that legislation.

We can start that debate now, following question time. We will then interrupt for that limited period of private members' business. Debate on the abortion issue can continue this evening and tomorrow if required.

MRS ROBERTS (Midland) [2.36 pm]: Paragraph (2) of the motion requires that the Bill be dealt with when government business has precedence, and to proceed through all its stages in one day.

Mr Barnett: That is not a guillotine motion. It allows us to go from one stage to the other within a day.

Mrs ROBERTS: The Minister made reference to its potentially continuing tomorrow. Would that be another parliamentary sitting day rather than a continuation of today?

Mr Barnett: Yes.

MR KOBELKE (Nollamara) [2.37 pm]: Given that the motion is to debate the Bill, which is not a government Bill, in government time, should we take it that it is to be adopted as a government Bill?

Mr Barnett: It is not a government Bill but in the spirit of this issue, as I indicated several weeks ago, we will allow government time for debate on both Bills. The first Bill was government sponsored but did not represent a government policy position. This is a private member's Bill but as I undertook several weeks ago, we will allow government time for its debate. I think that is the wish of most members in this House.

Mr KOBELKE: What interpretation will the Leader of the House place on who will be handling the Bill and will crown counsel or legal advice be provided in Committee?

Mr Barnett: Crown counsel should be available to assist members on this piece of legislation as with the other Bill.

Mr KOBELKE: It seems to me, therefore, that it is a government Bill but the Government does not wish its name to be attached to it.

Mr Cowan: It is not.

Mr KOBELKE: If that is not the case, do we now have a precedent? When the Opposition moves a matter of public interest in the future, will the Leader of the House be equally willing to give up government time to debate important matters?

The SPEAKER: Order! I remind members that those are matters for the Chair to decide. We discussed those issues during debate on the last Bill and the position was made clear.

Question put and passed with an absolute majority.

ACTS AMENDMENT (ABORTION) BILL

Second Reading

MS WARNOCK (Perth) [2.42 pm]: I move -

That the Bill be now read a second time.

In the interests of trying to facilitate a reasonable time frame for the passage of this Bill it is my intention to make this second reading speech uncharacteristically brief. I also indicate that I will be one of the very few speakers from the pro-choice side of this debate. Much of what needs to be said has already been canvassed during the passage of the Foss Bill over the past several weeks.

The public witnessed both Houses of this Parliament on Thursday, 2 April create the policy for future access for Western Australian women to legal abortion services. The major difference left between the two Bills is the fact that the Foss Bill leaves the law in the Criminal Code whereas the Davenport Bill, which we now have before us, in essence, repeals from the Criminal Code those sections dealing with abortion.

However, following compromises made by Hon Cheryl Davenport after the second reading to try to avoid an impasse between the two Houses, the four justifications - as they are called - from the Foss Bill, along with other amendments, were included in the Health Act.

The third reading of the Davenport Bill passed the Legislative Council with a two-thirds majority, which is reflective of the support for repeal emanating from the Western Australian community, particularly over the past two months, but is also demonstrated in reputable polling over at least the past 10 years. Our job now as responsible legislators is to return certainty to the Western Australian community by repealing these outdated Statutes and placing the laws which relate to abortion in the Health Act where they logically belong.

I also indicate that in order to try to facilitate a reasonably smooth passage through this House my colleague Hon Cheryl Davenport has spent a number of hours in recent days with the upper House Leader of the Government, Hon Norman Moore, to negotiate further compromises that might make her Bill acceptable to a majority of Legislative Assembly members.

I shall move a range of amendments agreed by my upper House colleagues which include -

- (a) Creation of a new section 199 in the Criminal Code creating a penalty of five years' imprisonment for a person who is not a registered medical practitioner who performs an abortion.
- (b) The removal of new section 259(2) from the Criminal Code, where a modified version will be included as new section 334(1) of the Health Act which makes it lawful for a medical practitioner to perform an abortion if done in good faith and with reasonable care and skill and the performance of the abortion is justified.
- (c) The deletion of the word "economic" in paragraph (b) of the Foss justifications for abortion.
- (d) Acceptance of the Assembly definition of the informed consent clause. The first part of this has been amended to combine (a) and (b) from the Foss Bill but the words "an independent medical practitioner" have been deleted in order to deal with the problems for women in rural and remote areas and those who require genetic counselling.
- (e) In relation to the 20 weeks' gestation period I am aware that an amendment will be moved to reduce that period to 16 weeks and this can also be accommodated. I will also move an amendment to ensure that late terminations - those done for medical reasons - are carried out in a facility approved by the Minister for Health.
- (f) There is agreement that the Assembly provision in relation to minors be accepted. There are a couple of differences that I draw to members' attention, the first being the addition of the word "dependent" minor in order to be able to provide for homeless young women who might be in a de facto relationship on the streets and who have no contact with parents or guardians. Secondly there is a provision to enable a young woman who is a victim of incest to access the Children's Court for an order preventing parent involvement. This needs further debate during the Committee stage.
- (g) The final amendment is a new one which could have been provided through delegated legislation, but that clause will now be deleted from the Legislative Council Bill. The new clause seeks to amend section 335(5) of the Health Act to add two new paragraphs to provide for notification of terminations within 14 days of the procedure, as well as a non-identification of the patient clause. This will ensure that statistics are available and that public health education campaigns can be devised in future to attempt to lower the number of terminations performed annually in Western Australia.

Members may have noted an article in *The Australian* this morning which reported a drive by the World Health Organisation to bring down rates of maternal mortality. The article said that a woman dies every minute somewhere in the world from complications from pregnancies. Among the causes were "abortions in bad conditions".

The Bill, which I hope members will support today, seeks to provide abortions in those sad circumstances where they are necessary, in safe, legal conditions for Western Australian women. It also seeks - through taking abortion out of the shadows - to regulate and we hope reduce the number of terminations carried out.

I believe the Western Australian community has made its wishes clear on this matter. I believe we as legislators have a responsibility to both women and doctors in this State to end the confusion about abortion and make it available under appropriate conditions. I commend the Bill to the House.

MR PENDAL (South Perth) [2.48 pm]: I open with a couple of negative remarks, but then refer to a couple of positive signs that may mean we have something to aim for either by the end of today or tomorrow. I make no apologies for expressing my concern that we are effectively making more legislation on the run. Members do not have to refer to standing orders, precedents or the history books to discover that when one does things on the run one generally does them badly. Members need only look at the course of debate in this Chamber last week.

We were confronted, arguably, with one of the most important Bills ever to be presented to Parliament in any generation. By the end of the week we had produced a hybrid which comprised the Foss Bill, some amendments which I moved, some amendments which I moved which failed and were then replaced 24 hours later by similar amendments, and amendments sponsored by the member for Swan Hills. It comprised amendments that were moved on the run - albeit amendments that we all supported - by the member for Mandurah. Members should seriously ask themselves, with what result? The result was that at the weekend, when it became apparent that the other House would not accept the Foss Bill, it sensibly fell to the then Acting Premier to draw together a group that would produce a set of amendments that might sensibly accompany the Davenport Bill to be introduced today.

The very fact that the amendments to be introduced to the Davenport Bill today differ from what was passed in this House not 10 years ago, not five years ago or one year ago, but last week, must be evidence for all who can see that what was done on the run a week ago was done unsatisfactorily. That is my first point. I will never stop running the Andrew Mensaros argument. He was a man who fled a country which had a totalitarian regime, and who was elected to this Parliament - a free Parliament. He left behind this advice to members of all ages, "Do not legislate hurriedly.

Do not legislate on the run, because invariably you will get it wrong." I do no more, and certainly no less, than to say to the House that we are about to produce more of the same.

The group that has been seeking to modify the effects of both the Davenport and Foss Bills is also opposed to this Bill. Notwithstanding that opposition, and notwithstanding a huge depth of feeling and emotion, both about the substance of the debate and the way in which it has been rushed, that group is prepared to concede the one thing it has at its disposal, if it means we are able to retrieve some of the provisions which were passed in this House last week but are missing from the amendments to be moved by the member for Perth. To put that in even clearer terms: We are prepared to expedite the matter throughout today, and tomorrow if necessary, but on the grounds that some concessions are shown to us. It has been put to me in colloquial terms by our legal advisers that the amendments to be brought in today represent about 80 per cent of what was accepted by this House last week. My argument on behalf of the group is simply this: Can anyone explain the logic in the fact that this House was prepared to accept 100 per cent of something last week but today we will deal with and accept only 80 per cent of it?

Mr Bridge: The answer lies with Andrew Mensaros. You do not need to be a lawyer to work that out.

Mr PENDAL: The member is right.

The arguments have not changed so dramatically since last week that some people have had a damascene conversion overnight and will give way on points that were central to their beliefs. If members believe that, they also must accept - and I appeal to those people who have been roughly called "middle of the roaders" to accept this - that it is not unreasonable for people like me and my colleagues in this matter, in agreeing to expedite debate, that the very least we want to achieve is the substance of what was passed last week but is missing this week. I will go to some lengths shortly to spell out what I mean.

For the record, I will restate my personal, unequivocal opposition to the practice of abortion. That is not to say that I am so shut off from public opinion as to believe there are not many people who wish to avail themselves of abortion. It is for that reason that for some weeks I have drawn a parallel between what public opinion was on, for example, the trade of slavery 150 years ago, and what public opinion is today on abortion. The two have this in common: Until its abolition in the nineteenth century, slavery treated human beings as tradeable commodities, as chattels, not worth anything more than the ability to scrub someone's floor or to feed someone's pigs. Principally it was done on the grounds that people were black. There were some white slaves, but principally if a person was black, dispossessed and of the lowest class, he or she was a tradeable commodity.

The parallel of slavery with abortion is that slavery was overwhelmingly supported by public opinion. Politicians who had the courage, stood in Parliaments around the world and congressional Legislatures in the United States, and said, "I defy public opinion. I know what public opinion is, and public opinion is that slavery is good and acceptable." Not long after, the day came when society through its Parliaments said that slavery was an abomination and an undermining of the very essence of human dignity. As a result, slavery was abolished, after a long time. Slavery, which enslaved people mainly because of the colour of their skin, was no more. It took a long time for public opinion to catch up, because for another century the United States was still practising a form of slavery, until the Kennedy Administration was elected in 1960 - except that it was done in a different way.

When people put the argument that abortion is accepted by public opinion, I say I agree, but the day will come - and it is our responsibility to see that it comes - when, as with slavery, people are educated to the view and are persuaded to the view that abortion in the way we practise it, against probably 9 700 healthy human beings every year, is utterly wrong.

Some weeks ago, the member for Thornlie in her remarks at the second reading stage, partly made the point I am attempting to make now. She used the spirit of the words "There are too many abortions". The argument I am mounting, and the argument that my colleagues will mount, is that the Bills that have come before us have consistently sought to make abortions easier. If a sensible person such as the member for Thornlie can say that too many abortions are carried out under the current law, by logical extension it means that we will have more abortions under a more permissive or liberalised law. The fact that she was prepared to make that concession or observation gives me some hope, because it is an indication on the part of that member and those who share her views that, whatever else we agree or disagree on, we agree that too many abortions take place in Western Australia. Why is it said that the Bill before the House and the accompanying block of amendments represent only 80 per cent of the provisions this House agreed to a week ago? I will tell members, and they will see emerging from that two areas at least, and probably a third, in which amendments will be proposed by those on my side of the debate. Those amendments will be dependent on the agreement made to expedite the debate.

There is no doubt that the informed consent provisions passed by this House last week have been seriously watered down. The Foss Bill as it passed through the Legislative Assembly required in new subsection (6) access to a variety

of forms of counselling for consent to be informed. In each case that counselling had to be provided by a doctor other than the abortionist. The Bill before the House, together with the amendments, removes all those requirements for independence. I signal that there is a way to overcome that and for the House to agree to an amendment that would allow for the expedition of this Bill. The position could be restored by inserting the words "independent of the medical practitioner who terminates the pregnancy". A proposal will also be made to change the words that link a number of paragraphs and to replace the word "or" with the word "and". That would do no more than restore the provisions to those agreed to in this House less than six days ago. Secondly, the provisions relating to minors, which were of particular concern to the member for Mandurah, have been considerably changed. As amended, the Foss Bill provided that at least one of the minor's parents must be informed before an abortion could take place, and that that parent must be involved in the counselling process.

The amendments flagged by the member for Perth would give the under age girl the right to go to a doctor and have an abortion. Members will recall that people reeled with repugnance at the front page story of *The West Australian* a few weeks ago about a 14 year old girl at high school who was sent by her teachers to have an abortion. I want to restore the provision for parental involvement that was agreed to by this House last week. Under the proposals of the member for Perth, a minor could go to an independent medical practitioner for an abortion - I like the irony of that - on no specified grounds at all, and that would preclude the parents of that child being told. I draw the attention of members to the fact that they did not agree to that last week and, unless they have had a big change of heart, they should be in a position to support that second amendment.

Thirdly, the requirement for ministerial consent to charges being laid is a genuine import from the Davenport Bill. It is an extraordinary and obnoxious clause. I was a member of the Legislative Council 10 years ago when legislation was passed to create the position of Director of Public Prosecutions, in order to take prosecutions out of the hands of a Minister of the Crown. That power was taken from the Attorney General of the day so that an independent public prosecutor could do his or her job. I will not go to the wall on that point but I simply say that the day will come when no-one in this State will want to be Minister for Health. Why would anyone?

Mr McGinty: It is already here.

Mr PENDAL: Yes. I repeat, who would ever aspire to the job of Minister for Health, knowing that one of the most unpleasant tasks to be confronted was to decide whether a prosecution would be launched against a person involved in an abortion? I will not take that point to an amendment because the day will come when that provision will backfire on the people who sponsored it.

A further area that was utterly important to some members of this House, and deserves extra attention, is the conscientious objection clause. I am proud that this House agreed to that last week. Some concerns have been raised that the provision looked after the doctors and nurses in government hospitals who thought abortion was repugnant, and who wanted a conscientious objection opt out clause to protect their jobs. That provision did not go to the extent of protecting a Catholic hospital. I understand a case was heard in the High Court relating to a woman who went to a Catholic hospital for treatment and asked for an abortion. She was told it would not be performed in that hospital. The High Court has made a clear statement in that case. Notwithstanding that, I am not prepared to go to the wall on that for reasons I will make clear later. So far two amendments stand between this House agreeing to the Davenport Bill in a reasonably quick time and not doing so, and I have already mentioned them.

I understand an amendment will be moved by someone else in respect of terminations beyond 20 weeks of pregnancy. An attempt will be made to reduce that period because of the implications it has for healthy babies at that stage.

I summarise my position by addressing, particularly, members of the Labor Party, although not many of them are in the Chamber at the moment. This matter is more relevant to them because of their past public stance on capital punishment. I was a member in the other place in 1984 when my vote got rid of capital punishment in Western Australia. Every Labor member had to vote for the abolition of capital punishment. I made my position clear and, following that, two other conservative members made their position clear and we crossed the floor. That Bill abolished capital punishment. We ran against the tide of public opinion on that occasion. Some people in the Liberal Party threatened my endorsement over that issue, and I accepted their right to challenge me. I find it ironic that 16 years later the same things are emerging, because the same elements, ethos and principles, are at stake - it is a matter of human life.

Mr Johnson: It still runs against public opinion.

Mr PENDAL: Not quite as much. The polls have been quoted against me and the people on my side of the argument. The polls have certainly altered, but I accept that public opinion still says that offenders should be hanged. On that occasion members defied public opinion because they believed capital punishment was wrong and it was an assault on the essence of human life itself.

The argument cannot be sustained both ways. We only have to read the history books to know that with the right media sentiment, not just in Germany but also in many of the western democracies, Hitler softened up society for his maltreatment of the Jews throughout the 1930s. People turned a blind eye. Because public opinion was on Hitler's side, people were made to feel that it was acceptable to give the Jews a bad time. People were so desensitised that, over the next five to nine years, when facts began to emerge that Jews were being taken to the gas chambers by the truck load, they were prepared to sanction it. If they were not prepared to do that, they at least were prepared to fall into silence over that issue.

Once again that is indicative of what public opinion can do with something that is evil. Just before my re-election, as an Independent, in 1996 when I was out doorknocking - I do not know how other members found this situation - there was enormous reaction in favour of Pauline Hanson. People made a connection and on many occasions said this to me: "You are running as an Independent in South Perth; I hope you are also with Pauline Hanson, the other Independent." I had to weigh up the costs of what I said. In the end I was quite unequivocal. I said that I thought she was a crank and that she was the peddler of the worst, the vilest forms of prejudice that were capable of taking us back a century and a half when prejudice was stirred up against blacks, just because they were blacks. To their own peril, in front of their own voters, candidates took on the Pauline Hanson factor and said, "I know what she is saying is popular and it would get me your vote, but I am sorry I cannot say that; I cannot deliver the sort of prejudice upon which you have developed your arguments."

In this case I ask members to ignore public opinion. Principle will always be ahead of public opinion. If it takes 25 years or 50 years - as in the case of slavery, or other anti-social, repugnant and repressive laws, which ultimately are brought down - public opinion finally catches up with principle. We are suggesting that will happen here. The most authoritative studies that have been done on the impact of abortion on women's health have been in the province of the United Kingdom Parliament. In that country 87 per cent of women who had an abortion were found to have suffered some form of psychological or physical injury. One day - it may be in 10 or 20 years - the feminist movement in this country will catch up with that statistic.

Mrs Parker: It will catch up with them.

Mr PENDAL: Let us look at what Germaine Greer now says. She is a woman from a little country town in Australia who thought it was clever to create world opinion, so that it became public opinion. She now repudiates much of that which she said in the 1960s and 1970s, and why? It is because with the hindsight that a little age gives, and the wisdom that sometimes follows, she came to the conclusion that what she did and said on previous occasions was popular, but it was not right. Those things had injurious effects on the very people she sought to represent, namely, the women of the world, beginning in a small country like Australia. That is where the debate stands at the moment.

I will seek to circulate at least two amendments. That has not happened earlier because we have been running against time, and in this business that is the worst enemy we have. If members who so far have been hardliners against any of our amendments are prepared to accept my proposed amendments, we can expedite this debate to a reasonably quick conclusion. However, if that does not happen - I do not mean this in a threatening way - people will find their own ways of giving vent to those expressions over the next day, or two, or three. It is a simple proposition. I ask any members who believe they are of goodwill, at least to consider those two amendments which will appear in my name in this area, and a third amendment in respect of the reduction of time within which terminations may be performed, which currently stands at 20 weeks.

I oppose abortion. It is wrong. It is anti-social. It is certainly anti-child and anti-woman. I will vote against the second reading of this Bill for all of those reasons. Notwithstanding that, I still believe what I said at the start of this debate five weeks ago: One must be a realist; one must accept that half a loaf or, perhaps, even a quarter, is better than no loaf at all. With the passage of some of the amendments, something that is repugnant can be made less so. I ask members to keep that in mind.

MR COURT (Nedlands - Premier) [3.16 pm]: I will make some brief comments about this second reading debate. This House and the other House have each had a very long debate on two separate Bills. A majority position has come out, basically supporting the liberalisation of the abortion laws. I do not support the proposals that have been accepted by the majority in both Houses; however, I see a need for the Parliament, either with this Bill or with the other Bill in the other House, to come up with legislation. There is a need to have legislation that takes into account the majority position that is being expressed on these issues. I intend to support the second reading vote on this legislation, because there is a genuine attempt by all parties to come up with a workable piece of legislation that will reflect the majorities in both Houses of Parliament.

Amendments have been proposed. If the second reading is passed, the member for South Perth has just foreshadowed some amendments, and many more have been circulated, which will be debated during the Committee stage. It is my intention to support those that I can live with and I will oppose those that I cannot. I have already made my

position known. I was largely supportive of the proposals put forward by the member for South Perth in the previous Bill. Because of the goodwill being demonstrated to try to have a piece of legislation in place reflecting that majority position, it is appropriate that we have that debate during the Committee stage of this Bill. I will support that position, for those reasons.

We cannot say for how long we want a debate to take place; however, we have been debating this issue for some time and we must demonstrate a maturity and work through all of the different options that will be presented if the Bill is passed into the Committee stage. As I have said publicly on occasion, this is democracy at work and even though I might not agree with the majority position, we have two Houses of Parliament democratically elected and must accept the majority position that comes through in this debate.

MR SHAVE (Alfred Cove - Minister for Lands) [3.18 pm]: I know this is a private member's Bill and people have voted according to their consciences. I would like to make a couple of points to my Liberal Party colleagues about this debate. It is no secret that the member for South Perth and I are not closely aligned on political issues, and we are certainly not close personal friends. However, in the debate on the Foss Bill last week, my observation was that, without meaning any disrespect to the decision making capacity of my colleagues, there was an aura of resentment in some cases with regard to the perceived delaying tactics of the member for South Perth.

The member for South Perth was doing what he felt he had to do. I respect his right to do that. People outside this Parliament were using tactics which did not help people who were against the liberalisation of the abortion laws in this State. As much as I dislike listening to the member for Nollamara when he regularly stands in this place and delivers his monotonous speeches, on this issue I must express the views of the people in my electorate. Many people have written very passionately to me and come to see me, who are opposed to abortion on any grounds. A lot of people have also come to me who are totally pro-choice. When I say "totally pro-choice", they believe that if the Parliament infringes their rights to have a termination, the Parliament is impinging on their rights. When I have spoken to those people I have said that there are a number of options. I have asked them if they would support the principle of a person being able to go down the street and procure a termination based on the desire to have a particular type of genetic offspring. For example, if a person from an ethnic background, having received informed advice that perhaps abortion was not the right option and having been counselled against it, made that decision - assuming that the pregnant lady was about to produce a female child and there was a desire in that community to have a male child - all of the people to whom I put that proposition told me they want the right to have a termination, but they do not believe we should be genetically engineering our society. The member for Nollamara put up that proposition last week. For that reason, under no circumstances could I vote for the so-called Foss Bill. I could not vote for the Davenport Bill on the same basis. I will vote against the Davenport Bill, as I have already told my parliamentary colleagues. I say to my colleagues from my side of the political equation that in the vote for the so-called Foss Bill - I may be one or two numbers out - 15 conservatives voted against it and 16 voted for it. The same occurred in the other place. Just because people have the numbers and are able to win votes does not necessarily mean they are always right.

Mr Marlborough: It usually does.

Mr SHAVE: It may be that they win the vote but it does not necessarily mean they are right. The members on the other side are pretty set, because about 15 of them are voting totally pro-abortion and about four against. I ask the people on my side of the political equation, who appear to be in the middle, to look at the proposals of the member for South Perth and think about them carefully before voting against them.

MR CUNNINGHAM (Girrawheen) [3.25 pm]: It is not my nature and never has been, and I would not dare presume, to offer any advice to my colleagues on the other side of the Chamber. However, I feel very strongly that I should make an exception on this occasion. I do so with the utmost sincerity. Thankfully from my perspective and that of other pro-life politicians, the Foss Bill could be dying - but only could be. I do not believe it is dead yet. That leaves this House with only one decision to make; that is, whether to pass the Davenport Bill. The Davenport Bill legalises abortion on demand. It removes totally abortion from the Criminal Code, thus depriving unborn children of their right to life and granting abortion doctors free range to kill them for any reason whatsoever. The Davenport Bill is, as *The West Australian* claims, one of the most liberal abortion Bills to be found anywhere in the western world. As bad as the Foss Bill was, the Davenport Bill is much worse.

Some people have claimed that if the Davenport Bill is passed in this House, the blame for its passage will be sheeted home to the Australian Labor Party. They claim this on the basis that it is a private member's Bill carrying the name of a Labor politician, Hon Cheryl Davenport. These people are deceiving themselves. These people are living totally in fantasy land. Why do I say that? Legislation on abortion has been part of the Labor platform for decades - many, many years. I have been a member of the Labor Party in this State for over 27 years. Legislation on abortion has been in the platform of the Labor Party for that 27 years. The general public long ago accepted that if the Labor Party had the opportunity, it would work to achieve that legislation on abortion. There is no doubt at all about that. The

member for Midland, the member for Nollamara and I are thankful and appreciate that the federal ALP policy is a conscience vote. When Labor was last in office, it was sensibly decided not to allow Hon Cheryl Davenport to proceed with her abortion law repeal Bill. It was not a question of numbers; this was the Labor Party reflecting a shrewd political judgment - that is, that no Government which facilitated legislation on abortion could avoid substantial electoral damage. The Labor Party is not now in government; the Liberal Party is. The Liberal Party enjoys a considerable majority. No piece of legislation can pass this House without the active support of the Court Government. The Court Government controls the Notice Paper; it controls the order of business; it has an absolute, unbelievable majority. We would not be debating this Bill today if the Court Government had not determined to do so. The public is already blaming the Court Government for the debacle of the past weeks. The Court Government in Cabinet agreed to draft abortion legislation and introduce it through the Legislative Assembly. The Court Government assigned the drafting of this legislation to a pro-abortion Attorney General, Hon Peter Foss.

He has now either abandoned this Bill or has in mind for all of us here the greatest political sting that has ever taken place in this Parliament. It is not surprising that this has happened. We know that the Attorney General used the privilege of his office to obtain vital information about the impending prosecution of two abortion doctors. The public knows that; we know that. The Attorney General did not tell his Premier, but within 30 minutes he leaked that information to a member of the Labor Party, whose personal crusade for abortion on demand was extremely well known.

Mr Johnson: A member of your party?

Mr CUNNINGHAM: I said that.

Mr Shave: Has that member of your party admitted to that?

Mr CUNNINGHAM: Yes; I think it appeared in Monday's *The Australian*.

This conspiracy to legalise the killing of unborn children has led straight to this Bill before this House. I do not believe any member of this place would be so foolish as to believe that these things have escaped public notice. I truly assure members that they have not escaped public notice. I have talked to many of my constituents, and I am amazed at their clarity of thinking on this matter.

Are any of my Liberal colleagues deluding themselves into believing that this Government will not be held accountable for the passage of the Davenport Bill? Do any members here believe that this Government will not be held responsible for the Davenport Bill?

Several members interjected.

The DEPUTY SPEAKER: Order! I ask the member to address his remarks to the Chair and not antagonise other members.

Mr CUNNINGHAM: If so, they are making a serious mistake in judgment. The Davenport Bill is blatantly abortion on demand. Those members who support it cannot argue that they are taking some sort of middle of the road position - that they are not pro-abortion but are pro-choice. The public will not wear this. The public is sick and tired of the rhetoric that has taken place in this Parliament over the past three to four weeks. Those members who vote for the Davenport Bill will be voting for one of the most anti-child, pro-death Bills that has ever come before this Government or any Government in the western world.

I assure the House that thousands of people are already blaming this Government for this mess. Has any member forgotten that 2 500 people gathered last Tuesday on the front steps of this Parliament; or that in a period of just over three days, 23 000 signatures of people who were opposed to the legalisation of abortion were gathered and presented to this House? Nowhere else have so many signatures been collected in such a short time.

A sleeping giant is stirring in the community. That giant has considerable power - enough power to throw this Government right out of office. I have no doubt whatsoever about that. The public will not be fooled by a party that claims to be pro-life and pro-family but that delivers pro-death, anti-family legislation. If this Davenport Bill is passed - a Bill that is much more odious than the Foss Bill - this Liberal Party, not the Labor Party, will be held responsible for its passage.

I say this, and I said it earlier, in total sincerity: This Government will be remembered in history as the Government that passed one of the most atrocious and disgraceful abortion laws in the western world. At a time when other western nations are starting to restrict abortion, this Government will give abortionists a completely free hand. God help this Government! More than that, as I have stated previously, this Premier may be remembered - I stress the word "may" - as the abortion Premier of Australia. I say that without any doubt whatsoever.

It does not have to be this way. It is not too late for my colleagues across the Chamber to reject this despicable legislation. This matter is totally and utterly above politics. For the sake of thousands of unborn children over the coming decades, I urge my colleagues on the other side to reject this Bill. Every decent person who is opposed to the deliberate killing of unborn children should oppose this Bill. This Bill will strip the unborn of the right to life. This Bill will allow unborn children to be killed by the grisliest of means. This Bill will discriminate against an entire class of human beings. This Bill will grant protection to the abortionist doctors and enable them to make a living from tearing unborn babies apart limb by limb. Why would anyone with a vestige of compassion for unborn children and for pregnant women vote for a Bill like this? I am extremely dismayed that most of my colleagues on this side of the House will vote for this Bill.

No class of human being is more in need of protection than unborn children: They cannot speak for themselves and cannot defend themselves. I hope that some members in this House will change their minds. I plead with each and every member, whether Labor, Liberal, or National Party, to do a lot of soul searching on this issue. I plead with them to consider the importance of their vote. The lives of countless unborn children are at stake, depending on whether members vote yes or no.

Let there be no misunderstanding. If this Parliament passes the Davenport abortion on demand Bill, it will be implicated in every abortion in this State. I will be happy if I can join my vote with enough votes from members on both sides of this House to vary this odious Bill. This is the most offensive piece of legislation that has come before this House in the history of this Parliament. This Easter, let us celebrate the gift of life and not legislate for death. Let each and every one of us leave this House with a totally clear conscience that as a Parliament we have resisted legalising the killing of unborn children. This is the only reasonable response in a civilised society.

MR BRIDGE (Kimberley) [3.40 pm]: I indicate to the member for Girrawheen, speaking on behalf of all members, that we intend to have a pleasant Easter festivity. However, the best way to achieve that enjoyment will be to allow goodwill to prevail in the passage of this legislation. In the approximately two weeks we spent dealing with the Foss Bill, the intensity of debate was evident. Ultimately, it became exceedingly emotional. Undoubtedly, we went to the full extent of our abilities to remain rational and to maintain our judgment in a difficult period of political responsibility. Notwithstanding that pressure, and the diverse nature of opinion expressed, a decision was made. I do not subscribe to the decision made, and I, along with a number of other members, voted against the Bill's third reading and we were defeated in the head count.

As we head into this round of debate on this issue with the Davenport Bill, we must commit ourselves to the preservation of goodwill, cooperation and a preparedness to attend to the core issue. If we do that, we can deal with the matter in the most managed way Parliament will allow. The outcome will not satisfy everybody as, undoubtedly, people will continue to put their diverse propositions for or against the Bill. We will never be able to strike an accord which meets with the satisfaction of society generally. We are caught in this decision making process whether we like it or not. We will be in a position of division whichever way we jump, and I appeal to all members to please remember the word "goodwill", and to adhere to it vigorously as the basis on which we make our judgments on this legislation.

The difficulty I had in debate last week was the non-preparedness of the pro-choice group to give us anything. The amendments proposed by a range of people who did not subscribe to the majority view merely sought to provide protection; the phrase commonly referred to last week was "checks and balances". It was in that context that the pro-life members became quite incensed, as we were given absolutely nothing. Naturally enough, we remained in a position of division in that debate and did not give an inch even though it was clear that we would lose the battle. Members who commanded the majority number last week, and are back here with similar views, should ponder the need for some concession in relation to checks and balances. It is important that those aspects of this legislation find their way into the law ultimately invoked in this State.

Last week we debated applying checks and balances on pregnancies of 20 weeks' and 16 weeks' gestation, yet my proposition of a restriction to apply at 12 weeks never looked like getting a guernsey - it was not even remotely considered. That area of the legislation should be revisited with concession in mind, as it goes to the heart of the issue. That significant concession could be made by the pro-choice people without their feeling bad, and this would be a telling factor for pro-life members. It needs to happen.

An attitude emerged clearly last week among the opposing forces in our society; namely, those who might be termed the pro-life people and the pro-choice people. I have no doubt that throughout the debate leading up to Parliament's discussion of this issue the pro-life people gave considerable ground to allow the introduction of workable legislation. That is to their credit.

People have rung me and said, "Under no circumstances, Mr Bridge, is our position on the abortion Bill to be compromised. It is absolutely non-negotiable. However, we recognise that this is a complex and wide ranging issue,

on which an enormous divergence of strong opinion is evident. Therefore, we are prepared to talk about amendments which are concessions that relate to the workability of the legislation." We should compliment people who adopt that attitude.

Pro-life people have been prepared to compromise on this legislation. However, I know of no single person from the pro-choice group who has been prepared to make similar commitments. I know of no person who said that he or she believed that the right of choice was fundamental, yet he or she was prepared to give. That certainly was not said to me. That attitude was reflected prominently in debate last week as the pro-choice members gave absolutely nothing.

That is the reason for the extent and the degree of emotion and hostility evidenced here last week. As we go into a new week with legislation that, to some extent, revisits the territory on which we trod last week I make the plea to members that we remain committed to at least one formula: Let goodwill be the basis on which we deal with this issue.

At this stage, when the second reading is voted on I will probably vote against it. However, at the same time if the members driving the pro-choice agenda are prepared to give realistic concessions sought through amendments and to demonstrate their desire for greater workability of this legislation and the provisions of law in this State I will be prepared to reserve judgment.

I can tell those members who are here now and who voted strongly in favour of the legislation that because of the horrible way in which they gave us nothing last week they should not expect too many favours from me this week. I came into this Parliament for two weeks not totally anti or pro, but in an endeavour to pass workable legislation within the proper course our laws offer this State. When I was kicked to ribbons on every minute request for concessions under checks and balances, I dug my toes in.

That is where I see my position today if goodwill does not emerge as a basis on which this debate is allowed to flow. Goodwill simply means that those of us who sought some concessions should be entitled to have them seriously considered and provided for in this legislation.

I acknowledge I said earlier that I felt so badly about the debate during the past two weeks that I would not bother engaging in further debate. It follows the well known theme in our society, "If you don't like the heat in the kitchen, you should get out." In the light of that, I considered not fronting up today and, like the old bushman, sitting under a gum tree or doing something else rather than engaging myself in the kitchen.

Mr Prince: You have more integrity.

Mr BRIDGE: Sitting with the old bushman is the greatest form of integrity. "He rambled and he gambled and fire burned in his vein". That is the old bushman.

Irrespective of whether it is integrity, I feel a measure of responsibility and obligation to the people on this debate. That is why I found myself sitting in this seat today. I do so hoping and pleading that goodwill will prevail and that we will be able to square the checks and balances to some extent as we go through this debate this afternoon.

MR HOUSE (Stirling - Minister for Primary Industry) [3.54 pm]: I spoke on the Criminal Code Amendment Bill, the Foss Bill, on the first day it was debated in this House. Unfortunately for a number of reasons I was disappointed not to be here for the final vote. However, I will now put the record straight.

Mr Cowan interjected.

Mr HOUSE: As the Deputy Premier said, he is not letting me go anywhere for the next three weeks so I will be here for this debate. When I spoke last I indicated that I would support what were then commonly known as paragraphs (a) and (b) in the Foss Bill. I said I would reserve my judgment, but would find it difficult to vote for paragraphs (c) and (d).

I intend to vote for the second reading of this Bill today on the basis that I want the member for South Perth and others to have the opportunity to move their amendments so that the Parliament can make judgments about them. I am disappointed to hear some members say they will vote against the second reading, but if the Bill gets through they will support those amendments because they want to compromise. Surely we want to move this debate forward so that the Parliament will not be faced with an impasse.

The greatest problem to befall us would be if the Bill were defeated at the second reading and after three or four weeks of hectic and emotional debate not having made progress on a reform asked of us by the majority of members of both Houses of this Parliament and the majority of people in this State. That does not suit all of us. The Premier summed it up when he said that there are many aspects with which some of us do not agree, but we are prepared to

accept the majority view. That is the conclusion to which I will come. However, there must be checks and balances in the final position. I indicate again that I am prepared to vote in favour of the second reading on the basis that members have the opportunity to move amendments in Committee, debate them and make final determinations about them. Members can always reserve the right to do what they think is appropriate at the third reading stage.

MR PRINCE (Albany - Minister for Health) [3.56 pm]: At my request, Parliamentary Counsel, Mr Calcutt will be here to offer, as he did last week so well, his services to any members of this House who need them regarding interpretation of amendments, drafting, etc if this Bill moves into Committee. He will be here at my request because his intellect, experience and skill should be available to members. It is not an indication of government support or otherwise and should not be interpreted in any other way.

Unfortunately I was not present for the final vote on the third reading of the Criminal Code Amendment Bill that passed through this House last Thursday morning because I was required to open a 48-bed restorative care unit built in partnership with Royal Perth Hospital and the Sisters of Mercy at the Mercy Hospital site at Mt Lawley. I was assured that members would speak until at least 11.00 am so that I would be able to vote. Obviously the debate did not go that long and I missed the opportunity.

I would have voted for the third reading stage of the Bill so that the matter could be progressed. However, I was not here and the Bill went ahead. When considering this Bill, I am aware that a great deal of intellectual work has been put in since last Thursday, on Friday, over the weekend, yesterday and today on various amendments, the substance of most of which was foreshadowed by the member for Perth in her second reading speech.

In many respects whichever Bill may come out at the end of this, the practical result is not likely to be too different, one against the other. That is not the point. I disagree with some members who said that the worst possible result will be that neither Bill is passed. As a result of debate over three weeks we will have had a distillation of policy and statements of policy and the will of the people as expressed through their members of Parliament. Summarised succinctly, that statement is that abortion should not happen, but if it does it should be the exception and performed safely and only when necessary. That, as a result in itself, is commendable due to the efforts of members of both this House and the other place after a number of weeks of debate.

We are about halfway through the process of producing new law. As a result of debates on the issue we have a statement of policy - perhaps it could be better expressed, but most members understand it. We are now into that part of the process that will produce what will, I hope, be good law. I mean good law in the sense of well written, whatever the subject matter may be. That might take us a little while. It is not something that should be done on the run, as were many of the amendments to the Foss Bill put through this House last Wednesday night and Thursday. The style and so forth of many parts of those amendments required a good deal of cleaning up and that work has been done over the weekend and into today.

I have a problem of principle with the way in which the Bill now before the House - the Davenport Bill - is expressed. It arises out of my view that however we categorise termination, abortion or whatever term one uses, and ignoring questions as to when life starts, any form of abortion is the destruction of a potential human life. Therefore, I take the view that if there is to be abortion within the law, we should have a threshold statement that says "abortion is unlawful except". That is the way in which I consider this subject should be approached. Inherent in the present law - the Criminal Code is 100 years old and I accept that it needs to be revised and rewritten - is that abortion is unlawful except in certain circumstances and under certain conditions. Certainly, it should be done safely and only when necessary.

The wisdom of the Houses in their debates is that the necessary test is the woman's desire not to be a mother and that is it, because that is the effect of the informed consent. There are subsets of that dealing with young women under the age of 16 - all of which are amendments I agree with in principle. However, I find it difficult to agree with the Bill before the House, which has no threshold statement of principle and which simply says that abortions can be conducted only in a certain way. I will run the risk perhaps of being spoken to by the Deputy Speaker for tedious repetition, but I will repeat that the practical effect of this Bill may not be different from the Foss Bill, but the principle is important.

The Bill before the House simply lays out how abortions are to be performed and under what conditions and so forth. I have no quarrel with that. If the Bill passes the second reading, I might have something to say about some of the amendments to be moved. In a larger sense I agree with the way in which they are written. I do not agree with the way in which this Bill is presented. I disagree strongly with its lack of principle in not making the statement "abortion should not happen except". Consequently, I will vote against this Bill when it is read a second time.

MR BOARD (Murdoch - Minister for Works) [4.02 pm]: I will vote against the second reading of this Bill, which might surprise some people considering the debate on the Foss Bill. I have struggled with balancing my personal

opinion with those of people who find themselves in difficult circumstances in the community. I felt that the Foss legislation maintained the principle of the sanctity of human life by indicating that abortion is an illegal act except under certain circumstances. The Parliament struggled with the circumstances under which a woman could procure an abortion that would not become an illegal act. By supporting in many cases the full degree of the Foss legislation, we tried to bring some balance to what was a difficult situation. I supported the passage of that Bill to the upper House.

The Davenport Bill is asking something entirely different from members. It does not say that "abortion is an illegal act except"; it says that abortion can be procured under a range of circumstances and it only becomes illegal if a certain practice outside of that is conducted. That is an entirely different set of principles and sends a different message to the community. I was happy to support the passage of the Foss Bill to the upper House believing that we had achieved a balance under difficult circumstances that were uncomfortable for most people, but which the community could finally accept. This Bill takes this area one step further and I cannot support it in principle. Although I understand the dilemma that the Parliament finds itself in, that is not a dilemma for my heart. From that point of view I will not support the Davenport legislation. I put that on the record so that those people who perceive any lack of consistency in my stance will understand.

This Bill takes the issue a step further and takes it outside the Criminal Code, which says something to the community about our acceptance of abortion. In principle, every person in this House wants to limit the number of abortions and certainly we are trying to stop women procuring unnecessary abortions. Support for this legislation will send the wrong message to the community about the intent of the Parliament.

MR KOBELKE (Nollamara) [4.06 pm]: I cannot vote for this Bill and will not even do so at the second reading. The reasons I cannot support the Bill have been outlined in previous debates over the past few weeks. I will not cover that area at this stage, although I feel inclined to do so because there is so much one can say in this area and I could speak again and introduce a range of new matters. However, that is not required by standing orders.

The Government has not attempted in any way to explain why it is allowing two Bills to progress through the Parliament on exactly the same issue at exactly the same time. That has been the cause of a range of difficulties encountered during debate on abortion. The Government does not seem to be willing to explain that. One assumes it has some strategy, but one can only guess at the nature of and reasons for that strategy.

A clear difference between the two Bills is that the Bill now before us removes the sections relating to abortion from the Criminal Code, whereas the Bill we dealt with two weeks ago which was titled loosely the Foss Bill retained those sections in the Criminal Code. Although it has been stated by members on a number of occasions that these penalties do not belong in the Criminal Code, I indicated in the debate two weeks ago that I was not convinced of that; it is more than appropriate that these matters should be contained within the Criminal Code. Though one can see difficulties with heavy penalties in certain circumstances, that of itself does not build any argument in support of why these matters should not be in the Criminal Code.

Part V of the Criminal Code is titled "Offences against the person and relating to marriage and parental rights and duties and against the reputation of individuals". Chapter XXVI is titled "Assaults and violence to the person generally: Justification and excuse"; chapter XXVII is titled "Duties relating to the preservation of human life"; chapter XXVIII is titled "Homicide: Suicide: Concealment of birth"; chapter XXIX is titled "Offences endangering life or health"; chapter XXX is titled "Assault"; chapter XXXI is titled "Sexual offences", and so on. The whole range of offences and prohibitions contained in the Criminal Code relate directly to the preservation of life and upholding the value of life. That is what members are trying to do. I do not think any substantial arguments have been placed before the House to justify the removal of these offences from the Criminal Code. That is at the heart of the Bill before the House. Perhaps proponents of this Bill will take the opportunity to outline an argument for these matters to be removed from the Criminal Code. I support a strong argument to the contrary. That is in part due to the message that the inclusion of such offences in the Criminal Code sends to the community at large. A line is drawn in the sand to indicate behaviour that is unacceptable to the community, particularly that relating to the taking of life or the threat to take life. Abortion is clearly the taking of a life. Some people may wish to use semantics to indicate that it is not a full human life or that it is a potential human life. However, nobody can deny that abortion is the snuffing out of a human life. That being the case, it is totally appropriate that the provisions decided upon should remain within the Criminal Code. One can only guess at the reason for the strong commitment of some people to remove from the Criminal Code any criminal sanctions relating to abortion. Given the language used by those supporting abortion or those who are pro-choice, it seems that by removing the offences from the Criminal Code they seek to redefine the killing of a child.

Mr Baker: They are trying to normalise it.

Mr KOBELKE: I accept that interjection. Some people are trying to use this Bill, as opposed to the Foss Bill which

this House has already passed, to redefine the language to quieten people's consciences about abortion. I hope members will take up the debate because I would like to hear their points of view if they think I am wrong. That is the only explanation I can give for what seems to be an obsession about removing these offences from the Criminal Code rather than accepting amendments that may produce similar results within the Criminal Code.

I shall comment on the handling of this issue and why there are two Bills before the Parliament. Why, after spending two weeks on the Foss Bill, is this House now debating the same substantive issue in a different Bill? The Bill before the House has been labelled the Davenport Bill because it was promoted and moved in the other place by Hon Cheryl Davenport. The Bill that was debated in this House for two weeks was supposedly a government Bill. It took two weeks to debate the Bill, partly because it is a very emotive and important issue about which people feel strongly. However, a major factor in the length of that debate was the lack of leadership from the Government with respect to the Bill. The Foss Bill was introduced into the Parliament by the Leader of the House, and the Minister for Health had carriage of it. I respect the way in which the Minister for Health handled the Bill because he was open and frank, and he tried to enable the House to function effectively. However, he could not be in the Chamber for the final vote. One gets the impression that the Government wants the legislation to pass through the Parliament, but it does not want to own it. It is a strange concoction for the Government to want to legislate, but to deny ownership.

Mr Osborne: That decision to go to the vote at 10.35 am was out of the hands of the Minister for Health. He indicated he would be back in the House at 11 o'clock, and the decision was not made by him. The vote could have been held up until 11 o'clock to give him the courtesy of winding up the debate and casting his vote.

Mr KOBELKE: I do not wish to cast aspersions on the Minister for Health. I thought he handled the Bill in an excellent way. However, that interjection does not counter the point I am making; that is, there was no strong leadership from the Premier or any Minister with regard to owning the Bill and arguing for it. The Minister for Health did not adopt that approach.

Mr Omodei: It was not a government Bill, it was a framework Bill. You know that.

Mr KOBELKE: Yes, but the Minister for Health guided it through to facilitate debate and to reach a resolution. However, a Government cannot govern and legislate by saying to the people that it is not doing it. It is a nonsense.

Mr Omodei: I thought the Parliament passed the legislation, not the Government.

Mr KOBELKE: I ask the Minister who has interjected and others to put aside the semantics and game playing, and to recognise the reality in the community. Politicians on both sides of the House use language to position themselves to maximum advantage. Clearly we will all do that with this legislation. However, the semantic games played by some government members will not wash. This is government legislation, whether by default or otherwise. I do not think government members who are playing this game will have any success in trying to convince people that it is other than legislation by the Court Government.

I turn now to the Davenport Bill before the House. It was drafted by the Government. Parliamentary counsel were involved in drafting the Davenport Bill.

Mr Barnett: As crown counsel helps other private members with other private members' Bills. On that basis you would say that any opposition Bill presented in here is a government Bill.

Mr KOBELKE: Is the Leader of the House suggesting that assistance from parliamentary counsel is available to the Opposition for any major Bill?

Mr Barnett: You get assistance in drafting legislation.

Mr KOBELKE: On major Bills?

Mr Barnett: You do.

Mr KOBELKE: Members on this side of the House get absolutely no assistance from parliamentary counsel when drafting opposition legislation. An allocation is made for a part time officer who provides assistance. Members on this side do not get any direct help whatsoever, and the Leader of the House should not try to mislead this House about the truth of the matter. That clearly reflects my point; the Government is engaged in subterfuge to hide the reality of the situation.

The Davenport Bill was drafted with clear and direct assistance from the Government. Government time was allocated for debate on that Bill. In the other place the reasonably unusual step was taken of suspending standing orders to deal with the matter. The Attorney General, who was supposedly sponsoring the Bill introduced in this place, voted in favour of the Davenport Bill in the other place. Clearly, the Government was totally behind it. Now that the Davenport Bill has arrived in this House, the Government has suspended standing orders in order for the

matter to be expedited. The amendments that have been circulated and are supposed to be moved by the member for Perth who, as a Labor member of Parliament sponsoring the Bill -

Mr Shave: What do you mean "supposed"? Did she move them or not?

Mr KOBELKE: We have not got to it yet. The piece of paper that has been circulated as the proposed amendment by the member for Perth is a fax from parliamentary counsel. It was drafted by the Government, so that the member for Perth could move the amendments because the Government wants them.

Mr Cowan: That last premise is wrong.

Mr KOBELKE: Is the Deputy Premier suggesting that we use parliamentary counsel to run off and do work for Labor members of Parliament for legislation which the Government does not support?

Mr Cowan: It became very clear to me that we had two Bills, both of which have done nothing more than distill the views of individual members of Parliament. From that came a very clear indication that members of Parliament are pro-choice. We needed not two Bills but something put into the Statutes of this State that demonstrated the will of the Parliament. The only way that could be done was to seek a consensus of the majority of the Parliament. The members who happen to be leading that consensus are from the Opposition.

Mr KOBELKE: I do not agree. This has been driven by the Attorney General.

Mr Cowan: You asked the question.

Mr KOBELKE: He has been working with Labor members.

Mr Cowan: You are not prepared to listen to the answer.

Mr KOBELKE: This is my speech. I let the Deputy Premier speak for about a minute by way of interjection. I gave him a fair go.

Mr Cowan: The moment you get an answer that embarrasses you, you go on to some other subterfuge.

The DEPUTY SPEAKER: The member for Nollamara has the floor.

Mr KOBELKE: I am happy to take interjections but not to allow the Deputy Premier to speak for five minutes.

Mr Cowan: No you are not.

Mr KOBELKE: We have clearly seen this legislation drafted for the Parliament which has had the full support of the apparatus of government, with the Attorney General directly involved with some Labor members in order to fashion this Bill, which has now received the unusual and full support of the Government to suspend standing orders and bring it on. However, the Government wants to say that it is not its Bill. It is a matter of semantics which will not wash in the community.

I am not trying to say that the Labor Party has an alternative view. Clearly that would be as stupid as that which some members on the government side are saying to disown any responsibility for this Bill. The Bill fits in with what has been Labor Party policy for many years, which has been to support reform in abortion. For many, many years the Labor Party has also given members such as me a conscience vote. That question was fought 20 years ago in the Labor Party. Some of us could not have remained in the party and functioned in the party if we had been tied, as we normally are with voting, to abortion. Although I am not proud of the policy, that policy decision has a clear let out so that I do not have to vote for it. That is one area where our party has done that.

We have seen a conspiracy, if I may use the term, between some Labor members and some government members in order to get this Bill through. This conspiracy has been very effective. They certainly have the numbers on this side and they have managed to get the numbers on the government side. Government members must realise what the public does: In this Chamber are 57 members, only 19 of whom are members of the Australian Labor Party. Clearly the majority of Labor members on this side will vote for the Bill, as they did for the Foss Bill.

Mr Court: You cannot blame us for that.

Mr KOBELKE: I am happy to take the interjection from the Premier. I certainly see it as a smudge on our reputation that we have only 19 out of 57 members. It is the lowest percentage at any general election since 1917. That does not sit proudly with me at all.

Mr Wiese: Sit there long enough and you will be on your own.

Mr KOBELKE: That is another matter. Clearly the Premier ran a good campaign. However, I warn the Premier

that some of the internal factors involved in giving us that near record low representation are working in this conspiracy with his members to get what they want. The same forces and individuals who have gone near to wreaking havoc in the Labor Party are now working behind closed doors to do similar things with government members.

The DEPUTY SPEAKER: This is a very interesting speech but we are discussing the Bill.

Mr KOBELKE: I have just touched on that whole area which needs to be debated; that is, why have we got ourselves into this ridiculous situation of having two Bills and a lack of leadership from the Government, which is clearly expediting the matter in every way possible but is not willing to come out and make a public stand on particular clauses and details that need to be discussed in order to get a workable Bill?

I will not vote for this Bill. I did not vote for the Foss Bill at the third reading stage. If I had a preference, I believe that the Foss Bill would see fewer children killed than this Bill. I hope that some members opposite will see their way clear to defeat this Bill and allow the Foss Bill to continue through the other place. As for the conspiracy, a bit of a con job has been done on government members by people suggesting that the Foss Bill will not be allowed to proceed in the other place. I accept today's ruling by the Speaker that this Bill could proceed under Standing Order 178, which reads -

No question shall be proposed which is the same in substance as any question which, during the same Session, has been resolved in the affirmative or negative.

That standing order could potentially be used to strike out this Bill so that it could not be debated. Some might argue that the Bill is of the same substance as the Foss Bill. The Speaker has clearly ruled that is not the case. I accept his ruling and have no problem with it. However, the word has been put around that the President in the other place will rule differently and will not allow the Foss Bill to proceed. The standing orders in the other place which relate to the same question being proposed would not, it is said, allow the Foss Bill to proceed. The other place's Standing Order 170 reads -

. . . no question or amendment shall be proposed which is the same in substance as any question or amendment which, during the same session, has been resolved in the affirmative or negative, unless the order, resolution, or vote on such question or amendment has been rescinded.

The key element of that standing order is that "no question shall be proposed which is the same in substance as any question which, during the same session, has been resolved in the affirmative or negative". Those words are identical, even down to the comma, to the standing orders of this place. One of the fundamentals of law, of which members do not need reminding, is that law must be objective. One cannot take the same set of laws or standing orders and apply them in totally different ways because one has some political objective. That appears to be what we are doing.

The message just passed to me says that the Foss Bill has been ruled out of order by the President in the other place. Therefore, this Parliament sinks further and further into the mire. We have exactly the same standing orders in principle. We have a very correct ruling from the Speaker, which will allow debate to take place, but in the other place the Foss Bill has been ruled out of order. Do I need any more evidence of a conspiracy? People are conspiring to deceive government members and members on this side in order to get their form of legislation through. That legislation will not only remove the penalties and constraints from the Criminal Code but also do away with a number of regulations or precautionary measures one would hope would be there.

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

[Continued on page 1742.]

CHILD ABUSE

Grievance

MS ANWYL (Kalgoorlie) [4.30 pm]: I grieve to the Minister for Family and Children's Services in respect of what I see as the mismanagement of the issue arising out of the Midland case management inquiry, which was instituted as a result of the death last year of a very young child. Three key issues were raised and they have not been adequately addressed by the department or the Minister.

The first of those issues is the routine practice in the department of failing to allocate priority listings to cases involving allegations of child maltreatment. The report points out -

It is common for the priority of both CMA and CCR cases -

That is, child maltreatment allegations and child concern report cases -

... not to be recorded in the intake book. (We were told that some staff believe that if they do not record the priority they can not be held accountable for the required timelines.)

The inquiry found that the staff working in the department at Midland would not record a priority status. A priority one status would mean there would need to be immediate attention or some action within 24 hours in response to cases concerning allegations of maltreatment of a child. That was not occurring. A number of wait listed or unallocated cases were also not being adequately handled. The issue of workload was also raised, and I will refer to that later.

This issue came to the notice of Parliament when an internal memo dated 12 September 1997 was leaked from Midland staff. It stated that unallocated cases ensure that field staff only ever work on the higher risk cases. In many cases, staff will never be able to access particular cases. The memo states -

This department is under resourced. Staff have stated at numerous forums their inability to meet the department's policy and procedural expectations - this is occurring everyday, in every office, by every worker.

In a statement to this place on 10 March, the Minister and her chief executive officer conveyed a message to the department. A memo from the director general circulated to all staff dated 10 March 1998 states -

The issue of workload was closely examined in the inquiry and the report acknowledges that the workload was seen by Midland staff as a significant factor. However, the inquiry stated that it was "not able to find evidence to sustain the view that workload was the major contributing factor to the inaction in this case."

That is true, but the inquiry went on to recommend that there be a further inquiry into the workload at the Midland office because that issue was beyond its terms of reference. The statement made about that was very clear -

It is not within our Terms of Reference to provide any decisive opinion on the matter of workloads and our inquiries in this respect have been insufficient to do so. Clearly the information provided is somewhat equivocal . . .

There was a very clear need for a proper inquiry into the workload. I suggest that what is happening in Midland is also happening across the State. That is the information I receive on a continual basis from officers of the department.

We have the director general writing to all staff suggesting that everything is okay because the inquiry has found that the workload is not an issue. However, I have just cited a paragraph which states that the issue of workload was beyond the terms of reference of the inquiry and that it was essential that there be a further inquiry.

The Minister has tabled a list of the department's responses to the recommendations in the report. In relation to recommendation 8 - that there be a further inquiry into workload - the trite response was that the department has a continuing commitment to moving resources from administration to service delivery.

The timing of this is interesting. The major restructuring of the department was completed by October or November last year at the latest. The inquiry report was given to the Minister in November, but she did not report to this Parliament until March this year. By then, the restructuring was well and truly completed. Routine case workers and team leaders are now being burdened with more administrative tasks as a result of restructure, not fewer. Similarly, workers have less access to clerical services and now spend valuable time that could be used doing case work on typing their own reports.

First, it has been identified that it is common for cases not to be recorded as having a priority because, if they are not, the workers will not have to be accountable if they cannot match the department's time lines. Second, a number of cases remain unallocated. Third, the inquiry has recommended that workloads be investigated. The Minister should provide some support for the staff of the department, not issue half truths by way of memos from the director general. She should commission an inquiry into workloads, as was recommended. She has consistently refused to debate me on this issue. She has wheeled out her chief executives to do so on a number of radio stations. I ask that she address the issue of workloads and explain why she will not have an inquiry, as was recommended.

MRS PARKER (Ballajura - Minister for Family and Children's Services) [4.37 pm]: I take pleasure in responding to those last comments. I find it extraordinary that the member for Kalgoorlie has said that I issue half truths. Never before have I seen press releases from a spokesperson for a party - in this case the Opposition - containing such extraordinary disregard for the truth. Last year we had a press release - I do not have it with me or I would table it - referring to the incidence of child abuse and reports in this State. The media asked me to comment on it. When we compared it with the annual statements from the department and police records, we discovered that it had absolutely no relationship to the truth. When the media saw the comparisons they dismissed it and did -

Ms Anwyl interjected.

Mrs PARKER: The issue is who here is the champion of half truths and exaggerations and who has a disregard for any truth.

The member also accuses me of refusing to debate the issues. On a number of occasions the member has been offered full briefings by the department. I will debate the member for Kalgoorlie in the Kalgoorlie Town Hall if she wants. I have never denied a request to debate her on any media outlet, and I will do so at any time. She can take up that challenge if she wishes.

When we talk about a matter as critical as the care and protection of our children and the provision of services to support parents in their very difficult task, much is expected of me as Minister. However, honesty and integrity are also expected of the shadow spokesperson on this matter, and I have commented on that previously.

The member for Kalgoorlie raised a few matters which exposed her ignorance on the issue. We have offered, on a couple of occasions, the opportunity for the member to visit the department to see some of the processes involved.

Ms Anwyl: I am familiar with that. I worked in this area as a legal practitioner. Will you please deal with the issue?

Mrs PARKER: The member spoke about the recording of the priority cases system and the comments made in the Midland report. If the member had taken up the offer of the briefing, she would understand that the Midland office had a practice which was not consistent with that in other district offices. Although all offices have a computer system which records all incoming cases, the Midland office had an intake book which was a historical practice. The book is with us and is no longer in use.

Although the priority of the cases was not always written down in the intake book, it is always recorded in the computer system. When cases are of concern, that priority is recorded. In fact, staff members cannot proceed to obtain information on a case without that priority being acknowledged. I believe that the case in question related to screen number 3. Since the report was released, the priority identification has moved to screen number 1, so no officer can look at any issue of a case without acknowledging its priority. The member's claim that this a generic problem across the department, again, is selective use of information. The practice of the intake book was certainly not used elsewhere; it was peculiar to Midland.

I was amazed that the member for Kalgoorlie raised resourcing, again to be confronted by the truth of the matter. This Government has an unequivocal commitment to family and children. It is consistently reflected in the budget, the management and the focus of Family and Children's Services. To support parents in their difficult job, we have introduced a parenting-plus package which incorporates a range of initiatives. For the information of the member for Kalgoorlie and others, some of those initiatives are being copied in other States and the intellectual property is being purchased. The Queensland Government sent officers over to look at the parenting information centres, which are recognised as being of excellent benefit to families.

Over the past four years, we have seen an increase in the department's budget of \$26m, and an increase in staff numbers in direct services, where the rubber hits the road, of 170 full time equivalents since 1993. The previous Labor Government cut the staff in 1991-92 by 128 FTEs and in 1987-88 by 117 FTEs. That is not a great record for parents and their children. That Labor Government also cut the number of staff in that department in 1990-91 by 31 FTEs. That equates over those years to a staff cut of approximately 250 FTEs! I would like more time to debate the issue, as I have much more wonderful information. However, any comparison or stand-alone assessment reveals that this department and the Government are committed to resourcing services to provide care, protection, prevention and early intervention. We have an unequalled commitment to good resourcing and best practice. We will continue to maintain that policy, and this Government's record will always stand on its merits.

SECURITY ON MIDLAND-PERTH RAIL LINE

Grievance

MRS van de KLASHORST (Swan Hills - Parliamentary Secretary) [4.45 pm]: I grieve to the Minister for Local Government representing the Minister for Transport in relation to security on trains on the Midland-Perth line. I acknowledge that the Minister for Transport has made some significant improvements in increased security on night trains; in fact, the number of security officers in many areas has doubled. However, I refer specifically to day travel.

Many constituents contact me on this matter. One example raised with me was of a 16 year old youth assaulted when travelling by train from Guildford Grammar School to Bassendean. A group of young people were throwing things like chicken bones around the train and engaging in threatening behaviour, particularly towards the elderly. The youths were urinating and generally misbehaving.

Another case was a young boy who was robbed of his Nike shoes on the train. A young couple with a seven month old baby boarded a train to find six or seven young people sniffing glue. They had to take the baby to hospital that evening as a result of the effects of the fumes. It was the 4.15 pm train, which was packed. They had a pram and the youths lying around on the train made it almost impossible for the couple to negotiate moving to a better seat.

Although we have increased train security at night, our main problem is with day security. This problem is raised with me all the time. People are saying that they cannot travel on trains to Perth during the day. As a Government, we have been trying to increase rail usage, and one such initiative was the provision of new security parking in Midland. However, even though security initiatives have been implemented by Westrail - evening travel has seen a major improvement in safety - we need extra day security on the Midland line due to the high incidence of antisocial behaviour, which admittedly is not usually major crime. However, passengers on the Perth-Midland line are asking for increased security on day trains to improve safety for that train travel.

MR OMODEI (Warren-Blackwood - Minister for Local Government) [4.48 pm]: I thank the member for Swan Hills for her grievance. She continues to throw down the gauntlet to the Minister for Transport! The Minister and his department have provided me with some information so I can respond to the member's grievance.

The day security figures are significant. It would be nice to have full time security guards on trains, but the cost of an around the clock service would be an extra \$8m. As the member said, night security has been improved and a full security presence is provided after 6.00 pm. Currently, 89 service and security staff are employed, and the Government is in the process of training 22 special constables to start work before July. This will give Westrail a full security complement of 111 officers, which will allow for daytime patrols as well as the full security evening presence.

Although it would be nice to have guards on trains day and night, it would cost \$8m to do so. That sum needs to be considered in relation to the total fare collection of \$21.02m in 1996-97, and a total government subsidy for the operation of suburban trains in that year of \$86.32m. That was a huge loss. The additional security would require a fare increase of just under 40 per cent, which members may not like. As the member for Swan Hills said, we need to get more people on the rail system, not discourage them.

One of the other features of Westrail security is its close liaison with the police. Westrail special constables receive training similar to police; police instructors are involved in their training and police communications are also coordinated. They make random checks of stations and car parks. Helicopter patrols are included on the suburban railway lines and police and Westrail officers jointly visit schools.

Returning to those people who are of concern, the best way to deal with the problem is to educate school children who use the rail service. The member for Swan Hills referred to the antisocial behaviour particularly of young Aborigines on trains. To combat that, Westrail recently appointed to its staff a member of the Aboriginal community to encourage young Aborigines to respect the rights of others. That is a step in the right direction and consequently three more Aboriginal liaison officers have been appointed and are undergoing training now. From Monday, 6 April, they will ride the trains every day with emphasis on the Midland and Armadale lines. That is a good initiative and follows up the member's concerns.

Future plans include additional police presence at the Perth City station from June and a public awareness program will be launched in July. Last week the member for Hillarys mentioned secured car parks. These have been established at Currumbine, Whitford, Stirling and Midland railway stations and other sites are being examined. Two new railcars are due for delivery in November and February. I am uncertain whether that means two in November and two in February or one for each month, but I will certainly check. Those trains will have two video surveillance cameras. The existing 43 railcars will be progressively fitted with additional surveillance cameras to improve coverage.

Other security measures planned include better telephone services and the use of surveillance cameras at railway stations. The measures taken to date have substantially reduced the level of antisocial behaviour and future measures can be expected to reduce it further. However, antisocial behaviour is a community problem as well as a Westrail problem. Westrail does not trigger antisocial attitudes or behaviour and cannot be expected to eradicate them from the community. A coordinated approach is required on the part of the police, Westrail security, and schools so that, over time, the situation at railway stations continues to improve. There is no doubt that the member's grievance is timely and it is obvious that Westrail is establishing programs that will improve the situation.

SCHOOL CLOSURES

Grievance

MR RIPPER (Belmont - Deputy Leader of the Opposition) [4.57 pm]: My grievance is addressed to the Minister

for Education. The State school system has a very important role in promoting equality of opportunity in Western Australia. For the State system to play that role, it must be fair internally. We must avoid a situation within the State system where there are rich and poor schools. The Minister's local area education planning framework threatens to be very unfair in the way in which it provides additional resources to some schools in affluent areas, resources which are far in excess of those which will be provided to schools in areas which are not so fortunate.

I do not support the Minister's program of school closures. The Opposition places a much higher priority on pastoral care in schools. We have a much higher appreciation of the benefits of small schools and the way in which students can fall through the gaps in large schools. We place considerable value on the link between a community and its local school.

Leaving that aside, it is clear that school closures will occur in both the western and eastern suburbs as part of the local area education planning process. The district directors of education have recommended options for the western suburbs high schools, the cluster including Belmont and Kewdale Senior High Schools and Maddington and Cannington Senior High Schools. If the director's preferred options were implemented, the combination of those recommendations will cause the closure of Scarborough, Swanbourne, Kewdale and Cannington Senior High Schools. I am concerned about the unfairness that will occur in the way the resources are allocated to the remaining schools in those clusters as a result of the closures, based on the asset reinvestment guidelines in the local area education planning framework. I quote from that framework -

Up to two-thirds of the net amount made from the sale of a school site can be used to fund improvements to schools in the group.

The difficulty arises, because the value of land in the western suburbs is greater than that in the eastern suburbs and I want to see how that will work in practice.

Mr Barnett: We will close an extra school in your area to compensate.

Mr RIPPER: That is typical of the Minister's approach. I hope *Hansard* has recorded that interjection and I will relay it to the electors in Belmont and Maddington as soon as I can.

Looking at the preferred option for the western suburbs, the capital realisation from the sale of the Scarborough and Swanbourne sites totals \$23.55m. That leaves \$16m of re-investment funds available for the remaining schools in the western suburbs. It is proposed that that \$16m be distributed in the following way: Carine Senior High School, \$2m; Churchlands Senior High School, \$5m; Hollywood Senior High School, \$7.5m; and City Beach Senior High School, \$1m.

It is instructive to compare what will happen when Kewdale and Cannington Senior High Schools close, if the Minister endorses the recommendations of the district director of education in the Cannington education district. The sale of the Kewdale site will raise only \$4.1m. Under the re-investment guidelines, that will make \$2.8m available to upgrade Belmont Senior High School. If Cannington Senior High School closes as per the director's recommendation, the sale of the site will raise approximately \$6m which will release \$4m for upgrading Maddington Senior High School. If we compare the two scenarios we see that in the western suburbs, \$16m will be available for school upgrades, while in the eastern suburbs, no more than \$6.8m will be available. That is an unfair situation and it will be repeated as local area planning spreads across the metropolitan area, because in some districts and suburbs land prices are high and the remaining schools in those suburbs will benefit from the two-thirds rule. In other districts land prices are low and the remaining schools in those suburbs will not receive the same benefit.

The tragedy is that, generally speaking, land prices are highest in those suburbs which are already the most advantaged. The schools which have fewer problems to deal with and where the children already have good educational backgrounds, are the schools that will get the extra funds. The schools that will miss out are those that serve socioeconomically disadvantaged areas, where a proportion of the children arrive at school with educational handicaps and where the school needs to respond to a whole host of problems which simply are not found in the more affluent areas.

Funds for education need to be allocated on the basis of need, not on the basis of land values, nor on how fortunate one is to live in a particular suburb where a rival school can be sold for a high price and one can benefit from the two-thirds rule. I call on the Minister to re-examine the justice of the rules for re-investment in his local area education planning framework. I cannot see any fairness in spending \$6.8m on schools in the south east metropolitan corridor, following school closures which parents do not want anyway, while \$16m is spent on schools in the affluent western suburbs, following school closures in those areas. I do not support school closures; I think the Minister will go ahead anyway. This is a very unfair situation which will increase inequity in the state school system. That will be tragic, because the role of the system is to promote equality of opportunity. That will not happen if we have a tier of rich schools and tier of poor schools.

MR BARNETT (Cottesloe - Minister for Education) [5.01 pm]: Equity in education is an important criterion, among a number of others. The member for Belmont began his comments by talking about the influence of pastoral care, small schools and communities and other things. No-one could disagree with those comments. However, the prime goal of schools is education. One of the difficulties of being an Education Minister is that no matter the issue, no matter the aspirations people may have for society and for the community, the simplest answer is to run an education program and fix it through the schools.

The member said that we should not have differences between rich and poor schools. I agree. However, we have rich and poor communities. We have better endowed schools. We have private schools and non-government schools. I cannot create an absolutely uniform and probably mundane school system overnight.

Mr Ripper: But you can act to prevent the situation becoming worse.

Mr BARNETT: The western suburbs and the eastern suburbs have schools that were developed at a similar time - in the late 1950s through to the 1960s. Schools then had far greater school populations. Those populations now have moved on. Some schools have less than half the number of students they had even 10 years ago, and something needs to happen.

The greatest requirement of equity is that resources - money, buildings, teachers, and administration - follow the young people of today. Most of them are in the outer suburbs and in some of the developing regional areas, such as Peel-Mandurah. They are not in the old inner suburbs. The reason that school amalgamations or closures come out of the process is simply to improve the quality of education, to lift government schooling to a substantially higher level. It is a one-off opportunity.

In the western suburbs, there are seven high schools when perhaps there should be four or five. What remains will be significantly better. They will be able to compete with private education and to deliver the type of education needed into the next century. The old buildings and the antiquated facilities of the 1960s are now 40 years old - or approaching that level - and they are not appropriate to meet young people's needs.

The member for Belmont raised a legitimate issue. I agree that property values in the western suburbs are higher. If a school is sold or reduced in size and the land is sold, it will realise more. However, my point is that in trying to convince communities to accept amalgamations or closures of schools - and I reserve the right to make the final decision - we must provide a benefit. We must demonstrate that education will be significantly improved as a result of the inevitable hardship and pain. In that sense, if schools are closed and properties are sold in the western suburbs, large proceeds will be realised. It is very easy to demonstrate that the improvements to Hollywood or Churchlands schools, and some other schools, will be significant. They will be elevated from 1960s schools to twenty-first century schools. They will be as good as we can get, using old buildings, rebuilding and redeveloping those schools. That is difficult enough to achieve in the western suburbs where property values are high.

The criteria refers to up to two-thirds of the money being used locally. Therefore, at least one-third of the proceeds of the western suburbs sales will be allocated across the system. In his argument the member ignores the fact that we are talking about a supplementary form of funding for education. If that money is realised in sales and spent in the western suburbs, demands will not be made for general revenue to be spent in the area. It will free up not only the one-third of extra sales across the system but also the normal on-going capital works programs to be applied in other areas. The sale of land in the western suburbs will fund improvements in schools in that area, and more of the budget cake of Education can then be applied to what the member describes as areas of need.

Mr Ripper: It sounds like a con to me.

Mr BARNETT: It is not. It will simply free up resources. I will not need to take money from the Education budget and pour it into the Hollywood and Churchlands schools. We will fund those improvements out of property sales. Some of that budget will need to be used in the areas about which the member is concerned, and in some of the growth and expansion areas.

I have not visited all schools in the eastern suburbs. I intend to do that over the next few weeks. I have visited some, and I will return to them. I would be happy if the member for Belmont joined me.

Mr Ripper: We will arrange a big meeting for you.

Mr BARNETT: The member will probably choose not to join me. The amount of money to be realised does not match what will happen in the western suburbs. There is an equally urgent need to improve the quality of government education in that area, just as there is in the western suburbs. Academic programs must be stronger. We must have viable class numbers.

Vocational programs are important across the system, including the western suburbs, because not every kid is

destined for university. Also vocational programs would be relatively more important in the eastern suburbs. To provide quality vocational programs is more expensive than running typical TEE programs. If anything, the member's schools need a capital injection more than do my schools in the western suburbs.

Mr Ripper: That is my argument.

Mr BARNETT: I agree. I am prepared to consider a higher proportion than two-thirds of the realised sales being ploughed back into schools in that area. In the western suburbs I am not. No more than two-thirds will go into those schools; at least one-third will be allocated across the system into so-called areas of need. I am prepared to look at the allocation of the proceeds. I want, however, to avoid a scenario in which the proceeds of the sale of school property must go into those schools. That is the danger.

Mr Ripper: Education funding should be allocated on the basis of need.

Mr BARNETT: Yes. That is a nice principle, but unless we can demonstrate to a community affected by school closures or amalgamations that most of the money will return to that area, they will fight it every inch of the way, and we will not get the gain. I am a bit of a coward; I like to do things as easily as possible. A Labor Government had a go at closing schools. This Government has had a go at closing schools. They both failed. I am trying to improve education. The community will take some time to accept that the benefits are great.

I understand the problem, and I assure the member I will have an equal commitment to improving the quality of education in the eastern suburbs.

PURCHASE OF LANDCORP LAND BY JOONDALUP COMMUNITY CHURCH

Grievance

MR BAKER (Joondalup) [5.07 pm]: I direct my grievance to the Minister for Lands in his capacity as Minister responsible for LandCorp under the Western Australian Land Authority Act. I grieve on behalf of a very large and active community group known as the Joondalup Community Church, a Church of Christ. Recently I was approached by Pastor Bruce Eagles on behalf of the church, seeking my assistance in locating some land within the Joondalup region, particularly the Joondalup central business district, to enable the church to construct a church proper on that land. The church has identified a block of land containing some improvements situated at lot 112, Winton Road, Joondalup. That road is situated in the Joondalup business park. The lot is on the far western edge of the loop road, known as Winton Road. The land contains some improvements - an old storage shed cum warehouse - and was used by LandCorp's predecessor, the Joondalup Development Corporation. The land and improvements have been sitting idle for almost three years.

The church understands that as a matter of law it may not be possible for LandCorp to entertain a request for the block of land either by way of sale, lease or grant. However, I have skimmed through the Western Australian Land Authority Act, and I would argue in response to any suggestion that LandCorp does not have the authority to enter such negotiations, that perhaps it does. Section 3(a) of the Act states that the objects of the Act are -

the provision and development of industrial, commercial, residential and other land in a range of localities to meet the social and economic needs of the State;

I emphasise the word "social". I would have thought a church need is necessarily a social need. Section 16 of the Act deals with the functions of the authority and, once again, it is stated in subsection (1)(a) that the functions of the authority are, among other things, to be an agency through which the Government promotes the provision of land for the social and economic needs of the State. Once again, I emphasise the word "social". Beyond that, section 17(2)(a) in effect states that the authority may dispose of land in certain circumstances but if those circumstance apply, the approval of the Minister is required. The term "dispose of" is defined in section 4 of the Act, the interpretation section, to include "sell, exchange, lease, let, grant a licence and grant any easement of right of way". I argue that *prima facie* there is power in the Act to enable the Minister to at least entertain the request for that land for the church.

By way of background information, I indicate that the church has been operating in Joondalup for the past seven years from a lecture theatre at Edith Cowan University. It has no premises of its own and it pays a substantial monthly lease or licence fee to Edith Cowan University for the use of the lecture theatre. The group currently has 200 members who either live or work in the Joondalup area. As the name suggests, it is a local community church, and it is clear from a profile of its parishioners that they are all local Joondalup residents.

I return to the functions of the Western Australian Land Authority as set out in the Act. If the Minister sees fit to entertain negotiations, the recognition of the social need will impact locally upon Joondalup people, and not people who do not live within the region.

By way of further background information, the church certainly acts as a church but it also performs important community services and functions within the Joondalup region. For example, the church is currently operating programs in two different youth areas. The first is the Highlife program for teenagers, and the church has put in place staff to train and help set up this program and it has commenced work in this area. The program is aimed at youth in the lower age bracket and provides recreational facilities and pursuits for them after school, at weekends and during school holidays. The second program - J-Force - commenced this year and is growing rapidly. It is aimed at children in years 5 to 7, or ages nine to 12 years. This program operates once a month and, once again, I am told that already 30 children attend. Once again, the object is to assist children to make better use of their spare time and to instill in them Christian values.

I mention in passing that Pastor Bruce Eagles from the Joondalup Community Church has told me in clear terms that each and every member of his church is opposed to abortion on demand. He has made that very clear.

The church further conducts a Careforce Recovery Program aimed at meeting the needs of individuals and families in crisis in the Joondalup region. This program has been running for a number of years in the eastern States, and has been extremely successful. The church trains facilitators in the parish to work in this area, and the program is broadly similar to programs administered by the Salvation Army. The church also conducts a Project Family Care Program, which provides hands on assistance for the elderly and infirm. Parishioners offer meals and ironing and cleaning services to people in the Joondalup area, and they assist mothers with young children who are having difficulty coping. They are to be commended for that.

MR SHAVE (Alfred Cove - Minister for Lands) [5.15 pm]: I am disappointed that time ran out for the member for Joondalup because he was doing a fine job on behalf of the people in his electorate, as he usually does.

This issue has been raised with me on a number of occasions and, coincidentally, when I was having afternoon tea today one of the Opposition members raised with me the need for the church to have access to some land in Karratha. One of the problems, which I mentioned to the member, is that when LandCorp is involved in making grants, as the member for Joondalup pointed out, under its charter it has the capacity to look at the social needs in the State, but it is also required to act commercially. Often, the authority must make a decision when there is a conflict between those two requirements under the Act.

Another problem in the area in question - I do not know whether the member is aware of it - is that the Anglican and Catholic churches have bought land in Joondalup. If LandCorp were to transfer land to another church group, on the basis of a peppercorn figure, it could be argued by the other churches in the area that they had been discriminated against. I know they do not have any ill-will towards the Church of Christ but, quite clearly, when grants are made to churches it is better for the Government to act in a fair and even-handed manner.

In this case I understand the building has been vacant for some three years, it is available and it is not being used at the moment. There may be an opportunity to consider a lease. It is true that in the past the State Government has granted land and the use of buildings, by way of crown grants in trust, to various charitable organisations. I cannot think of many organisations more deserving than the churches, who do a good job very often in difficult circumstances.

I am prepared to enter into discussions with the member for Joondalup. As I mentioned to the member for Pilbara during afternoon tea, I will arrange for one of my policy officers to meet with the people involved and consider the individual cases to see what can be done. I qualify that by saying I would have difficulty with the proposition of the State giving land to one of these organisations, because other church organisations have paid for their land. There must be some equity in these issues. However, if the Government has access to some buildings which are not being used, quite clearly there may be an opportunity to arrange a lease or some form of tenure which, if it does not solve the problems of the church in the long term, might alleviate them in the short term.

One of my staff will be in contact with the member for Joondalup over the next couple of days. We will have a look at the particular building in question. If we can assist and it is reasonable, fair and equitable to do so, then we will assist.

The ACTING SPEAKER (Mr Sweetman): Grievances noted.

GOVERNMENT FINANCIAL MANAGEMENT AND ACCOUNTABILITY

Motion

MR GRILL (Eyre) [5.21 pm]: I move -

That this House condemns the Government for the waste and maladministration that is resulting from its continuing failure to ensure proper standards of financial management and accountability.

I will dwell on Agriculture Western Australia and the findings of the Auditor General in respect of that department. I understand that the Attorney General is to bring down his report on a number of departments this evening. I understand, as does everybody else in this Chamber, that the Auditor General has severely censured Agriculture Western Australia for its accounts. He found that the trial balance was a massive \$34m out; that there had been overpayments in only six months of \$550 000; that outstanding debts of \$2.5m had not been followed up. That amounts to some \$3m. I understand that the Auditor General is giving those figures in an indicative sense, not knowing what are the possible losses in the department through the defalcations in the financial system adopted by it. We also understand from the Auditor General that the accounts for the past year were so inaccurate and incomplete that he was unable to sign them off and so has issued a disclaimer.

Let us put this into perspective. Never before in the history of Agriculture Western Australia has its accounts been queried in such a fashion and never before has a disclaimer been issued in respect of them. As far as I can ascertain, never before has a major department had a disclaimer issued against it in such a fashion nor has there been criticism of this nature and to this extent of a major government mainstream department. It is unprecedented. If this had happened in private industry, heads would roll. Government departments should not be treated any differently. We are looking at a massive financial disaster.

Mr Bloffwitch: Other departments which have changed over to the computer system have ended up with exactly the same problem. Heads did not roll but resources were put in to resolve the problem.

Mr GRILL: We will go into that. Agriculture Western Australia is not the only mainstream government department or agency using the system. Although other agencies are having extreme difficulties with this system, they have been able to cope so far - maybe not well, but they have been able to cope. Other factors are at work in Agriculture Western Australia. We are witnessing an unprecedented financial situation. I have referred to losses which the Auditor General mentioned in the order of \$3m. As I have said, that was only indicative and not the full extent of the losses sustained by the department since 1 July 1996, if not earlier.

Other problems are now manifesting themselves and have been for some time. There have been problems with software modification, hardware, and accountants in the department and from outside. Computer experts who were retained on a consultancy basis have now left the department. We have more accountants in there. The Minister responsible for Agriculture Western Australia indicated yesterday that the department is still having major problems with its financial system. The Auditor General has had to put a team into the department in an endeavour to cope with the problems that are manifest.

On top of that, there has been a dramatic loss of efficiency in the department. No-one in the department can properly keep track of money spent or received. It has been very hard, and in many cases impossible, for program and project managers to keep track of where they are financially. The financial system of Agriculture Western Australia simply does not work. It did not work two and a half years ago when it was first introduced with a target date of 1 February 1996. The system was to have taken over the accounts of Agriculture Western Australia from 1 July 1996, but it did not work on 1 February 1996 or on 1 July 1996 and it has not worked since that date.

At present the system can make payments. The Auditor General has already commented on that. It overpaid by \$550 000 in the last financial year. However, it cannot keep track of revenue, control accounts, achieve trial balances or compile information in a coherent fashion. The Minister admitted yesterday that the department was still having major problems with the system. He also confessed that he became aware of the problem in about August of last year. We presume that since then he, as the person responsible, has endeavoured to do something to remedy the problem, yet in his speech yesterday he informed the House that only a week ago he had discussions with the Auditor General concerning the matter.

Mr House: That was not the first time. I met with the Auditor General a number of times, the most recent of which was Friday of last week.

Mr GRILL: It is clear that these problems have been ongoing and in many respects still exist.

In his statement yesterday, the Minister endeavoured to obfuscate the current problem. He tried to tell us that the problem had been brought about because of the complexity of the structure of Agriculture Western Australia. He said that if there had been a simpler structure there would not be a problem. That was one of the major thrusts of his statement.

The truth is that Agriculture WA has adopted a massively defective system. At the same time, it has been subjected to a thorough restructuring at the behest of this Minister and it has been a disaster. We have a financial system which does not work and which is defective in many respects, and a department that has been restructured in a disastrous fashion. One problem has compounded the other.

Whereas other departments that have picked up this Smart Stream package have been able to cope with it to some degree, because the restructuring has compounded the problems in relation to the defective system, we have an unprecedented financial fiasco within Agriculture WA.

Accountants have come and gone; consultants have come and gone; Price Waterhouse has been called in, has given advice and has left. On 28 May last year, Hon Kim Chance in the other place put a question to the Minister concerning the operation of this system. At that time the dogs were already barking. The Minister says he became aware of the problem in about August. Well before August it was common knowledge within the department and in certain circles outside the department that this financial system was not working and was unlikely to work in the foreseeable future.

Hon Kim Chance asked the Minister in the other place a question about control of creditor payments, revenue and debtors. The question on notice was asked in the Estimates Committee and was seeking supplementary information. The Minister's response gave the impression that creditor payments, revenue and debtors were under control. Those members who read the question and answer will see that the Minister was endeavouring to give the impression that all was well: There were no problems; Agriculture WA was performing well; the financial system, which was one of the main departmental focuses, was up and running; and there was no need for concern. That was a long way from the truth.

It took the Auditor General - only last week and somewhat by accident - to blow the whistle on the situation. If it were not for that and the efforts of some ex-employees of Agriculture WA, we probably would not know about this problem today.

How did this problem come about? What was its inception? Its inception cannot be divorced from the decision made by this very headstrong Minister to reshape and restructure the department to his heart's delight. He adopted a model that most people believe belongs in the 1970s. He compounded the problem by insisting on the restructuring when a new financial model and system were about to be adopted. This new financial system had to handle the new funder-provider model, which the Minister was insisting be adopted throughout the department. It was the problems encountered in coping with this new funder-provider model that further compounded the problems being experienced with the Smart Stream system.

The system was supplied by Dun and Bradstreet (Australia) Pty Ltd, which was later bought out by a Canadian company called GEAC. Price Waterhouse and Smart Software Solutions formed the joint implementation team for the new system within Agriculture WA. That sounds all right. The problem is that Price Waterhouse was promoting the system and Smart Software Solutions was closely connected with Dun and Bradstreet and GEAC. The people recommending the program also supplied it and became the consultants.

There is concern within the department about the procedures put in place in adopting this system. We are told that the second in charge of the department, John Lightfoot, played a major role, along with others. Concern has been expressed that no proper specification was written in respect of the supply of the system and that Ian Counsel, the manager of information technology, was not consulted concerning the adoption of a new system. In fact, he had been working on a new system that he wanted to see introduced; that is, the Oracle Technology Path. That was put aside in favour of the Smart Stream system.

Because the restructuring of the department to which I have already referred was being implemented at the same time as the adoption of the new financial system, we saw a whole range of people with expertise fleeing the department. People like Ted Neeshan, Pat Kirwin, Pat Kitson, Lew Louthian and Kevin Wilson, some of whom held the position of manager, financial resources, left the department. At the same time the head of the department - that is, the very highly qualified, respected and experienced Dr Mike Carrol - left. It is not known why he left, but it is believed it was because he had a major disagreement with the Minister in respect of the restructuring. I have obtained my information about this issue not from Dr Carrol but from his colleagues. They believe that he had a major difference with the Minister in respect of the restructuring - he opposed it and thought it would be disastrous - and, as a result, when the Minister insisted on proceeding with it, he left the department rather abruptly.

Mr House: I think that is one of the most unfair statements I have ever heard in this Parliament about a very respected senior public servant. That is not true; it is not even beginning to be accurate. Dr Carrol left the department under very good circumstances and on very amicable terms with me. What you have said is totally incorrect.

Mr GRILL: The information I have does not come from Dr Carrol and I know he will not confirm it. I have spoken to a number of his colleagues, and they all believe that that is why he left the department. As the Minister has already indicated -

Mr Court: How many did you speak to?

Mr GRILL: Quite a number. Dr Carrol is a man of great discretion and he would not embarrass the Minister.

Mr House: You are embarrassing him.

Mr GRILL: The Minister is very touchy on this subject. Let us talk about the department as the Minister found it and as it is now.

The department the Minister inherited was considered to be the pre-eminent agriculture department in Australia.

Mr House: It still is.

Mr GRILL: That is not the view of farmers, people within the department and those who deal with it. I will refer to that aspect in a moment.

Each year, one of the farmers' weekly papers conducts a survey to determine the relative satisfaction of the agriculture departments in various States. Invariably over the years Agriculture Western Australia has been at the head, or close to the top, of that list. In the two most recent polls taken by the WA Farmers Federation in 1996 and 1997, a negative response was delivered by farmers.

Mr House: How many farmers responded to the poll?

Mr GRILL: It was a small poll; that is true.

Mr House: It was 270 from memory, out of 10 000 farmers. Your figures are nonsense.

Mr GRILL: Nonetheless, the WA Farmers Federation said in 1996 and 1997 that the poll indicated that farmers' satisfaction with Agriculture Western Australia had fallen significantly. This department, which had an enviable international reputation for many years, has largely lost that reputation, and the high morale of the organisation the Minister inherited has gone.

I will not use the terminologies used yesterday by people in the department, and those recently there, regarding morale as those comments are unprintable. Almost without exception, the comment was that morale had fallen dramatically to rock bottom as a result of the Minister's actions. Largely, this was due to the Minister's bull-headed approach to the restructure and insistence on a financial system which simply has never worked - it still does not work, and may never work.

I now tell the Minister what people inside and outside the department are saying. Firstly, they say it is top heavy with administration and is far too bureaucratic. I use a neutral term in stating that morale is at rock bottom - the people to whom I spoke used much worse words. The department is no longer well regarded by farmers, but I have made that point. The department and the Minister in particular do not have good relations with the WA Farmers Federation, and the director of the department and the Minister are barely on speaking terms. They say that the much heralded decentralisation scheme, implemented by the Minister with all good intent, ran out of steam and money. It is now implemented only on an ad hoc basis. The department is far less accountable and we have solid evidence of that. The department has less real money and some, if not most, of the best people within the department have left.

Mr House: We have increased funding to the department.

Mr GRILL: We are talking about real money.

Mr House: So am I.

Mr GRILL: People within and outside the department say that although the amount of money directed into the department has increased, it is eaten up in bureaucracy, red tape and consultants. Therefore, less real money is directed to the jobs farmers and others want done; namely, research, regulation and extension. All people I discussed this point with yesterday said that each of those areas report the same story: Services have deteriorated and morale is close to rock bottom.

This Smart Stream system was introduced very much at the insistence of the Minister and others. Shortly after its introduction, it was referred to as "dumb creek". People then realised that creeks flow, and as this piece of software did not flow at all, it degenerated to the point that it was no longer called "dumb creek". It was Smart Stream, then dumb creek and now they do not call it anything. The problem with the system is that no-one knows how to operate it. No project managers are skilled in how this software operates; they cannot operate the system. In a sense, the programs within the department are in chaos.

It was not that long ago that a former President of the WA Farmers Federation - someone from the Premier's party - said this about the Minister's efforts in his department.

Mr House: Who?

Mr GRILL: I refer to Peter Lee, a prominent member of the Liberal Party, who said that this Minister had eviscerated the department. By and large, that is what most people who work in the department believe.

What do we have now in its financial system? We have as close to a financial scandal as one can possibly imagine. We have a financial system which is out of control and does not work. It cannot control revenue or accounts and cannot bring in trial balances or compile information. All it can do properly is make payments. Even there, according to the Auditor General, the system overpaid in excess of half a million dollars in a six month period.

The problem with the Smart Stream system extends beyond Agriculture WA. As I mentioned earlier, a number of other agencies and departments have picked up this system. The Water Corporation, the Department of Sport and Recreation, the Department of Productivity and Labour Relations, the Curriculum Council, the State Electoral Commission and Agriculture Western Australia all picked up Smart Stream. Today the Opposition rang around as many of these agencies as possible and the consensus was that Smart Stream has real problems. They have all had trouble coping with the system. However, the only department which allowed the system to get completely out of control was Agriculture WA. This system was recommended by not only Price Waterhouse but also Treasury. It has been allowed to get out of control because this Minister insisted upon a far reaching restructure with the funder-provider model, of which few, if any, people in the department had any knowledge at the time.

The problem of a defective financial system was compounded by the problem of a disastrous restructure. We have the evisceration of a department which was held up by Western Australians as the pre-eminent primary industry department in Australia. It was the premier research institute in Western Australia. No other research institute in this State even went close to the former Department of Agriculture in its research work and record. All that has been lost because of the folly of this Minister who insisted upon that disastrous restructure and endeavoured to back a financial system which does not work. We are as close to a financial scandal within the department as one can get.

The Auditor General currently has a team of officers within the department trying to sort out the problem. I understand that experts have come across from Sydney - the Minister can deny that if he wants - to endeavour to sort out the problem. In May last year the Minister indicated that the system would cost about \$2m to install. The Auditor General has referred to potential losses of at least \$3m. Officers within the department and those who have recently worked within the account section indicate that other costs have been incurred and moneys that have been lost as a result of the introduction of this system would run into at least a further \$4m. In due course, whether by way of a proper inquiry or by some other means, the people of Western Australia need to know what happened to their money in respect of this financial system; how much money has been lost and whether this system will ever work. Given the level of expertise within the department at present and the problems it is already experiencing with the financial system, it may be that it will never work.

Mr House: That is a scurrilous thing to say. There are some very able people in the department and you are denigrating them when they cannot defend themselves.

Mr GRILL: Under the administration of this Minister the morale of this department has been reduced to rock bottom, and for the first time in the history of the agriculture department a qualification has been placed on its accounts - it is the worst qualification that the Auditor General could give. That is unprecedented in the history of the Western Australian Government. That is the context in which to put this matter: This has never happened before! It is unprecedented. If it had happened in private industry heads would roll and, frankly, I believe that in relation to this scandal heads will roll in the future.

MR HOUSE (Stirling - Minister for Primary Industry) [5.52 pm]: Although the speech by the member for Eyre was in part accurate, it was a disgrace for him to denigrate public servants who work hard in the interests of this State and do a damn fine job. They do not deserve a member of this Parliament using parliamentary privilege to vilify them in that way. That is unfair. They deserve an apology.

Mr Graham: I might dig out some of the Minister's speeches when he was in opposition and recirculate them.

Mr HOUSE: I can guarantee the member for Pilbara that he will not find a speech where I vilified public servants in that way.

Mr Grill: The Minister has misconstrued the situation. I did not vilify or denigrate public servants; I spoke objectively about what happened in this department under his administration. It has been a disaster and everyone in the department knows it.

Mr HOUSE: The member had better read his speech. Will the member for Eyre offer them an apology?

Mr Grill: Stop the bravado and get on with your speech! You know you are a disaster.

Mr HOUSE: The member for Eyre will not apologise.

The interesting point about the speech of the member for Eyre is that when he was the Minister for Agriculture he commissioned Coopers and Lybrand to provide an opinion on the accounting system at Agriculture WA. Coopers and Lybrand found that the system in place in 1986 was outdated. That is more than 10 years ago.

Mr Grill: It was outdated, but I will tell the Minister something: That system worked; the Minister's system does not work.

Mr HOUSE: It was outdated and the member for Eyre was the Minister at the time. Coopers and Lybrand suggested that the then Minister needed to do something about upgrading the system. The Labor Government at that time and subsequent Labor Governments did nothing about that. Until we came into office no funding had been allocated to do something about that system.

The only part of the member's speech that is correct is that the system we put in was less than satisfactory by a long stretch. I admitted to this House yesterday that we still have not got it right. It has not been satisfactory; it has not been suitable. We have worked hard with the Auditor General to make the system acceptable to him, to the Parliament and to the people we represent and serve. We took the best possible advice that we could get at the time.

Mr Grill: You have had a year and a half.

Mr HOUSE: We took advice from Dun and Bradstreet, Price Waterhouse and others and we have tried to make that work. We have a different system from a lot of other government departments that use the Smart Stream system. A number of government departments, both state and federal, use that system satisfactorily. Agriculture WA has 90 outlets across the State and employs 1 800 staff. The numerous inputs to that system have meant that we have not been able to get Smart Stream to work properly. As soon as that was brought to our attention and we realised the system was not working properly we took steps to rectify the problem. The first information we got from the installers was that nothing was wrong with the system. They now admit that was not correct and there was a lot that was wrong with that system.

Mr Grill: I take it you are going to sue them?

Mr HOUSE: That decision has not been made at this stage.

Mr Grill: Is it possible?

Mr HOUSE: Yes, it is possible. However, at this point they are helping us to rectify the problem. I do not know whether they have come from Sydney. They are working with the Office of the Auditor General, departmental officers - people for whom I have the highest regard and who have tried hard to get the system right - and the people who installed the system to try to get it right. I am not confident that we will get it right.

Mr Grill: Why did you condemn me a minute ago when I said the same thing?

Mr HOUSE: I did not condemn the member for being critical of the system, but for criticising the departmental officers. Those officers have made a wonderful effort to try to rectify the problem.

Mr Grill: You have conceded that the department does not have the expertise because you have already brought in officers from the Office of the Auditor General and consultants from the Eastern States.

Mr HOUSE: That is right.

Mr Grill: You are saying nothing different from what I said.

Mr HOUSE: They are helping our officers to get it right. That is proper and how the system should work. Not only did the department take action quickly to try to get it right but also when the Auditor General moved in we started to get the thing on track, along with the people who installed the system.

Mr Grill: When did they move in?

Mr HOUSE: I do not know the exact date off the top of my head. I will provide the member with the exact date. However, it was within months of installing the system.

Mr Grill: Is the Minister agreeing with me that this system may never work?

Mr HOUSE: Yes, I am. That is a distinct possibility. That is not the advice that I have been given by some of the people involved, because they think they will get it right. However, I am not that confident. When we have worked on a system for as long as we have worked on this system and it is still not right we must query whether it was right in the first place. We took the best available advice when we installed it. We have been working hard to try to get

it right. I am not confident that we will get it right. Probably, by the end of this financial year, which is another three months away, if it is not right and the Auditor General is not satisfied, we should scrap it and start again. I do not think we will have any option except to do that. That will be a decision to make at the time.

I also make the point that this is a huge problem. I am not denying that. We are taking that on the nose and we are working hard to get it right. There is no suggestion in the Auditor General's report that there has been any misappropriation of funds, or that anybody has done anything dishonest or improper. At the least we know that is a fact. That will be comforting for the people who have been working within that system. They have now got the system to a point where they have identified the major problems and they have worked those down to a point where they have just about rectified all of them, though it is not absolutely and totally right. We will not know until the end of this financial year whether that system comes up to the standard that the Auditor General will accept. If that is the case we will change it at the appropriate time. We did take the best possible advice on that system.

I met with the Auditor General and with one of his senior officers last Friday for an hour. We went through the issues confronting Agriculture Western Australia. He indicated that he was happy and pleased with the progress that had been made and satisfied at our progress in resolving the issues he identified at the time.

Sitting suspended 6.02 to 7.30 pm

Mr HOUSE: I made a comprehensive ministerial statement to the Parliament yesterday that outlined some of the key issues that have been dealt with and are being dealt with adequately by the agency staff. I repeat that the financial system is currently working, and it is satisfactory in terms of the Auditor General's requirements when I met him last Friday. The appropriate people with the requisite expertise have been brought into the agency, and I am confident that it is on track. The agency is working with the Office of the Auditor General to achieve that. Far from this agency not being accountable, it now has the most accountable system it has ever had. The current system is able to identify the expenditure of funds on various programs. The expenditure of those funds is fully accountable to the agency's farmer clients. The agency has in place a partnership arrangement with a group of people overseeing the major programs. It includes farmers and business people, representatives from the Western Australian Farmers Federation and the Pastoralists and Graziers Association, people with business expertise, and others who are involved in putting together these programs. They work with the agency people to make sure that the outcomes modern farmers need and want can be produced by this very modern and efficient agency that is doing a damned good job. I quote from page 37 of the Auditor General's report as follows -

Agriculture Western Australia identified a number of deficiencies with the financial management information system and has implemented plans to address these, as well as the additional weaknesses identified during the audit. The agency has advised that substantial progress has been made to resolve these matters and urgent effort is continuing to address the outstanding tasks.

The Auditor General's report tabled this morning contains a statement that substantiates what the agency has been trying to do. We can all be justly proud of this agricultural agency. Last year it held many field days across Western Australia, and I attended a number of those field days, as I have in previous years. There were record attendances at those field days last year, and the interaction between people working for the agency and farmers was first-class. This State has a very good and active farmer group operating at the moment, and they are very oriented towards good business principles. They are efficient producers and they expect the agency to perform in the same way. That is the aim of the agency, and it is trying to provide the best possible service for farmers.

Last year the scientific area of Agriculture WA performed exceptionally well. It released 16 new crop varieties last year alone, in addition to those released in previous years. Those varieties do not just happen; they are developed because good scientific people put a lot of work, energy and effort into this field so that farmers can maximise their profits. The work of many of those people is often unsung and not recognised. In the past year or two a reward and recognition package has been implemented for the staff within the agency, to recognise the efforts of those people and to reward them in some way. In some cases that is a cash reward and for others a package is made up that is suitable for them.

Agriculture WA will always be a training ground for good, young, agricultural scientists and for those wishing to enter agriculture. It plays a proud part in training people who go into private enterprise agriculture to deliver a good service through SBS Rural and Elders Ltd, and other people who deliver agronomic and agricultural advice around this State. The agency will continue to do that because it can be a lead agency in that area. Agriculture WA has been able to attract some high calibre and talented people, and when they work in the field and interact with farmers, as I have seen them do at field days, one can only be proud of the effort and energy they apply. I am proud and pleased, on behalf of the farmers of Western Australia, to represent those people and to advance the cause of agriculture in this State.

My time is limited in this debate by the arrangement made behind the Chair. I have answered the questions raised by the member for Eyre, and have acknowledged that a few things were wrong that must be put right. The agency and I, as Minister, will do our best to get things right. However, I do not accept that the people in the agency are not of high calibre and that they do not perform and work hard. They are fantastic people who must be recognised for the energy and effort they put into agriculture, and their cooperation in the work they do with farmers in Western Australia.

DR GALLOP (Victoria Park - Leader of the Opposition) [7.39 pm]: I support the motion that this House condemns the Government for the waste and maladministration that is resulting from its continuing failure to ensure proper standards of financial management and accountability. In recent times, there has been a parade of examples of mismanagement from this Government. I could talk about the Global Dance Foundation affair, which is still a matter of debate and concern in this Parliament. There was also the Elle racing fiasco which, again, raised serious questions about the financial management practices of the Government.

We are seeing from a range of reports from the Auditor General serious concerns about the way Western Australian government is being carried on. It should be no surprise that this has happened because since the election of the coalition Government, the public sector has been dealt blow after blow. The public sector today is literally punch drunk with change. It has been downsized, downgraded, privatised and corporatised. We have had cutbacks in contracting out to the point where it is difficult for people working within the system to cope with the ordinary requirements that are laid down under the Financial Administration and Audit Act and with that which we expect from government in the delivery of services. We have major problems today in our prison system and our Police Service. Those problems go to the very heart of the delivery of proper government services. It is a truism that if one does not care for something or the people in it, it will start to show in the way in which one operates. There is no doubt that the Government's lack of belief in and commitment to the public sector is starting to reflect on the performance of the public sector. In the Auditor General's report which was tabled today in Parliament and which covers ministerial portfolios, we see a very clear example. The report contains 199 financial statement audits and 167 performance indicator audits. We see that 24, or 12 per cent, of the financial statement audits receive a qualified audit opinion. Of the performance indicator audits, 24 received qualified audit opinions.

Mr Court: How many were there in the previous year?

Dr GALLOP: I think there were 57.

Mr Court: There were 58, so it is 58 down to 24.

Dr GALLOP: The report reads on page 3 -

These findings range from major control weaknesses which may represent significant risks to the agency, through to matters of a procedural or continuous improvement nature.

If one turns to the glossary of terms at the back of the report the word "significance" is defined as -

. . . the relative importance in the circumstances, in relation to audit objectives, of an item, event or information, or problem the auditor identifies.

When the Auditor General says in his report that some of the findings range from major control weaknesses which may represent significant risk to the agency, warning bells should be ringing right across the heart of government.

Let us look at the general issues which are raised in the report. The first set of issues concerns the way in which management is managing its money. The question needs to be asked: Is government money being put at risk? Case studies in the report show that government money has been put at risk and has been lost. Reference has been made already to the Great Southern Development Commission, to the Aboriginal Affairs Department and of course to the Department of Contract and Management Services. This represents a major problem in Western Australia today where key areas of government activity badly need funds. It is only through the efficient use of government resources and the proper selection of priorities that we can guarantee the areas will be properly looked at. If a dollar is lost through maladministration, it is lost to the health system, which currently needs every dollar to make sure that people are getting life saving treatment. Therefore, we must be concerned when we see the current risks in the government system in the use of taxpayers' money.

The second general issue the Auditor General refers to is the way in which the Government is meeting its reporting and accountability requirements. It refers to the problem of the timing of reports, which is a major issue, because if people keep putting off the submission of financial reports, they put off the day of reckoning and they make it easier for there to be avoidance of accountability.

The third major issue of concern is the introduction of new information technology systems in government. The Auditor General reports that problems associated with the new information technology have led to increased risk of incorrect financial reporting and unauthorised transactions. There is no doubt that a major issue, which has been addressed by the member for Eyre this evening, relates to information technology systems in Agriculture Western Australia. There is no question that we intend to pursue that matter further, if not in this House of Parliament, certainly in the other place. The member for Eyre has gone through that matter in great detail. Let me take up one issue with which the Premier and the Minister for Public Sector Management should be very concerned. A significant issue raised by the Auditor General is the problems associated with the closure of the government accounting system and the implementation of financial management information systems in departments. In his media statement, the Auditor General says that also drawing criticism was a host of problems associated with the implementation of financial management information systems at agencies following the closure of the centralised government accounting system. As has been referred to in the report, the central operating system was shut down but, unfortunately, it was closed before the departments were ready to put in place the alternative systems.

The Premier might be interested to know that similar things have happened in other jurisdictions and, indeed, in the Commonwealth. The Commonwealth introduced these new systems but prepared the way and facilitated the process by making sure that all government departments were ready to take on board the new systems. What does the Auditor General tell us about what happened in Western Australia? He tells us that departments were not sufficiently prepared for the change and that the system was shut down too early with no regard for the consequences. We very much see this story right throughout government. The Government has introduced contracting out throughout the system and expected many government departments to be in a position to properly draw up contracts when dealing with some of the most capable multinational companies with extremely well developed legal and political advice. As a result, some of those contracts are deficient in protecting the public interest. The Auditor General has referred to the Joondalup hospital contract in those terms. Auditors General in other States have raised this as a major problem. The Auditor General in New South Wales most notably pointed out that when contracting out is pursued too rapidly, government departments are unable to protect the public interest in their dealings with some of the largest multinational corporations in the world. We see a wonderful theory in the shutting down of the government accounting system and the implementation of financial management information systems in the departments, but the backup for the departments to carry that theory through in a way which will ensure proper standards of accountability is simply not there. This is becoming an all too frequent occurrence today in government departments throughout Western Australia. It demonstrates the failure of the Government to implement change in a way that is consultative and progressive in its results. The end result, as the Auditor General points out in his report, is that weaknesses remain in a number of the agencies' ability to provide accurate and timely financial information. What does that mean? We will be talking soon about the Budget.

Is it not interesting that in recent years, within months of its being tabled in this place, the Health budget has been blown off course? The estimates bear no relationship to reality. In other words, the failure of these information and accounting systems will undermine one of the most important procedures that occurs in this Parliament; that is, the tabling of the Budget. If the estimates in it are not accurate, we will be debating a budget that is purely theoretical rather than an accurate reflection of what will happen in the departments. As I said, in recent years, the health system has been a perfect case study of that. When have the estimates in our public hospital budgets been realised in recent years? They have not been. They are not accurate estimates of what is going on. If the information systems throughout government are not accurate, the whole budget process is capable of being derailed.

The Opposition's real concern is the costs incurred as a result of maladministration. There are various levels of costs. Of course, there is the direct waste and loss when bad decisions are made by the Government, and the Auditor General has referred to some of those in his report. However, the costs involved in patching up the systems are themselves mounting.

We have run a very strong campaign since being in opposition about the amount of money spent on consultants in Western Australia. Following questioning by the member for Eyre, the Minister for Agriculture confirmed the point we have been making. Every time there is a problem, consultants go in. When all the facts come out about Agriculture Western Australia it will be interesting to see how many consultants were taken on board to advise the Government what it should do and then to fix up what happened after mistakes had been made. The money being spent on consulting is not being spent on direct service delivery. The Government of Western Australia is not getting value for taxpayers' dollars.

Mr Court: At least we table the information.

Dr GALLOP: There is a lot of information that we have still to receive about a range of issues that we will be pursuing.

The Opposition is concerned not only about the direct waste of money that results from bad decision making but also

the administrative waste that follows from trying to patch up the situation. The Opposition believes that an enormous amount of money is being lost to direct service delivery in Western Australia. The bottom line is that we are not getting good government in Western Australia.

The current crises are about not only the Government's priorities - where it is spending the money - but also its ability to manage a system, to have control over it and to know what is going on throughout government. We are experiencing the ideology of devolution and a loss of control of some departmental activities. Members should look at the increase in bracket creep. Public servants on higher salaries are earning more money. There is no longer any control over government, and the responsibility for that lies with the Premier. He has devolved power throughout the system without implementing backup mechanisms to guarantee that the system delivers value for money for the people of Western Australia. We are not getting good administration and, as a result, financial accountability in Western Australia is severely lacking. Every dollar lost in that system is a dollar lost to our struggling health system.

I remind members of the Government's great slogans: "An end to the revolving door syndrome" and "Better law and order in Western Australia". Without doubt we now have the highest crime rate in Australia. Another slogan was "Better financial management". Report after report from the Auditor General has indicated that there is waste and maladministration at the heart of government and significant decisions being made that are leading to a loss of public money.

We are seeing all of this because the Government does not really care and is not committed to the public sector. The fact that the public sector is not delivering goods and services is not in itself a concern to the Government. However, it is a concern to the people of Western Australia. They understand that every day they wake up and organise their kids to get them off to school and go to work, shopping or whatever. They know that part of their standard of living is an effective and efficient public sector. They know every morning that they are not getting that from the coalition Government. As a result, we cannot guarantee that we are getting full value for the money we spend.

This report from the Auditor General is one in a long line. It deserves to be treated with great seriousness by this Parliament and the Ministers concerned will be held to account by the Opposition. We will continue to press these matters on behalf of the taxpayers of Western Australia.

MR COURT (Nedlands - Premier) [7.58 pm]: The Leader of the Opposition is right: The Auditor General has an important role to play. When we are spending \$7b of taxpayers' money we must have mechanisms to ensure that those moneys are properly spent. All the Auditor General's reports tabled during my time in this place have outlined issues that must be addressed. The Leader of the Opposition has concentrated on some of the negatives in the report and during question time I concentrated on some of the positives. It is important to understand that, where problems have been identified, action is taken very quickly because no Minister or agency wants to have those problems raised again.

The Leader of the Opposition spoke about the Budget. I think we have done well with Budgets. They are very much a guide. Of course we make changes. In the current financial year, the High Court decision on the section 90 issues has cost us \$50m. Whether or not we like it, if we are to deliver a balanced Budget we must work out where we will get that \$50m. Throughout the year we are shifting programs to get it right.

An ABC radio news report today included an article about the Auditor General's report. The transcript states -

NEWSREADER

The Auditor General has given the thumbs-up to the state's finances, despite strong criticism of several major government departments.

In a report tabled in state parliament today, Des Pearson criticises departments for poor quality financial recording systems. But he says the big picture shows a state in good financial shape.

PEARSON

Travelling very well, in fact that's one of the plaudits I gave in the report is the consolidated whole of government accounts and a solid, almost half-a-billion dollar surplus was reported again this year.

So overall, look, it's very healthy.

We are proud of the fact that, overall, the financial situation is very healthy. That is not the result of financial mismanagement.

Dr Gallop: You tell that to the health system, the nurses, the people who are dying in prisons and the people waiting in the queues.

Mr COURT: It takes about 10 seconds.

Dr Gallop: You are like a lump of jelly on the beach: You come and go with the tides. Jelly has no backbone and nor do you.

Several members interjected.

The SPEAKER: Order! The member for Girrawheen is normally well behaved. He knows that it is highly disorderly to interject while I am on my feet. Members, we cannot allow these incessant interjections to continue.

Mr COURT: I just won a bet: I said that I could get the Leader of the Opposition fired up within 10 seconds!

Dr Gallop: You should ask people on the waiting lists how fired up they are!

Mr COURT: The Leader of the Opposition cannot have it both ways; that is, the Auditor General says that the State's finances are in good shape, yet the Opposition moves a motion to the opposite effect.

The Auditor General has an important responsibility and obligation to ensure that an independent body examines government expenditure of \$7b. Some issues in major areas were brought to our attention in his report. Upon receipt of that information, Treasury immediately started working with the agencies, and the Auditor General was involved in the process. That is what it is all about. We are shifting government accounting practices from old fashioned cash accounting to a modern accrual accounting system. As I said during question time, teething problems have arisen with that change and many parts of government lack expertise in that field, but we are addressing that shortfall.

Dr Gallop: There was another death in custody. What do you think about that? What are you doing about it. You're wasting money throughout the system on consultants as people are dying in prisons. You are complacent and useless!

Mr COURT: I cannot say that this Government is spending less money than the previous Labor Government because we were never told how much money was spent. No travel reports or accountability were provided, and no system of accountability for consultants was in place. Therefore, we cannot make those comparisons. The Government opposes the motion.

The SPEAKER: Order! Before I put the question, I draw members' attention to a technical problem with this debate. It is a long standing practice that the member who gives notice of a motion should move it. Another member was present at the time and moved this motion. Standing orders are written in such a way as to prevent people having two bites at the cherry. I know that that was not the intent in this case. However, a difficulty could have arisen, as the Leader of the House found a week or so ago when he introduced a Bill on behalf of another Minister and was deemed to have spoken. Therefore, he needed the leave of the House to speak again. I draw the technical problem to members' attention.

Question put and a division taken with the following result -

Ayes (19)

Ms Anwyl	Mr Grill	Mr McGowan	Mrs Roberts
Mr Carpenter	Mr Kobelke	Ms McHale	Mr Thomas
Dr Edwards	Ms MacTiernan	Mr Pendal	Ms Warnock
Dr Gallop	Mr Marlborough	Mr Riebeling	Mr Cunningham (<i>Teller</i>)
Mr Graham	Mr McGinty	Mr Ripper	

Noes (34)

Mr Ainsworth	Mr Cowan	Mr Marshall	Mr Shave
Mr Baker	Mr Day	Mr Masters	Mr Sweetman
Mr Barnett	Mrs Edwardes	Mr McNee	Mr Trenorden
Mr Barron-Sullivan	Dr Hames	Mr Minson	Mr Tubby
Mr Bloffwitch	Mrs Hodson-Thomas	Mr Nicholls	Dr Turnbull
Mr Board	Mrs Holmes	Mr Omodei	Mrs van de Klashorst
Mr Bradshaw	Mr House	Mrs Parker	Mr Wiese
Dr Constable	Mr Kierath	Mr Prince	Mr Osborne (<i>Teller</i>)
Mr Court	Mr MacLean		

Pair

Mr Brown

Mr Johnson

Question thus negatived.

ACTS AMENDMENT (ABORTION) BILL*Second Reading*

Resumed from an earlier stage.

MR COWAN (Merredin - Deputy Premier) [8.07 pm]: I use some time in this second reading debate to correct some aspects of this debate which obviously have been misconstrued by a number of people. That misconception does not lend itself to the House's credibility in this debate.

Claims were made that this debate is a consequence of some plot by a number of people, but nothing could be further from the truth. The fact of the matter is that a series of events required the State Government and Parliament to recognise that the convention as practised in Western Australia is far removed from that expressed in law. Therefore, we had a responsibility to do something about the situation.

Decisions were made which caused two Bills to be introduced. Although the principle of the two Bills is very similar, they differ in one area in particular; namely, the Bill we are considering tonight determines that the issue of abortion, the procurement of abortion and the performance of a termination of a pregnancy are matters which should be removed from the Criminal Code. The other Bill - if I can seek your indulgence, Mr Speaker, to speak to it briefly - was one which dealt with the issue within the Criminal Code. It might well be argued that in some respects we have difficulty in accepting this Bill. However, the proposed amendments which have been circulated in this House indicate that the majority of members in both Houses - those who represent pro-choice - have made a compromise. That is, with these amendments they seek something presentable for both Houses.

I will talk briefly about the proposed amendments which I intend to support. First, an unqualified person performing an abortion will be committing an offence under the Criminal Code. I agree with that amendment. Not too many members would disagree, because they are already on the record as having voted in that way. The penalty for that offence will be five years' imprisonment. This is the point at which we depart from our earlier discussions. It has been made clear by members who strongly support pro-choice that a woman who seeks to procure an abortion should not be regarded as committing an offence under the Criminal Code. I agree with that. If medical practitioners who are required to follow a set of procedures do not follow those procedures, that should not be regarded as a criminal offence but a simple offence. The member for Eyre sought to change the provisions in the previous Bill, to put that into effect, and the majority of the House supported that move. Therefore, with respect to the Criminal Code, this Bill and the proposed amendments which have been circulated, bring us much closer to the position determined by this House recently.

Qualified practitioners must pursue certain procedures and guidelines. Once again, this amendment is a deliberate attempt to ensure that we take a position which more accurately reflects the view that this House has already accepted. That is the reason I will be supporting the circulated amendments.

I wish to deal with a number of other issues. A claim has been made which I regard as absolute nonsense, but it needs to be addressed. The claim was that this Bill is some form of Government legislation. I think that claim was made by the member for Nollamara. It is nonsense. The Government must demonstrate that it has some authority on this issue. It is a ludicrous situation, because two medical practitioners have been prosecuted - notwithstanding the convention that we have accepted for the past 20 or 25 years. As I have asked before, where have members been for the past 25 years? I do not want to antagonise people.

Mr McNee interjected.

Mr COWAN: The Government has a responsibility to make sure that we make some changes in the law. Mr Speaker, if you had read the headlines on the front page of *The West Australian*, you could have construed that the law had already been changed. The headline read, "Abortion on demand!"

Mrs Roberts: You said that you did not take any notice of *The West Australian*.

Mr COWAN: I do not. I am talking about people who read the newspaper, and they would believe that we have changed the law; they would believe that it is a fait accompli. I am sure that people have made that clear to the member.

We must deal with this problem. We have had two vehicles to assist us to deal with the problem. In the other place, one of those vehicles has been taken off the road. Some members believe that we can sit here and blithely do nothing, but we cannot.

Mr Kobelke: You can put the vehicle back on the road!

Mr COWAN: We can. We could do that in two ways: We could ask members in the other place to move to rescind

everything that has been done. I am sure the member for Nollamara will agree with me - it will be a rare occurrence - that that is not a likely prospect. Secondly, we could wait until Parliament prorogues, and then start again. If we start again, we will face exactly the same question. We cannot duck this issue. We cannot say that for technical reasons or for reasons of principle, because this or that happened, we will not support this legislation, or we will not vote in a particular way. This matter will come back and revisit members next week or the week after, next month or the month after, or next year or the year after, until we achieve a result. Members in this House have already recorded their vote -

Mr McNee: I will vote again if I have to - and again and again!

Mr COWAN: I am sure the member for Moore will do that. He will not be denied that opportunity.

Mr McNee: You would never think about doing that.

Mr COWAN: I certainly would not. The member for Moore must be reminded that he is in the minority -

Mr McNee: I will stand up against you any day! I do not care about your Chinese tactics. It is okay if you want to do it; have a go! You have displayed your true colours. Have a go any time you like!

Mr COWAN: The member for Moore - I do not mean to isolate the member for Moore - is entitled to cast his vote however he wishes, as is any other member. However, I remind members that they have already cast their vote on this matter once. Given that we have no new information or evidence - nothing that should cause members to change their opinion, other than the issues which people might believe will give them an opportunity to say they will change their mind - members are entitled to change their mind, but this issue will return.

Mr Cunningham: Will it ever!

Mr COWAN: Yes it will.

Members must understand that we had a number of options when we began this debate. Those options have been reduced to one only - unless members want to revisit the last two weeks, in three months! If members want to do that, by all means do it, but the majority of the House should decide that. The decision will rest upon this Parliament, upon this House.

There is no certainty that the decision we make will be accepted by the other place. The Government has a responsibility on this issue. When I was Acting Premier - in the knowledge it was the Government's responsibility, notwithstanding the fact that there is no need to exercise some party political vote or exercise party discipline, but that it had to exercise some responsibility - I told the people involved that the common ground needed to be identified, just in case something happened that did not allow the Foss Bill to go through. That common ground is somewhere between what the Legislative Council and the Legislative Assembly agreed. When that common ground is found, we have to find other areas in which there is no commonality and identify whether we can find a reasonable compromise.

In that sense, the amendments that have been circulated demonstrate the reasonable compromise. We have a responsibility to ensure that we do not revisit this issue in two to three weeks or two to three months and that we make the decision tonight. If members want to make changes, the Committee of the House will do that. That is democratic and it will then be the responsibility of the other place to accept them or not and for us to then establish a conference of managers and to deal with it that way. The vehicle is immaterial. The fact that we are seeking and have, through the amendments that are to be proposed, found some common ground, is the most important feature. The fact that we now have an opportunity to deal with this issue tonight and send a message to the other place is very important. Otherwise members of this place can salve their consciences by saying that they have stood by their beliefs and views, whether they are religious, moral or philosophical. However, in that case we will be a laughing stock. I urge members to support the second reading to give serious consideration to the amendments that are proposed and when those amendments are finally put in place, to support the third reading and send a message to the other place for consideration

MR BARNETT (Cottesloe - Leader of the House) [8.22 pm]: The Deputy Premier's comments make a lot of sense. He is a typically pragmatic person and recognises that this is a problem with which Parliament must deal. In that sense what I say may sound a bit contrary.

In this debate, there are pro-choice and pro-life views. It is probably unfair to categorise members one way or the other because the range of views is complex. People's opinions range widely and are influenced by all sorts of factors. This Parliament has been extraordinary over the last few weeks and particularly this week. There has been frenetic activity, meetings, and all sorts of strange alliances and the like, but this is a Parliament. At the end of the day, unlike almost any forum, group or organisation in the community, we must vote. Our vote will be recorded for

posterity and members should not underestimate the significance of their vote. I do not abide by strategic voting, ploys, tactics or anything else, and certainly not in an issue as important, sensitive and moral as abortion. I know most members understand the history of this issue, but it began with a set of quite bizarre circumstances. I would argue - maybe my colleagues do not agree - that the Government has to do something about it. There is only one Government and it has a responsibility; but it is a conscience vote.

Hon Cheryl Davenport has taken a very strong pro-choice position and indicated her intentions early on in the debate. She has not wavered to any great extent and most members, whether they agree or disagree, respect her view. The Government, through the Attorney-General, designed the so-called Foss Bill to facilitate debate and to allow members to vote according to the degree to which they wanted to move to a choice position. That Bill was designed to be different from the Davenport Bill; it was designed to not run into conflict with the same question being asked. History shows that the Davenport Bill was amended in the upper House, for whatever reason I do not know.

Mr Ripper: It was the Foss Bill.

Mr BARNETT: The Davenport Bill was amended in the Upper House. The Davenport Bill was very similar to the Foss Bill and subsequently the President ruled the Foss Bill out of order when it arrived. That is what has happened.

There are differences between the Bills. In a practical sense for a woman seeking an abortion or for a medical practitioner, there may be very little difference in the way in which they apply. I put it to members that there are differences; some policy and some largely administrative. The first is that the Foss Bill was a government sponsored Bill. The Cabinet considered it; it did not take a formal Cabinet position, but it considered it. The coalition party room considered it and decided, rightly or wrongly, to proceed with a government facilitated Bill. It did not reflect government policy, but a conscious decision of government. As Leader of the House, I facilitated the passage of the government sponsored Bill quite happily. My colleague, the Minister for Health, as a lawyer and someone familiar with the Criminal Code and the law sat at the Table for 24 hours and assisted the debate, regardless of his own views on the subject.

The Davenport Bill, however, is a private member's Bill. Whether I support it is largely irrelevant; it is a private member's Bill. It is up to private members to promote that Bill, however they wish. It is not a government responsibility although, as Leader of the House, I will ensure that time is available so it can be debated because members want to debate it. There are other differences and, while many members in this House are far more attuned to the detail, one of the significant differences is that the Davenport Bill takes abortion out of the Criminal Code; the Foss Bill leaves it in. That is an important difference - to many people a symbolic difference; more than just the words. There is also a difference in the presumptions of the Bill. The Minister for Health explained it better. The Foss Bill has a presumption that "abortion is unlawful unless" and it works down a set of criteria to eventually come to informed consent with counselling, which we debated last week. The Davenport Bill comes from a different basis. It says a woman can have an abortion as long as she does it in a certain way. I do not criticise that, but I make the observation that if there is a spectrum from pro-life extreme to pro-choice extreme. The Davenport Bill is more pro-choice than the Foss Bill. We are in a quandary. For those who voted pro-choice - those who voted for the Foss Bill in this House last week - to go with the Davenport Bill is to go further than the Foss Bill. I am not sure whether I want to make that step. I will probably vote for the Davenport Bill because I think choice is important. My position is clearly known. However, if I do, I will do so most reluctantly because I do not think the premise of the Davenport Bill is the appropriate way to go on this issue. The Foss Bill that we voted on is, in my view, the better piece of legislation. It is a better position, and for people in the community - perhaps many people in the middle ground - who are uneasy about abortion as most of us are, the Davenport Bill leaves them very little to hang their hat on.

At least the Foss Bill says that as a Parliament we regard abortion as a serious issue; we do not treat it flippantly or trivially; we regard it as something that would be unlawful unless some applicable criteria are observed. At the end of the day if a woman making an informed consent decision on the basis of counselling decides that she wants an abortion, we say that that is her choice and she can make that choice. I feel happy with that position. I do not feel anywhere near as content with the Davenport Bill which urges me to go one step further. In this whole debate, we have seen some very bizarre behaviour in all the strategies and the grubby politics of the past week. That has been disgraceful in this Parliament in the past couple of days.

People who, for their own reasons, which I respect, have generally taken the pro-life position, are almost saying, "We want you, the pro-choice group, to go further. We are not going to support the Davenport Bill, but we want you to support it, amend it and fix it up, and go further; but we are not with you." I find that dishonourable. This is a Parliament in which on this occasion we can vote according to our conscience on how we think we can best represent our electorates. There is no alternative. Members must vote and they will be recorded in *Hansard* as to how they vote.

A number of other things have happened. I am concerned that there are rumours and innuendo about pressure being

exerted on members of Parliament. There is nothing wrong with persuasion concerned with the merit of the case; however, I assure you, Mr Speaker, probably to my demise as Leader of the House, that if I come across any direct evidence, or any member from either side of the House comes to me with accusations of intimidation, I will act upon that as the Leader of the House.

Mrs Roberts: What will you do?

Mr BARNETT: The member should just wait and see.

There is another issue, and this is my final point. It is up to members in the upper House, for whatever reason, to choose how they vote on what they choose. They have adopted, by a quite decided majority, a more radical pro-choice position, a more liberal position, than that set out in the Foss Bill. That is their choice. For whatever reason, through the President - I do not reflect on his ruling - they have effectively declined to debate the Foss Bill. The Foss Bill has been ruled out of order by the President of the Legislative Council, but why should that affect our vote? I am not talking about some petty rivalry between the two Houses. This is the larger House. This is the more representative House. This is the group of members who are more directly responsible and accountable to the electorate.

The SPEAKER: Order! I just want to bring to the attention of members Standing Order No 127 which says that no member shall allude to any debate, during the current session, in the other House of the Parliament. There is a good reason for that being there. It prevents slanging matches between the Houses and so on. I just caution members on how far they go.

Mr Grill: There was no debate on our Bill.

Mr Prince: I seek clarification in relation to your comments, Mr Speaker. Where the other place has issued a ruling declining to accept the Bill of this House into the Legislative Council, or any form of debate, I wonder how it could be that the standing order that you have just quoted can relate to the comments being made by the Leader of the House in this place about what has happened in the Legislative Council.

The SPEAKER: Order! I have drawn this to the attention of the House so that people do not get themselves into deep water.

Mr BARNETT: I appreciate your comments, Mr Speaker, and I will try to be careful in my comments from now on. The relationship between the two Houses and the passage of these two Bills is unfortunate. However, Mr Speaker, I take your point and will try to couch my remarks accordingly. The fact is that the Bill has been ruled out of order as a result of the decision of the President in the upper House, and I do not comment on that further. However, those decisions should not in any way intimidate members in this place about how they vote. We should not feel compromised in any way in this, the Legislative Assembly, on how we wish to vote. If members do, in my view they are failing in their sworn responsibilities.

As I have said, my position has been, and is, pro-choice. I am not an avid, passionate campaigner for choice, but I believe it is right for a woman and her doctor and family, friends and her partner to make the appropriate decision. I am not happy with the Davenport Bill. I am one member, and I suspect there are others, who will vote pro-choice, but do not appreciate being pushed to a position that I do not want to be in. It is okay for members to vote against the Davenport Bill if that is their position; they should not feel intimidated to vote for it, simply because the Foss Bill has been ruled out of order in the upper House. If the Davenport Bill is defeated in this House, so be it.

The reality will be that the Legislative Assembly will be the only House to have considered both Bills. We are the only group of parliamentarians to have compared the two Bills in a full and open debate. It is we who must make the judgment on which of the two Bills is better. We should not duck the issue or dodge around corners to try to solve some impasse that may be in place. Having said that, perhaps there is an element of impracticality about it. I recognise - the Deputy Premier has spoken since - that we must deal with this issue, but I ask members not to be intimidated in the way they vote. It is too important an issue to play politics with. We should vote with our conscience, based on how we believe our electorate and constituents would wish us to vote.

MR McNEE (Moore - Parliamentary Secretary) [8.36 pm]: I agree with what the Leader of the House has just said. Mr Speaker, I assure you that the last thing I would do is play politics with the life of an unborn child. I remind members that the child has an unfettered right to life. I make no apology for fighting as long as God gives me breath for those unborn kids. I will fight until I am the last man standing on that issue. I will not be bullied. I will not accept that I am in the minority and that I have no rights.

Mr Cowan: No-one told you that.

Mr McNEE: I am making the speech. I am happy to have the interjections of the Deputy Premier any time he likes,

but he should go back and read his speech. I will not be told that I am in the minority because I happen to represent those who cannot defend themselves. I have many things to say in the next few minutes. Over the weekend I met a lot of people. They could not believe what we had done, that we had passed this legislation in this House. I recognise everybody else's point of view and if any members in here want to give a speech with facts that will blow me out of the water, they can go right ahead. I recognise and respect everybody's point of view; but if they get clobbered by some of the facts I put forward, they should not ask me to apologise. I certainly will not apologise for clobbering them. I told one chap who is a good friend of mine that he must understand that people do not always think the same as we do; and then there is the question of when life begins and so on. This fellow happens to be a stud sheep breeder. He asked me whether there was any real question of when life begins, and I said there was. He reminded me that in his stud he carries out embryo transfers with his sheep. It is a long process, and I will not go into it. However, at the fifth or sixth day the egg must be taken from the donor ewe and put into the surrogate mother. Although I am talking about animals, I am not seeking to trivialise this matter. I am merely saying that that was pointed out to me and, once again, I began to wonder about when human life begins.

When those farmers transfer that embryo, 60 per cent of the time a baby lamb is born. There are two Bills, one of which we know is history and the other is this Bill. The Foss Bill was a disaster. I remind members that Professor John Finnis of University College, Oxford, determined that it was the worst legislation in the world bar the Chinese legislation. This legislation can only be worse. Members need not try to tell me about the amendments because we are not yet there. The legislation I have before me clearly says that abortion is out of the Criminal Code. It clearly says that murder is no longer wrong. People do not like me to talk about that, but it is the truth. I cannot stand here and say that because people make mistakes, I will change the law. That would be asking me to do more than I can do. I will not cop that. I have a great deal of concern for those unborn children and for the people who need some assistance. In reality there are not a lot of them.

I was disappointed because I have never made any secret of the fact that I support the Pental amendments or that I am part of the so-called Pental coalition. Call it what we may. What came out of this disaster was a group of people who felt not entirely the same way, but who had feelings that ran in a similar direction. They came together and tried to work out something acceptable. There is nothing wrong with that, but I am constantly reminded that ours is a minority view. Just because it is a minority view does not mean it is wrong. If this Parliament said to me tonight - and perhaps it would like me to - "Go home and put your head in the oven" or if the whole of Australia said it, I would not do it. It would be wrong. It might be quite right for everybody else, and perhaps they would pray fervently to God that I would do it. They can keep trying!

Several members interjected.

Mr McNEE: Absolutely. I feel strongly and passionately about this because I am being asked to agree to the slaughter of children - I will not do it. I can hardly find the words to express my feeling of dismay. We appointed people and asked them to see whether they could do a deal. That is a dreadful word to use, and I apologise for using it. I am not in the business of dealing over life and death. I think they might have approached the Deputy Premier. I am not blaming him. As he said to me yesterday, we should have played football against each other. I have a profound respect for him, but he was not in a position to help us improve this rotten Bill referred to as the Davenport Bill, the killer's Bill. The butcher shop Bill will be open. *The West Australian* thought the shop was already open. People have sure got the key. If we are not in a position to get any concessions, it is a very odd place to be. All I ask is that members have a look at fair play and at what they would really do. The member for Kimberley and I can sit down and do a deal because we are bush guys who can understand that. We know where we are coming from. Over the past few years I have been wondering where others are coming from. It has been like punching a pillow or grabbing hold of a gut full of putty. Things are very moveable around here. Bear in mind that we are talking about life and death and about choice. I have said before in this House that there is no choice for that little baby. That little baby was put there through an act of love or lust, one or the other. If in fact it was an act of love, there is no problem.

Several members interjected.

Mr McNEE: They say that she asks, "Will you still love me in the morning?" Somebody interjected and said it was a 1960s condition; let us hope to God we can return to the 1960s. If these are the modern 1990s that I have to live with and people want to go on in that vein, they should not complain when the children break windows. If members keep lowering standards, they will have to learn to accept the consequences.

Mr Cunningham: There will be no children to do it. They will abort 20 000.

Mr McNEE: That is absolutely right.

Our position it is not without a lot of thought, deep concern and consideration for the problem in its entirety. The group I refer to has spent a long time trying to arrive at some sort of decision. When we arrived at it and said, "Let

us see if we can get a few agreements around here", nothing happened. Like old Lassie, we are supposed to roll over, but we will not. If we can include a simple amendment like having two doctors -

Mr Board: An independent doctor.

Mr McNEE: I would accept that. If we could get something like that, it would at least be a step forward. Members should not believe this nonsense about people in the country not being able to get two doctors. What a load of garbage! We should make no mistake that they can do it. I have lived in the country all my life and I know it is not a problem. Our amendments were treated like Schindler's list: No consideration was given to them. I cannot believe that members of this House would not agree to something like that. The member for Kimberley spoke about goodwill. I think that is correct. He may not have used those words about the way we would go about it. We would approach each other in a sensible way, even though we might be poles apart. We would sit there and concede to each other until we got something that we could both live with; but not in this case. We are told, "You are a minority, run away and play." We will not do that. All we are asking is something simple - just two doctors. The Davenport Bill is an open slather. It simply says, "If you want an abortion, here are the rules." The other Bill said, "If you want an abortion, these are the sort of things you have to do." That was bad enough, but this is worse. We are in danger of making a monumental mistake and it will reflect on us no matter on which side of the House we sit because the people are watching us. People claim there is a great deal of pressure out there for change, but I sure did not get the pro-abortion letters in my office. If people wanted a change, I am sure they would have said to themselves, "I must get on to the member for Moore. He does not think as I think. I will work him over", but nobody did. Of the hundreds of letters that I received, only 20 letters supported the pro-abortion position. We should be very careful about what this House does. I cannot help thinking about practical things because that is what I have done all my life. I have had to face real situations. The airy-fairy of politics in this place is not real; this is not a real place, it is a pretend place. That is why we are keen to get this thing out of the way. We think it will go away, but it will not. If one plays with matches, he will light a fire, and he does not know where that will finish up or whom it will burn. I beg the House to think fairly and squarely about what we are doing, and to think about some of the things for which those people in the minority have asked that have so far been rejected without question. Last week it was a killing Chamber in members' enthusiasm to defeat those amendments. Is it not odd that we are doing this in Easter week and it is coming to Easter Thursday? A couple of thousand years ago an innocent man was crucified. We are about to send untold thousands of children - potential Australian citizens - to their death without question. Does it not strike members as being ironic that we are doing it in this week? I ask members to be careful and to think about what they are doing. As I said last week, I could not care less if some members do not share my view. All I ask is that members think in a rational way, and think about giving us, the minority, a couple of doctors; at least that little thing, nothing more than that.

Mr Bridge: The votes were not much more than about three or four in favour, so it has been fairly close all the way through. I think we should forget about this minority caper.

Mr McNEE: I must agree with the member for Kimberley. I have been a member of the Liberty Party for about 30 years and I have helped a lot of people in politics. What drives us on is the desire to win the next election. We are all dead scared about what the electors will think of us. That great man Edmund Burke - we all know him - said, "I owe my electorate my consideration, but not my conscience".

MR OMODEI (Warren-Blackwood - Minister for Local Government) [8.55 pm]: I consider both these Bills to be an abomination and I believe that any form of abortion is destruction of a human life. On that basis I will be voting against these Bills. I bring members back to where all of this started: It started with the baby being found in the fridge. As a result of that we saw Hon Cheryl Davenport in the other place propose a Bill which would institute into the Parliament the Labor Party platform of abortion on demand. At the same time the Davenport Bill proposed to take the matter out of the Criminal Code and put it into the Health Act. That was not the way to go, therefore the Government facilitated a Bill now known as the Foss Bill which was brought into this Parliament and debated in the past two weeks leaving the matter in the Criminal Code. I want to identify my comments with those of the member for Albany. The real difference between the two Bills is that the Foss Bill, or what could be termed the Criminal Code Bill, was predicated on the premise that abortion is unlawful except in certain cases, while under the Davenport Bill, abortion is lawful except in certain cases. This Bill has been going round and round and we have had amendments upon amendments, and a lot of issues still need to be addressed. If we go to the extreme of the Davenport Bill, we will make Western Australia the abortion capital of the world; people would be able to say that it is open slather on abortions in Western Australia. What it also means is that mothers will be able to select their children by sex - something that is not discussed in this Bill at all - and we must ask ourselves whether that will be a good thing for our society. Under this legislation, a woman will be able to say, "This baby is going to be a girl, and we do not want a girl." The Bill does not provide that a person's decision to have an abortion must be based on moral or religious grounds, or is simply a matter of choice. We have debated amendments to do with the treatment of minors, about counselling, and about abortion beyond a certain point. We talked about abortion within the first

trimester - 12 weeks - and then the Minister for Housing talked about abortion within 16 weeks. This Bill will permit abortions to occur within 20 weeks. How many weeks will it be this week? Proposed section 334(1) states -

If a person who is not a medical practitioner performs an abortion that person commits an offence.

Penalty: \$50 000 or 2 years.

I ask myself, what is the offence? Is it murder? Is it grievous bodily harm? Should it be in the Health Act as this Bill proposes? I think not. Two years' gaol for murder is a ridiculous sentence, and this Bill needs to be looked at again closely. There has been an unhealthy haste in the drafting of these pieces of legislation and in the meetings that we have had. The media reported that Terry O'Connor QC had gathered around him some interested people from the Parliament. That was not the case at all. It was the group of people known as the Pandal group that sought out Mr O'Connor and Greg Craven to give us assistance to draft the amendments to the Foss Bill. In our most recent meeting with Greg Craven, who is the Dean of the College of Law at the University of Notre Dame Australia, he said that if we put together the Foss Bill and its amendments, and the Davenport Bill and its amendments, together with the amendments that had been proposed in this House as a result of the Davenport Bill's coming in here, they could be described as being on the outer limit of comprehensibility.

Those words are from a person who is very well versed in the law. Crown counsel said to us only a few days ago that the amendments proposed in this House to the Foss Bill were amateurish. What kind of law will we get out of this shemozzle. If members of the Liberal and National Parties on this side of the House want to tie themselves to a Labor feminist abortion Bill that allows open slather abortions and turns Western Australia into the capital city of abortion in Australia and the capital State in the world for abortion, they should do that. However, it will stay with both conservative members and members opposite for the rest of their lives. Cheryl Davenport will be gone after the next election. Her claim to fame will be that she introduced into this Parliament an abominable Bill that kills children.

Mr Carpenter: That is ridiculous.

Mr Cunningham: It is not ridiculous.

The SPEAKER: Order! The member for Girrawheen will come to order.

Mr Carpenter: That is a disgraceful thing to say.

The SPEAKER: Order, member for Willagee.

Mr OMODEI: We can fix this situation. I would like to think that not too many people in this House agree with the Davenport Bill. It is seen to be an extreme Bill. If members try to fix it up, it will be another shambles. If members want to liberalise the abortion laws in this State, they should throw out this Bill at the second reading stage, go back to first base, talk to the pro-choice and the pro-life people and get the State Government's parliamentary counsel and experts in the law - the Greg Cravens and Terry O'Connors of this world - to draft a piece of legislation that works.

What is the undue haste to pass this legislation? If we must have abortion legislation in this State, I prefer that it be under the Criminal Code and that some sections be under the Health Act. We should do it properly. If that means reaching Easter with the matter unresolved, so be it. We should set aside some time in the Parliament for the progression of the Budget Bill which will be introduced after the Easter break and reserve time for government business. If it takes three months to introduce a proper Bill, so what? We should go back to the beginning and do it right.

MRS PARKER (Ballajura - Minister for Family and Children's Services) [9.03 pm]: In addressing this second reading debate I will first read an editorial published yesterday in a local community newspaper. I will then address an issue already referred to tonight that this is our last chance to deal with this matter and that the Foss Bill is history. I will then refer to the differences between the Davenport Bill and the Foss Bill and talk about why the mood and attitude of this Chamber is not consistent or congruent with the spirit of the Davenport Bill and why we should reject the second reading stage in the light of options being available, even in the Foss Bill.

This editorial is entitled "A word on abortion . . ." and reads -

After often - quite - absurd rhetoric on the abortion debate, perhaps it's time to introduce an important word which has not been used, but which dictates the future of planet earth.

That word is sustainable.

It's the word which should be the key consideration in the whole world consideration of abortion, let alone WA's debate on the issue.

This planet can only sustain a certain number of people.

Every life born is capable of reproducing hundreds of progeny through generations.

Society is already living way beyond its means, as far as population figures in many countries are concerned.

World population is heading towards unsustainable levels in the not-too-distant future with a doubling of the population expected by early next century.

All societies will have to consider this threat to mankind when contemplating the future of nations and the resources available to sustain them.

We humans are so blind to the big picture, so full of our own "holier-than-thou" inflexible attitudes, so "right" we cannot accept the limitations of nature and its laws.

It's called living in harmony with nature, something most previous societies recognised and were able to do.

When they did not their societies collapsed, as ours will.

Let all those who want to nurture and bring children into the world do so, but human life at all costs is a luxury this earth cannot afford, even now.

Let's promote birth control, by all means.

But, if that fails either through faulty control, rape, carelessness or other reasons let's view the abortion issue with eyes that look into the future, not become blinkered and dogmatic.

If a woman does not want to bear a child (and let's face it it is her body) and with it the lifetime commitment it entails, then she should not have to.

Doctors who today perform abortions could well be saving thousands of future lives.

I hope the member for Moore understands the irony of these statements.

The earth cannot afford the current increases in population, because that will mean the end of the earth and with it the end of all human life.

Reproduction should be voluntarily curbed initially, but in the end it could become mandatory either through abortion or birth control.

I was appalled when I read that editorial in my local community newspaper.

Mr Trenorden: Why did you read it in here then?

Mrs PARKER: I read it into the *Hansard* tonight because it illustrates an attitude that the Davenport Bill and any abortion on demand principle enables and gives rise to in any community. Once we violate the fundamental principle of the right of a human being to life and liberty all the erosions will take place. Here, within one week of this Chamber voting to bring abortion, still within the Criminal Code, into a far more accessible and liberal environment we have an editorial such as that.

Today in this place people referred to the treatment of the Jews in Nazi Germany. We also had illustrated the treatment of black slaves and how popular opinion said that was okay. The principle of the right of the human being to life and liberty can be applied through generations and whatever the circumstances of a society for the human being, those principles remain constant. We, as a Chamber of members here tonight, must consider some of those fundamental issues, of how we can vote for the Davenport legislation if in fact it is so different from the Foss Bill.

Before considering those differences, which were well outlined by the Leader of the House, I refer to the assumption that our vote tonight on "Davenport" is our last chance to deal with the problem we face regarding abortion and its legality in this State. Yes, for the past 20 or so years we have accepted a tenuous status quo that was in many ways hypocritical. The law and the practice were separated by a wide gulf.

Those of us who are pro-life may have had a false sense of security that abortion was illegal under the Criminal Code in this land. The pro-choice proponents had the comfort that in reality the practice meant that abortion was available on demand. I was speaking to a ministerial colleague from one of the other States who was pro-choice. She said she is absolutely committed to silence on this issue, because the law says one thing but in practice she has everything she wants. This Chamber and the community in Western Australia no longer have the choice of maintaining the hypocrisy of the status quo. We must deal with the issue.

Before I go into the differences, let us think for a moment about our choice here tonight. Last week after many hours of debate - it was not long enough for such an issue - we voted on amendments to the Criminal Code and sent the Foss

Bill to the other place. Today the President of the Legislative Council has ruled that consideration of the Foss Bill is out of order. I have checked with the Clerk of this House and also asked others to check with the Clerk of the Legislative Council on whether the President's ruling means that the Foss Bill can never be considered or if it is only being set aside for a time. The advice that I received is that the President's ruling does not deny the Council consideration of the Foss Bill forever. Tonight we must not be drawn into the falsehood that, whether we are pro-choice or pro-life, the Davenport Bill is the only choice we have. It is not our only consideration.

Members may be pro-choice, but as the Leader of the House said, that does not mean they are comfortable with the principles in the Davenport Bill. I will touch on the principal differences between these Bills. The majority of the public, including those people who support abortion, recognise that abortion involves the taking of a human life. Whether, as the member for Moore believes, that life begins at the instant of conception or whether one believed there is the potential for life, abortion is a grave consideration.

A majority of members in this House expressed the view that the taking of a human life can be justified in certain circumstances. That is the philosophy of the Foss Bill. I did not agree with the level of justification agreed to by this House; however, a majority agreed that an informed decision by the mother could justify the taking of a human life. A majority in this House has also agreed with the principle that abortion should remain in the Criminal Code as an offence in principle. The reason we kept abortion in the Criminal Code was that as with the taking of any human life, it should be illegal in principle. There are circumstances in which the taking of a life can be justified; for example, self-defence. Last week we voted on which circumstances provided justification, with the majority supporting all four options in the Foss Bill.

The Davenport Bill is significantly and fundamentally different from the Foss Bill. It does not matter how many amendments we put into the Davenport Bill; it is first and foremost a Bill that repeals sections referring to abortion from the Criminal Code. It is a Bill of repeal. Whereas the principle in the Foss Bill is that abortion is illegal except in certain circumstances, the principle in the Davenport Bill is that abortion is always legal except in certain circumstances.

I have heard members of this House say tonight that amendments are proposed to bring these two Bills closer together. We cannot bring these Bills together; they are as far from each other as night and day, light and dark. They are opposed in principle to each other. Members here tonight must make a fundamental choice. Do they believe that abortion is the taking of a human life - in whatever capacity they see that? As serious as that implication is, do they believe that abortion belongs in the Criminal Code but can be justified under certain circumstances, or do they believe that abortion is a woman's right with little consideration for the life of the child or even acknowledgment that it is the life of a human being and as such should be legal at all times? Amendments have been proposed to the Davenport Bill to bring criminality back into consideration. That is the fundamental difference.

The rest of Australia considers that passing the Foss Bill in this place last week was the most radical occurrence on abortion law in any jurisdiction in this country's history. I am telling members that if we pass the Davenport Bill it will go way beyond that because we will throw away the serious consideration of what an abortion is: The taking of a human life. The two Bills are absolutely opposed in principle. We cannot amend a repeal Bill and make it closer to a Bill that amends the Criminal Code. That is why the Council is not considering the two Bills at the same time.

Two amendments to the Davenport Bill have been proposed. I am astonished and appalled that these had to come in as amendments. The first amendment is the olive branch - we heard about palm leaves on Palm Sunday - that is being waved so that the Davenport Bill might be acceptable to this Assembly. That amendment proposes that it will be a criminal offence for the abortionist to be an unqualified practitioner. What a great concession! I cannot believe this, because an unqualified person who performs an abortion would already be covered in the Criminal Code under grievous bodily harm. That is supposed to be a concession for the principle of abortion being in the Criminal Code. I am amazed that the Council passed a Bill without that requirement in it.

The second olive branch that is being waved in front of Assembly members is a proposal to overlay these amendments in the Davenport Bill so that it looks like the Foss Bill and makes us happy about it and acceptable to us. The third olive branch is the re-introduction of informed consent. Members must remember the protracted debate in this place in the early hours of the morning last week. As a peace offering, the informed consent amendment is an affront, because it deletes any requirement for an independent medical practitioner. It is proposed that informed consent can be given by the abortionist and he or she can become a one-stop shop for the woman. That violates the principle and the amendments that we debated in this place last week.

I remind all my colleagues - pro-choice or pro-life - that we have wrestled with this issue. It is unpleasant and we all wish to see the back of it before the Easter break. However, if we do not do this well and if we do not do it with principle and integrity, the decisions made in this place tonight or tomorrow will haunt us. The paucity of integrity of this place will be known around the nation. There can be no coming together of these two Bills. When members

vote tonight or tomorrow, with or without amendments to the Bill, they should bear in mind that nothing can make the Davenport Bill like the Foss Bill - they are essentially opposed. Members should consider this matter well.

This is not their last chance. The Legislative Council can reconsider the Foss Bill. That can be done. If members believe in principle that abortion is a grave matter that should be in the Criminal Code and should be accessible, and if they want to include the provisions in paragraphs (a) to (d), they can have that. They should not take this Davenport Bill as the last offer. That is not the advice I have from the Clerk. This is too important an issue for members to simply say they have had enough and it is time to get out of this place, get on with the Budget, or whatever.

I could refer to the United Nations Declaration on the Rights of the Child, the oath that doctors take when they are sworn in, and all the things I quoted in the second reading debate relating to respect for life from the point of conception. Members should not be conned; this is not their last chance to enact good legislation that will serve the women, children, families and democratic spirit of Western Australia for generations to come. I completely reject the attitude, principle and spirit of the Davenport Bill. I find the Bill appalling in its violation of human rights. It indicates that abortion is always okay except if it is performed by a person who is not a medical practitioner. I cannot agree with this Bill and I will not vote in favour of the second reading.

MR MacLEAN (Wanneroo) [9.23 pm]: It has been said tonight that all members should be willing to make some concessions. I have already made my concession; that is, I reluctantly supported the second reading of the Foss Bill. I did so only because that Bill kept abortion in the Criminal Code. I remind members that, although I find abortion abhorrent and cannot agree with it, I conceded that there was probably a need for it in some circumstances. I was willing to make some concessions. My colleagues in the so-called Pandal group were also willing to make concessions. The opposing group were not willing to make concessions and they kept a hard line.

Both Bills presented in this House were formed in haste. In both cases an inordinate number of amendments were proposed, debated, defeated, passed or amended again. In the words of some commentators, it was a dog's breakfast. This whole matter must be re-thought, and people must sit down and work out legislation that, although not acceptable to both sides of the debate, will at least give people an opportunity to give informed consent to their decisions, and will provide some clarity for the medical profession. Members are forgetting that aspect. Neither Bill contains any clarity for the medical profession. One Bill removes the offence of procuring an abortion from the Criminal Code and leaves only the restriction that the person performing the abortion must be a qualified medical practitioner. That is a big deal!

Mr Riebeling: What is unclear about that?

Mr MacLEAN: Even an operation on an ingrown toenail requires a medical practitioner.

Mr Riebeling: What is unclear about that?

Mr MacLEAN: Because it does not provide any guidelines for doctors on how they should operate. They are performing operations that in my view destroy a human life. If the member doubts that it is the taking of a human life, he should go to the King Edward Memorial Hospital to see the babies born at 20 weeks' gestation. A lot of money is spent keeping those babies alive, and I agree that that should be done because those babies were alive when born. These people will not admit that some of these babies will be born alive.

Several members interjected.

The DEPUTY SPEAKER: Order! The members for Burrup and South Perth will come to order. I remind members that someone is on his feet trying to make a speech. They should listen to what he has to say. Members should save their interjections until they wish to make their contributions to the second reading debate.

Mr MacLEAN: I am glad the member for Burrup reminded me of the moral outrage he felt. I remind him that this is a Labor Party Bill, and that the Labor Party was a long time in government. The member who put forward this Bill was told quite clearly by the then Labor Premier that she should not introduce it. The member for Burrup can claim moral outrage, but his party's duplicitous standard when in government was sickening.

Several members interjected.

The DEPUTY SPEAKER: Order! The member for Girrawheen.

Mr MacLEAN: Members have heard tonight that an editorial in one of the local newspapers suggested that mandatory population control may be a thing of the future. A couple of comments were made that it would never happen, that society will not regress and that this is almost a civilised society. I remind the House that not long ago in India men were given radios to induce them to have vasectomies. A complaint was made that the batteries were

not included! It is not much harder to think about the moral outrage that swept the world when the Nazi Administration's experiments in birth control were revealed. One of the things that surprised many of the allies when they took over one of the concentration camps after the war was the number of twins in that camp. The Allies found that the Nazis had been experimenting.

Mr McGowan: What has that to do with this Bill?

Mr MacLEAN: It is not that far down the track, is it? The world was morally outraged because the Nazis had been experimenting and aborting foetuses that did not suit their needs and encouraging others to do the same. Everyone said that it was genetic engineering and we should not go down that track. We passed laws to stop genetic engineering. There was an outcry from everybody when a genetic scientist in Scotland genetically engineered a sheep, yet we in this House are saying that although it is appalling that someone might think of genetically engineering something, we can kill something we do not want.

Both Bills are opposed to each other. In one, abortion is illegal unless certain conditions are met. In the other, abortion is all right unless some events do not happen. There is no similarity between the stand of either Bill. If this were a House that had some regard for its own standing, we would not accept the Davenport Bill because it opposes a Bill that we passed through this House. This is a constitutional point. Who controls the legislation in this State? Does the other place control it because it is willing to send to this House legislation that is opposed to the legislation that we pass but is not willing to accept legislation that we have passed through this House? Is the other House the controlling body in this State or is it this House of the elected Government?

Mr Trenorden interjected.

Mr MacLEAN: It can. Queensland does not have two Houses.

Mr Trenorden interjected.

Mr MacLEAN: Many places do not have two Houses.

The DEPUTY SPEAKER: I suggest the member address his comments to the Chair.

Mr MacLEAN: Certainly. I should not have responded to the interjection, Mr Deputy Speaker. I apologise for going off the track and getting into a constitutional argument with someone who might understand it less than I do.

I cannot reinforce enough the abhorrence I feel for a Bill that would make it legal to have an abortion unless people do not meet certain conditions. We are talking about a human life. Regardless of when we say that life starts - and I have said before that I believe it starts at conception - when a foetus reaches 16 weeks or more, it is a fully-formed child. Wanneroo is a market gardening area. One of the market gardeners asked me when an egg is a chicken. I told him that I did not know. He said it is a chicken at conception. Once the egg is fertilised it is a chicken. He told me to remember that when I am in the House. He said, "You tell those" - I suppose the nicest term would be "idiots that" but he used a ruder term. I do not dispute that when an egg is fertilised it becomes a chicken. If that is true in the case of a lower animal form, it should be true with humans. However, that brings us to that part of the debate where we get stymied.

I cannot emphasise enough that both Bills were drafted in haste. They both contain an inordinate number of amendments. There are so many amendments that the final Bills do not represent the initial Bills that entered this Parliament. There were so many amendments that nobody knew to which amendments they were talking. That was proved last week with the confusion that reigned over one of the amendments. No-one was quite sure to which part of it we were talking because there were three parts to an amendment. They had been amended so many times no-one knew which one we were on. We had amendments sitting here with "a", "b" and "c" written on them so that we would know to which part we were talking. How can we as a responsible House of Parliament pass legislation that has been amended so many times that members do not know what they are talking about?

We must withdraw both Bills, go away, sit down and try to come up with a reasonable, legal, stand-alone piece of legislation. Legislation as poorly drafted and presented as these two Bills would be laughed out of court. There are so many holes in the Bills that just about anything would be legal. A responsible House of Parliament cannot allow that to happen. We may not always agree with it, but we are supposed to take pride in the legislation we pass. There is no pride in the two pieces of legislation we have been debating for the past three weeks because so many bits and pieces are tacked onto it.

Mr Riebeling: Which bit needs redrafting?

Mr MacLEAN: The whole lot.

Mr Riebeling: You do not understand anything?

Mr MacLEAN: I understand that the member wants to kill babies.

The DEPUTY SPEAKER: Order!

Mr MacLEAN: If we take away the moral stand which many of us have taken, the big problem with these two Bills is that they are both so poorly drafted and contain so many amendments, which in some cases contradict each other, that we do not know what is legal. As a House of Parliament, we are supposed to know what is legal. There are too many lawyers in this place.

I am not asking members to take a pro-life or pro-choice view but to take a view of legislation that will go into the Statute book and will reflect the workings of this Parliament. I cannot say that the legislation before the House or that which passed through this House to another place is any good because of all those bits and pieces that were tacked on to it. Even though I did not agree with the other piece of legislation, it was not the same piece of legislation that came into this House. It had been altered in so many ways that in some cases it was opposing what it started out to be. A High Court judge would say that is the fault of the chairmanship. Things cannot begin by saying one thing and end up by saying another.

Mr Riebeling: Why would a judge say that?

Mr MacLEAN: The same would happen with the Davenport Bill.

Mr McGowan: I did not know you were a lawyer.

Mr MacLEAN: One does not have to be a lawyer to see this. All one has to be is a reasonably good chairman to see the problem. If the member cannot see a problem he should go back to school. Parts of the Davenport Bill are completely opposed to their original intention. That goes back to basic chairmanship. I am not reflecting on you, Mr Deputy Speaker.

The DEPUTY SPEAKER: I am pleased to hear that.

Mr MacLEAN: You cannot be involved, but as a servant of the House, you would be aware that when people change things through 180 degrees, you have to rule them out of order. That did not happen. The Davenport Bill set out to take abortion out of the Criminal Code. Members then added on other bits and pieces. It now does not reflect the original intent of the Bill. If we have two pieces of legislation, which were very poorly drafted in the first place, and they are changed by hastily drafted amendments that sometimes contradict the original intention of the Bill, they are illegal, as has been proved in the High Court. Yet we will put the stamp of approval on this legislation. As reasonable legislators we cannot do that.

I will oppose the second reading of this Bill. If I have any influence at all, which is sometimes doubtful, I will request that these two pieces of legislation be sent somewhere so that experts in the field can work on them until they come up with reasonable legislation. I would rather be accused of procrastination on this subject than rushing in and killing children.

It has been a fun and a frustrating time. Members on both sides of the House disagree; some on this side want to throw out the legislation and some on the other side are willing to pass something that is substandard because it agrees with their ideological stance. We cannot do that. The Bills must be drafted properly and we must work out a reasonable method of dealing with what is a very serious problem. As reasonable legislators we must deal with it whether or not we like it. However, to deal with it in such a haphazard way is a poor reflection on this House and the standard of Parliament in this State. We seem very willing to deal with very poor legislation in a rushed and haphazard way. I will oppose the second reading.

MR KIERATH (Riverton - Minister for Labour Relations) [9.44 pm]: I speak tonight in part from the heart and in part from the head. I hope I will finish by convincing those who have still not made up their minds to vote against the Bill.

We have before us tonight an option to vote for the Davenport Bill. This House passed the Foss Bill last week in difficult circumstances. However, the Presiding Officer in the other House has ruled that it is not acceptable and that it will not be considered by the other place. I do not believe that is a valid reason for this House to consider another Bill. Members in the other place can deal with it, and they have the numbers if they have the will to deal with it. We have dealt with the Foss Bill.

The real solution is neither of the two Bills. I still strongly believe that the real solution to this dilemma - we do have a dilemma - is another Bill. Away from the theatre of this Chamber, interested parties with divergent points of view could get together to come to a compromise. I have never championed the cause of compromise. I believe in my principles and I am prepared to die for them. However, in this I can see that the House does have a will to change

the law. A majority of members in both Houses have indicated that they are not prepared to abide by the existing law, even though I strongly disagree. However, I am yet to be convinced that either Bill is the right answer.

I believe that the majority of people in Western Australia say yes when asked whether they want the law reformed. I have been outvoted if popularity is the test. However, when I ask them what they want, like a number of other speakers tonight, I have not found anyone who wants abortion on demand - not even the most strident pro-abortion supporters in my electorate. They were shocked to see the headline in *The West Australian* indicating that the Parliament had gone that far. Many of us did not think it would. Perhaps in the cold light of day members had a different view from the one they had the night before.

I stayed out of groups until very late in the piece. I looked at the Davenport Bill and thought it could be made acceptable. It would be very hard, because it is fundamentally flawed. Many pro-abortion supporters say that they do not want abortion decriminalised. They want certain people to be caught - perhaps not the mother, but everyone else. That is the response members would get if they bothered to ask a further series of questions and did not just take the first answer at face value.

All my attempts to make this Bill acceptable have failed. I have used all my best endeavours, along with those who have spoken against this Bill and who are equally prepared to compromise their principles to make it workable, but I have failed. I have failed because members have a lemming like wish to rush this Bill through, thinking that that will be the end of it. It will not be the end. If we mess it up, it will come back again and again. We botched the first Bill and we are here debating the issue again. If we botch this one, we will be here a third and fourth time. Any member who thinks that we can rush it through tonight and have it done with should think again.

The Bill seeks to remove abortion from the Criminal Code. Given the voting trends last week, members are not prepared to go that far. They want abortion in the Criminal Code and this Bill removes it.

We have been told that we cannot refer to debates in the other House, yet in our negotiations it was quite okay to refer to members of the other House or representatives of members of the other House. That was okay, but it was not okay to deal with some members of this House. I find that offensive. This House is a House on its own. I accept that legislation must be passed by the other House, but this House has the right to express its view and express it very strongly.

The prophets of doom have warned against rejecting this Bill. This is a bad Bill to begin with. If we amend a bad Bill, it only gets worse. We should start again. We have the views of different people and we have acknowledged that the will of the Houses is to relax the law. However, I do not believe that we have the will of the House to move for abortion on demand without controls.

What will happen if we reject this Bill? In the end we will have a standoff. Perhaps we will then do what we should have done in the first place; that is, instead of rushing this through, we should have assembled those from the extremes of the argument in a cooperative atmosphere - not the adversarial atmosphere that is sometimes evident in this Chamber - to work out a solution. What is the most effective and cooperative environment in this Chamber? It is the Committee stage, not the second reading stage. We have included in the standing orders a device for handling controversial Bills. Members can confer in another forum while this House is sitting. That device was included specifically to deal with controversial Bills. Why have we not used it? We have this lemming-like mentality and we want to beat ourselves over the head time and again about an issue that arouses passions. I make no apology for arousing passions.

We have seen unprecedented scenes in this House because we are sitting as a true House of Independents. When we do that, every member is his own whip, leader and policy maker. It is fascinating. In the beginning there was anarchy. However, loose alliances started to form between people with similar opinions. I have found myself forming alliances with members who traditionally have been my adversaries. These are my enemies, although "opponents" is probably a better word than "enemies".

Mr Minson: It is a house of friends.

Mr KIERATH: Indeed. Somebody jokingly said last night that I have moved over to the dark side, but, if anything, I have moved over to the light or right side.

If we reject this Bill, this House might do what it should have done in the first place; namely, try to resolve this difficult issue in a calm atmosphere. The last time we dealt with such a Bill, the Human Reproductive Technology Bill was handled in a cooperative manner. We faced the more difficult issues of human cloning, artificial twinning, and the destructive testing of twins. We had a good Committee stage. The member for Greenough was instrumental, and Keith Wilson, the then Minister for Health, played a major part. When in opposition, we could have scored plenty of political points on that issue, but we did not. We identified a difficult political issue and resolved it.

It was decided that life began at 24 hours and 36 hours after the new cell tissue was formed with genetic imprints. It was resolved in a non-destructive atmosphere. We have a similar issue before us now, yet we have a fiasco. However, we could take some of the debate away from the theatre of this Chamber to a place in which people could work calmly and constructively. How do I know that? In the last 24 hours, some of us have tried to achieve that calm debate. There is a will to reach a compromise.

People say that safeguards and safety valves are needed if there is to be abortion. We do not believe that the Bill or the foreshadowed amendments contain enough safeguards and safety valves. If we do not agree with those provisions, we must reject the Bill and hope that commonsense will prevail and another Bill will be introduced which has the broad support of most members. If we did not debate this Bill this week, and a little goodwill were displayed, the next time the House sat, a compromise could be reached.

We were told that the legislation needs to pass before Easter. Why is there such urgency? If there was any possibility of compromise, it must be worth pursuing. Some people seem hell-bent on having a vote taken as soon as possible. They think they will resolve the problem by washing their hands like Pontius Pilate, and that it will go away. It will not go away. Some of us who are pro-life will form a loose alliance outside the party bonds to ensure that this issue comes onto the agenda in this Chamber. This debate has united a number of people in a cause in which they believe.

I was prepared to negotiate, against my better judgment, as I realised that the numbers were against me. It is a probably a product of my upbringing, but I would rather die in the trenches for a cause I believe in than sacrifice my principles. As the member for Dawesville said, "You stand for something or you fall for nothing." It is worth fighting for, so it is worth dying for. I make that point from the heart.

To members still thinking about their vote on this Bill, I appeal to their better judgment and beg for their support for a vote against this Bill. I appeal, plead or will do anything to get people to reject this Bill so sanity can prevail without time or other pressures so that we can work out a sensible compromise. I will put up my hand. Despite my workload, I am prepared to be a member of that Legislation Committee if the House will give us a go.

Members cannot hope to ram the Bill through and hope the issue will go away - it will not. If the will of the House is to accept abortion - I accept that it is - let us ensure that sufficient safeguards are in place. Therefore, the will of the House will be that those who decide to go down the path of abortion must approach it with an open mind and know exactly what they are doing. If they are determined to let it happen, let it happen with proper counselling. I do not agree with the decision to allow abortions, but it is the view of the House.

Some of the so-called amendments to the Bill will not allow the proper counselling to take place. If members were genuine, at least they would agree that women must have an independent doctor present at least two points of view before a decision was made. We do that in debate. We hear the arguments for and against and then we make up our minds. However, in a major decision for a young or mature lady, we say we want them to hear only one side of the story. That is wrong.

I appeal to all members of the Chamber with a sense of fairness and decency to recognise that if they allow abortion on demand, they should make sure the woman involved has both sides of the story. If that person is determined to go through with the abortion - I do not agree to it or condone it - good luck to her; let her go. However, we should ensure at least that she is informed and has all the facts. Two doctors with a vested interest from the same practice should not be allowed to provide counselling. That would be a disaster!

The most reasonable of all amendments would be along those lines, but the pro-choice people would not agree to them. If people are not prepared to agree with that notion, they have no logic or reason! In fact, they want not a calm and rational debate, but a one-sided story to be presented to the person making the decision!

Forgive me for getting a little carried away, Mr Deputy Speaker; the passion burns deep.

I have a nine year old daughter who reminds me that we nearly considered abortion when my wife was pregnant after our children were all almost grown up. My daughter was in Parliament House for tea tonight. She is one of the lights of my life. At 10 weeks, when these people say the child is just a few cells, a foetus or some non-human name, this little child was in her mother's womb asleep. She had a head, heart and eyes. She woke up and played, exercised and then cuddled up and went back to sleep. This was independent of her mum and her dad watching on the ultrasound. This occurred at 10 weeks and a couple of days. At this age, people say this is only a bunch of cells so get rid of it. It is a little human being. If one accepts the definition of a human being as someone who can breath, it is a pre-child, a child in training, or a developing child - whatever one chooses. It is human life in a special environment growing and developing as we grow and develop all our lives. Even in my forties, I grow and develop as a human being. This is about a little child starting on the journey unable to defend itself, and we want to snuff it out for someone else's convenience. The child deserves consideration. More than that, it deserves protection from this House. If we cannot protect the innocent, who on earth can we protect?

Who do Legislative Council members think they are? I have been a defender of that House, yet I see it making a radical policy decision which it expects us to follow. I do not go along with that. This is the people's House. If the other House wants to be a policy maker -

Several members interjected.

The DEPUTY SPEAKER: Order! It is not the custom of either House to reflect on the other House. I understand the Minister's passion, but as a Minister of the Crown he should respect that view.

Mr KIERATH: Mr Deputy Speaker, I was trying to say that this House should be the policy maker. The other House should be a House of Review. I will leave it there.

I hate to use the old expression from Aesop's fables, but this Bill is a wolf in sheep's clothing. An attempt will be made to pretty it up, to add some window treatment, to try to make it look half respectable. It cannot be made to look half respectable, and we should reject it for what it is.

Mr Cunningham: It has an odour about it.

Mr KIERATH: Absolutely! If any member tonight has not listened to a word I have said, that is fair enough, but I feel sorry for those members. We have been conned into thinking that we must deal with this Bill. I have received a message from some colleagues in the other House which tells me that, if the Leader of the House in the other place agreed to reintroduce the Foss Bill, to overturn the decision in the other place, three Labor members would support that move. I have done my number crunching, and the majority would support that move. More importantly, an absolute majority would support the move to reintroduce that Bill.

Mr Deputy Speaker, I put to you that this House is serious. The other House can consider the Bill that we passed last week. That House has the numbers, if it is of a mind to allow that to happen. Therefore, it does not come down to our having to deal with this Bill as a life or death issue. Mechanisms are available to the other place to deal with the Foss Bill. I say that because this House passed a Bill which contained a number of safeguards. The Bill before us tonight, even considering all its amendments, at best, reflects about 80 per cent of what we passed the last time we sat.

Mr Cunningham: It is a contempt of this House.

Mr KIERATH: I believe it is. At best, it is less than we agreed to. I do not go along with that. I ask members to reflect on that situation. This House should exert its will; it should resolve the issue. It is a difficult issue but we can resolve it with a bit of cooperation and without facing the pressures being imposed on this debate. This House can and will resolve the issue. The other House possesses a mechanism by which it can deal with the Bill which was transmitted to it from this place. That House has the numbers, if it has the determination to do that. On that basis, I plead with, I beg, I appeal to, and I ask every member of this House to vote against this Bill.

MRS ROBERTS (Midland) [10.03 pm]: During the current abortion debate in this State and this Parliament, much has been made of the obligation to separate the legislators' personal, moral and/or religious views on abortion from their public duty. There is a strong case that the role of lawmaker is the same for all of us, whether we believe in God or not. As legislators, we are left with a task which is not an amoral one. The concept of the common good for which we must legislate is a moral concept. However, this is not to say that the task of the legislator is the same as the purely personal task of an individual citizen responding to individual moral decisions.

A parliamentarian has a task that is not of purely personal moral agency. That is not to say that in politics or legislation we are unconcerned with morality; rather it is to say that we are concerned at a different level from the level at which one lives one's personal morality through a personal moral decision. The lawmaker must see the task from a different point of view: The construction of the common good through law.

Many of the pro-choice speeches in this Parliament and in the media indicate that somehow the anti-abortion argument of pro-life members of Parliament has been based on narrow religious or personal moral viewpoints. This is not the case. Briefly, members have said that we are personally opposed to abortion, and that despite this we have found it necessary to separate our personal, moral viewpoints from our responsibilities as lawmakers. We have argued that we must all do the same. A valid distinction can be made between the personal moral belief of a member of Parliament and his or her responsibility as a public lawmaker. Frequently we legislate on moral issues, such as prostitution, bigamy, divorce, and the penalties for crime, and even matters of the environment can be matters of morality. When we consider our natural resources or our forests we must take a moral responsibility for the state in which we leave our planet for future generations. Our moral beliefs are important but they are not the sole determinant in passing legislation. Public policy judgments are complex but they are not amoral.

At this point, I would like to take stock of the situation. Earlier in debate this evening the Deputy Premier said that

we have a problem. That is one of the understatements of the year. It is a massive problem. He used a few analogies, such as the Legislative Council taking one vehicle off the road. This is an extraordinary situation. It is without precedent. The Government cannot wash its hands of the matter. Through its leadership in the other House and in this House, the Government decided to introduce two separate Bills, one in each House during the same week, and have them debated concurrently.

One may ask why this was done. Some people suggested that it was not a deliberate action, and that the outcome was not intentional. However, I think it happened due to some government hand wringing. At the early stage, some people did not want to stand up and be counted. Government members wanted to wash their hands of the situation and say that this was not a matter for them; they would let the Parliament decide. However, when in government, people must take a greater responsibility than that. My kindest assessment of the situation is that an awful error of judgment was made. We are now in the most extraordinary situation where, due to the predicted ruling by the President in the other place - which came to fruition this afternoon - we have received and introduced a private member's Bill from the other House.

The matter becomes more and more curious. Neither the Minister for Health, who was prepared to act as a facilitator with the Foss legislation, nor the Leader of the House will take any carriage of this legislation. That is because even they - and this is clear from the comments by the Leader of the House - do not believe the Davenport legislation now before the House is good legislation. The Leader of the House stated that he does not think this legislation is what the people's House wants. Members have certainly not made any determination in this House to remove abortion from the Criminal Code.

This week's events took a strange turn. The strategy of some people in the coalition party room seemed to be to attempt to lay any odium for the passing of abortion laws in this Parliament at the feet of Hon Cheryl Davenport and the Labor Party. That would have to be some of the most politically shallow thinking that I have ever heard. People elect a Government to govern. Even though members had a free vote on this issue, the Government had a responsibility to make sure the legislation giving the options was presented in a much better form than has occurred in the past few weeks. It is extraordinarily bad management from anyone's point of view to handle this abortion issue in the way the Government has. If the Government thinks it can wash its hands of this, and that it can blame Hon Cheryl Davenport and the Labor Party, it gives the public very little credit for understanding how this Parliament works and what are the numbers in the respective parties in this House.

Mr Shave: Don't you take any responsibility for the Davenport Bill?

Mrs ROBERTS: I certainly do. The Government is supporting, for all intents and purposes, the discussion and potential passage of this legislation, despite the fact that neither the Minister for Health nor the Leader of the House will sponsor the legislation in any shape or form. As a further part of taking stock of the situation in which we find ourselves, we must look at what has already passed through this House in the Foss legislation. The Deputy Premier said that he wanted to look for common ground and reasonable compromise. Unfortunately that has not occurred between last week and this week. The instruction of the Acting Premier over the weekend was to find some compromise between that which was passed in the Legislative Council and that which was passed in the Legislative Assembly.

In my view, that is not the right instruction for the Leader of the Government to give, and I will explain why I believe that to be the case. First and foremost, the Legislative Council is not the people's House. Secondly, it is a House that is more often than not discredited by people in my party, largely because of the gerrymander that exists there. I do not intend to dwell on that; however, we all know that 50 per cent of the population in Western Australia do not live in country or rural Western Australia, yet those people have 50 per cent of the vote in the upper House.

Mr Minson: Bring in a Bill to get rid of it. You might get more support than you think.

Mrs ROBERTS: What a good idea! I might have to put that up as a new private member's Bill. This House must set the policy in the first instance; however, expecting the Legislative Council to abolish itself is probably asking a little too much.

This is the House in which the Government is formed. It is a more accountable House because every Legislative Assembly member is more directly accountable to a smaller electorate. Those are very good reasons that this House should have precedence and why, as the member for Riverton has said, it should have primacy and should set policy. This House has already looked pragmatically and realistically at the problem. It has gone as far, or maybe even further, than it wants to. I do not think we should now have put before us an even more extreme Bill than that which was passed. I do not think there is any reason that this House should be compelled to go any further than it did last week.

Let us look at a couple of the primary points. The Foss Bill, which we debated in this place last week, supported

abortion remaining in the Criminal Code. In my view, that is a very important distinction. The Leader of the House said that the Bills were very similar. However, that one point alone - that is, whether abortion should be in the Criminal Code - makes the Bills significantly different. In fact, the Leader of the House, in his explanation of the difference between the two Bills, said that under the Foss Bill abortion is unlawful and that under the Davenport Bill women can have abortions so long as they do it in one way or another.

Mr Omodei: In other words, her Bill says that abortion is lawful.

Mrs ROBERTS: That is right. Hon Cheryl Davenport has put that completely the opposite way around in her Bill. I am prepared to be realistic and to take a pragmatic approach. I am prepared to look at the will of this House over the past week and the general feedback from the polls and the community. As part of what was determined in this House last week, a couple of factors arise. One is that it was considered that most people favour women being able to choose to have an abortion. The polls tell us that 80 per cent of people want that. Obviously it is a view that is accepted by the majority of members in this House. Further, an element of realism and common ground is that a majority of people - that does not include everyone in the community nor everyone in this House - believe that, in cases of rape or incest or the foetus being a danger to a woman's health or there being significant malformation of the foetus, a woman should be able to procure an abortion. I do not think there is any compulsion in those circumstances for a woman to have an abortion. In fact, I know those instances are of the very smallest magnitude of the 9 000 abortions that occur each year in this State. Of those 9 000 pregnancies, very few result from rape or incest, or are a danger to a woman's health. Those who are on the pro-life side of the argument are not taking up those points in the House. We have acknowledged that the community view is different in many ways from our own and we are not arguing against those points.

It is one thing to say that general public opinion - I believe it is also the general opinion of those in this House - is that in certain circumstances women should be able to choose abortion. When we tell people about those extreme circumstances, the vast majority - probably over 90 per cent - of people think women should have an option to have an abortion. However, it is a giant leap to go from that stage to the provisions in the Foss Bill, let alone those before us in the Davenport Bill. When people who favour abortion are asked questions, such as whether they favour abortion at any stage, they qualify their opinion very quickly. I do not think most people in the community favour abortion at every stage, or without conditions being attached, or in any circumstance, or when the only qualification is that a woman should find a doctor who is prepared to do the job.

We have heard much about informed consent decisions, and that that should be the only basis which should be considered in terminations or whether someone should be able to procure an abortion. An informed consent decision is not sufficient. Most people in the community do not think that is enough, and have serious reservations about the stage at which an abortion can be performed and the circumstances in which it can be performed; they have serious reservations about counselling, about second opinions and about women having full access to information.

Those people on the pro-choice side of the argument know as well as we do that women who proceed with an abortion can suffer all kinds of repercussions, particularly those women who have not had a free choice in the matter. It seems that the people on the other side of the argument do not want to acknowledge those circumstances where the men, families and friends in women's lives coerce them into procuring an abortion; and if it all happens in one day, without any cooling off period and without any independent advice, there is no going back.

I have received a lot of letters, cards and information from people who have had terminations that they regret, and also from women who felt that they were quite forcefully pushed to have an abortion against their will. Fortunately, in most of those cases the women were strong enough to resist this and have spoken up. I think some of the women who did not resist are the ones who do not want to speak up because it is just too difficult for them to talk about it.

A woman who I know recently contacted me on this issue. I was certainly not aware of her personal circumstances. She described her friends as aggressive, but well meaning, in their push for her to have an abortion. They impressed upon her the disadvantages that she would suffer socially, financially, mentally, physically and so forth. She mentioned her daughter's name and said that whatever price she has had to pay for the privilege of being her mother, that price has been too insignificant to mention.

Mr Omodei: In my speech last week I used the example of a young girl who was cajoled into having an abortion and has regretted it ever since. Last week she gave birth to a baby to her husband that weighed nine pounds eight ounces. That is great story.

Mrs ROBERTS: That is fantastic, and one thing that she will remember every time that child has a birthday is those people who helped her make that pro-life decision.

The Leader of the House said that we must vote according to our consciences and be judged by our electorates. That is an interesting comment to make in the circumstances in which we find ourselves, because I feel that in good

conscience last week, members of this House decided that abortion should remain in the Criminal Code; yet this week, certain pressure has been placed on many members to vote for a Bill that they do not find satisfactory and that will take abortion out of the Criminal Code. The pressure to vote for this Bill is even on the Leader of the House, because he has admitted that this Bill takes abortion beyond the stage that he wanted to go.

If the Leader of the House believes that we should vote according to our consciences and that we will be judged by our electorates, the next question to ask is: Why are we debating this legislation now? I put it to members that we are debating this Bill now largely because of government inaction. Another reason we are debating it now is a majority coalition party room decision made on Tuesday of this week to proceed with the debate on the Davenport legislation this week.

Mr Barnett: The reason we are debating it is that I said three or four weeks ago that we would allow time for the Bills to be debated.

Mrs ROBERTS: One of the strongest arguments put forward by those who favour the pro-choice line - and it is an argument put forward not by the more radical pro-choice people but by what I describe as the moderate pro-choice people - is that they only want to bring the law into line with current practice. They argue that women have had certain rights in Western Australia and we cannot take those rights from them. They argue also that a law that is flouted is bad law. In principle, I agree that a law that is completely flouted is generally bad law. However, this legislation goes much further than that. The Foss Bill went much further than that.

This Bill is not just about bringing the legislation into line with what is already happening but is about introducing into this State the most liberal abortion laws in Australia and in many places in the world. If all we are talking about is bringing the law into line with current practice, there is no need to take the law out of the Criminal Code, which is what has been inflicted upon us today in this Bill. This whole process has been hijacked by the very hardline pro-abortion people. They are extreme in their views. What they are inflicting upon this Parliament is very bad legislation. It is legislation that goes well beyond the current practice and that goes well beyond giving women the rights that they have had over the past 25 years or so.

Part of this legislation has been a package of amendments which, we are told, will bring this legislation pretty much in line with the legislation that we dealt with last week. I do not believe that to be the case. There is significant overlap, but there are also significant differences. The first great difference, which I have already highlighted, is that this Bill will remove abortion from the Criminal Code. The second key difference from my point of view, and it has been raised by other people who have a pro-life view, is that it will remove the provision relating to a separate, independent medical practitioner. A type of halfway amendment has been suggested that it be just another medical practitioner, thereby removing that independence.

I do not find that acceptable. I think most people in the community would not find that acceptable. The person who will perform the abortion may well share rooms with that other medical practitioner. A woman can get around that suggested amendment if another doctor from the same surgery simply wanders into the room where the abortion is about to be carried out and gives a quick opinion. The anaesthetist who will assist in the operation will also be able to give that separate medical advice. I do not think we are asking for a lot. All we want is an independent medical practitioner - not just any other medical practitioner, because we believe that will be abused.

I note that there may be some support for a reduction to 16 weeks' gestation to invoke the provisions relating to a decision by two doctors from a panel of six doctors. I further note that there has been some movement in respect of the minors - girls under 16 - and there may be an amendment which could be satisfactory. This Bill does not include most of the provisions that people like me want. We still have not had a chance to talk about things like a cooling off period. This Bill does not contain provisions for compulsory counselling. Unless we are successful in including the requirement for an independent medical practitioner, the only restriction on a woman aborting a healthy foetus will be her finding a doctor who is prepared to perform the procedure. It does not necessarily have to be her family doctor or anyone she knows. She can seek out someone who is prepared to do the operation at that stage, with no checks and balances in place. This same situation applies if a child has any one of a number of disabilities or abnormalities. We are running the risk of women choosing to have abortions for a whole variety of reasons. The only restriction on them will be finding a single medical practitioner who is prepared to do the job. What does this say to people who have Down syndrome? What restrictions will apply before the 16 week period - unless it is amended to before the 20 week period - for babies who have club feet, cleft palates or congenital blindness or deafness, or are not of the desired sex? Is the only restriction that this House will place on the termination of these unborn babies' lives to be that their mother can find a doctor, any doctor, to perform the operation, with no checks and balances at all?

The Davenport Bill is not the Foss Bill. It is different in many significant respects. Davenport says one can have an abortion so long as one meets a few liberal criteria. The Bill contains much watered down provisions regarding

independent medical advice. It is a much worse Bill than the Foss Bill. It is a Bill for the hardliners. The Leader of the House has concerns about the events in the other House. To accept the Davenport Bill is to give up the mandate that this House is the people's House. The people's House will have been usurped. The unrepresentative upper House will have dictated the terms. The upper House is not unrepresentative of the community in adopting a pro-choice stand per se, but it is unrepresentative in its makeup and vote weighting. It is a group of people sheltered from the political realities of the lower House constituencies and a group that has gone much further than community opinion. If the Davenport Bill with its proposed amendments is passed in this House, the Parliament will have unmercifully denied the pro-life constituency even the smallest token of an acknowledgment of their views and concerns.

MR MINSON (Greenough) [10.33 pm]: I was not going to speak on this Bill, but I want to make a number of points. The last time this House debated a Bill that very much resembled this one was not very long ago. I spoke briefly, and what I said then still stands, but I did vote last time for the Bill to be read a second time. I did so because I was confident that this House would reflect what I detected to be the will of the community, and would impose some quite tight restrictions, checks, balances and controls that would allow abortion under certain circumstances. The House did not do that and I was extremely disappointed that that was the case. I was concerned that in the end many members voted out of frustration to get the matter off the agenda because we had sat all night. I sincerely hope we do not do that again, and that we leave this Bill until after the break and some people go home and think a little more deeply about what we are doing.

I will make a further suggestion about what most people in this room might do that would give them a little more information and freedom before they vote. The Bill before us tonight is quite different from the Foss Bill, because the Foss Bill said, "You cannot do it unless", whereas the Davenport Bill says, "You can do it unless". It takes the matter out of the Criminal Code and puts it in the Health Act. It comes from a totally different philosophical point of view. I detect a certain irony here tonight. When I was Minister for Disability Services, a group of children was beginning to come through who had some disabilities and a disproportionately high number of disabilities were being found in children born after about 21 to 22 weeks of gestation. What amazed me was that a child could live after being born at that stage. The irony to me is that if a woman goes into labour at about five months' gestation and the baby is born naturally, everything in medical science is thrown at it to make that child live, even though they know there is a 20 to 25 per cent that it will have a disability, sometimes quite profound. The whole of medical science goes into a tizz and if the baby is 450 grams and survives, it will have its photograph on the front page of the paper with its proud mum and dad. If a month later or even the next day the father or somebody else got hold of that child and disposed of it, they would go to gaol for a number of years, yet if a woman came in off the street and labour was induced at the same gestation period as the lady the day before who gave birth naturally, and the baby was born and it was moving, and if nobody lifted a hand to help it and it died, it would be called a legal abortion. The ultimate irony is that instead of going to gaol, they actually collect a Medicare benefit. That is food for thought. I am often accused, as I suspect is everyone in this Chamber, of living in an ivory tower. That is not true. Members of Parliament cover a lot of territory and they have broader views and talk to more people than anybody I know. I have a broader knowledge of what is going on around the place than most other people, and that is true of all members of Parliament because of the amount of travel we undertake. However, with respect to this issue, some of us may be living in an ivory tower; perhaps some of us do not have a good knowledge base, and perhaps over the next couple of weeks some of us need to get ourselves down to King Edward Memorial Hospital for Women by appointment and see if we can witness an induction at 16, 17, 18, 20 or 22 weeks, and see if it does not give us food for thought, because I can assure members that what comes out is very recognisably human and it moves. People are quite embarrassed about it. They will quickly move, get it covered, get it in a bucket and get it out of the road; they do not really want it around. I suggest that there are people in this place, and in the other place - unfortunately it is perhaps a little too late for that - who should make an appointment and go down to KEMH or some other hospital, and witness what I am describing. The hospital will probably cooperate, and it will not take long. I have heard the sterile speeches that have been made about what a woman wants and whether it is socially acceptable or whether it is an economic inconvenience. Members should throw that to one side, and go down and have a look at the facts and come back here and tell me that they are still happy to vote for this legislation.

That is the crux of the legislation. Last week I voted with the group in the minority. The message sent to the other place was that we were a minority. I do not care whether I am in a minority. I want to go down in the annals of this place in 100 years so that my great grandchildren can read what I said. That is why I am taking 10 minutes of the time of the House. I am more than happy to be in a minority. If this House thinks it is good policy to pass legislation without proper thought for convenience and to save embarrassment, it should think a little more deeply.

I hope we take at least the next two weeks to think more deeply. I concur with my colleague the member for Riverton, who suggested we have a mechanism for defusing such matters as this. It is not just a matter of defusing it but of looking at all the angles and taking a chance to chew the fat and come to grips with the enormity and the

gravity of what we are talking about. We are not talking about a bunch of cells a few days old that can be sucked out and which appear as a smear of blood. It does not resemble just a heavy menstrual flow as does a miscarriage in the first couple of weeks. Many of us in this House have experienced that. This Bill goes much further than that. This Bill provides for women who are up to 20 weeks' pregnant to be able to seek an abortion. It is only after 20 weeks that a complicated procedure is necessary. At 20 weeks what will be born will be human - members should make no mistake about that. The baby will move. It will try to live. Members should get themselves down to King Edward Memorial Hospital in the next couple of weeks and watch that operation and then resume this debate. I suspect a number of people would adopt a more sober approach if they did that.

There is an opportunity to take some time. We should use the committee system at this stage. It may be an inconvenience for some people to get it off the agenda, but it is a gross embarrassment to this Parliament that we took the action we did in the past two or three weeks. We put substantially the same Bill in two Houses. We made fools of ourselves. I will not canvas your ruling, Mr Speaker, but you can gather what I think about it.

A ruling was made in the upper House which made a mockery of the whole process. We should not, as a Parliament, have allowed that to happen. We should have negotiated and decided to set up a joint committee in the light of the emotion on both sides, resolved the issues and come back here with something with which most people could live. However, last week out of frustration a number of members voted to get the matter off the agenda. However, it is not off the agenda. It is back here. If they vote for convenience again it will be back here again and again. I hope that this House shows a little restraint and debates something else tomorrow.

I hope that if I am the last speaker on the second reading we will adjourn this debate and deal with the liquor Bill or some other Bill tomorrow. Strangely enough, there was no urgency with that. I hope that we put this on the backburner and form a committee.

I said before that circumstances existed in which abortion was supportable. I still believe that. However, last week I was assured there would be much juggling around and something would emerge with which most of us could live. I got sucked in; I voted for the second reading. Tonight I will not get sucked in. I will vote no for the lot of it. If that is embarrassing for someone in here, that is too bad. If I am in the minority that is also too bad - I am fairly comfortable being in the minority.

What is being contemplated is not right. It is not what people want. People have told me that we should reflect what our electorates want. They do not want open slather; they want some controls. They basically wanted "Foss" paragraphs (a) and (b) and some informed consent of a real nature. That is what the people would have settled for. I would rather not have that, but I was prepared to go that far. However, we gave them what they did not want. Some people in here think they can shrug their shoulders and say that they received 50 letters and there were 21 against and 29 for; therefore they will vote that way and it will be okay. I do not believe it will be okay. It behoves us to research the matter and think more deeply before we act.

The situation will become more difficult as time goes by. However, the opportunity is here for us to behave in a mature, rational and sensible way; that is, to stop pretending that this Bill must get off the agenda. It does not have to get off the agenda. If doctors tell me we must get it off the agenda otherwise they will not do any more abortions, damn them. They do not have to do any more abortions. If they must stop for a couple of months they should do so. That does not concern me; it makes no difference to me. Some of them will perform abortions anyway, as they always have. That does not concern me either if that is what they want to do. I will not put up with people telling me I must sit here all night and I must pass this thing even though it might not be what we want because it upsets the doctors. Damn the doctors!

I am getting more emotional than I usually do in this place, but a few things are happening here which upset me. We are making wrong decisions and decisions we do not want to make, in an uninformed way, because we think the Western Australian public thinks we must make them and because we received some letters saying we had to make decisions and because the medical profession is saying that if it cannot do any more abortions the whole world will stop. Let us go home and have a good sleep, talk about something else tomorrow and resume this debate in a couple of weeks, I hope in the form of a committee.

MR AINSWORTH (Roe) [10.47 pm]: I am able to speak in this instance on behalf of the member for Collie who has no voice this evening.

The SPEAKER: Order! The member for Collie has severe laryngitis therefore she has prepared notes. Technically I am giving the member for Collie the call, but I invite the member for Roe to present her speech.

Mr AINSWORTH: I preface the remarks of the member for Collie by saying that this is probably the shortest speech she will make in this place. I know that the majority of members here tonight wanted the Foss Bill to retain a clause in the Criminal Code which makes a clear statement that medical practitioners are criminally responsible if they

perform an abortion that is not justified. Members in this House voted for this statement to remain in the Foss Bill as a clause. As the member for Cottesloe said tonight, it is a symbolic statement. Proposed section 259(2) in the Davenport Bill is also a symbolic statement, and it was passed by the other House.

I support the retention of abortion legislation primarily based in the Criminal Code.

MS WARNOCK (Perth) [10.48 pm]: In closing this second reading debate for the pro-choice side, I said at the beginning of the day when we started this debate that in the interests of trying to facilitate a reasonable time frame for the passage of this Bill my intention was to speak very briefly and that very few of us would seek to canvass the issues again because we felt we had canvassed them so thoroughly over the past two weeks. There has been so much talk about it that I know many members feel, as stated by the previous speaker, they almost need a rest from the subject. Much of what we intended to say in this debate was already canvassed in the passage of the Foss Bill over the past couple of weeks. Therefore, we elected not to canvass those issues again, and I choose to make only a few remarks in wrapping up this debate tonight.

Like the Leader of the House, I am concerned about rumours that I have heard all day about members' preselections being threatened if they do not vote a certain way. It is disappointing that a political note has crept into this debate. Over the past couple of weeks we have managed to operate in a bipartisan manner. We have spoken about how strange alliances have been formed in this debate and that people on different sides of the House have found themselves being in accord on this subject. I have heard a lot of other things which suggest it has become a political debate not only in this House but between the Houses. It is depressing that some shady politics have been associated with this matter in the past 24 hours. I am sorry to hear that, because like everybody else in this House I treat this as an important subject and I believe that is the way it should be discussed and dealt with.

I take up the point made by the Deputy Premier that the people of this State have indicated their desires in this matter. They want us to vote to allow safe, legal abortion for women, and we voted to support that majority view in both Houses of Parliament just last week. Therefore, it would be strange - although I am not in haste to pass any Bill, because I believe in thorough debate - if this Parliament turned its back on those decisions. It is strange that members on the other side of the debate have been suggesting that somehow in a week, many more issues have arisen and people should change their views. I do not agree with that. All members in this House have had a chance to express their views. Most people were listened to with reasonable respect, which is what we were asked to do by our leaders at the beginning of debate. The same thing has occurred today.

I am still mystified that when presented with a Bill which seems to be a reasonable amalgam of both Bills, which I remind members were passed by a majority in both Houses last week, we now find ourselves faced with a group of people who seem unable to support that vote. I urge members to support this Bill because thoughtful concessions have been made by Hon Cheryl Davenport and because the effect of this Bill is substantially the same as the Foss Bill that we voted on just last week.

Speakers in opposition to this Bill have inferred that under the Bill, unjustified abortion is not an offence. It will be an offence under the Health Act and a fine will attach to the offence. The Bill also contains a penalty for the performance of an abortion by an unqualified medical practitioner. Therefore, the suggestion that there are no controls and no regulations in place, is incorrect.

All members should be aware that we have a responsibility as legislators to provide a compassionate solution for thousands of women who have to deal with unwanted pregnancies. However difficult that may be for people who have a strong religious view, it is a plain fact that for many decades in this State women who have had to deal with unwanted pregnancies have sought an abortion, whether it be illegal and unsafe or legal. They will continue to do that despite whatever we decide to do in this House tonight, tomorrow or next week. We can choose to be practical and have compassion for those women or we can abandon Western Australian women to return to their grandmothers' day. We have a choice. We should vote to support the Bill tonight.

Question put and a division taken with the following result -

Ayes (31)

Ms Anwyl	Mr Cowan	Mr Marlborough	Mr Sweetman
Mr Barnett	Dr Edwards	Mr Marshall	Mr Thomas
Mr Bloffwitch	Dr Gallop	Mr Masters	Mr Trenorden
Mr Bradshaw	Mr Graham	Mr McGinty	Mrs van de Klashorst
Mr Brown	Dr Hames	Mr McGowan	Ms Warnock
Mr Carpenter	Mr House	Ms McHale	Mr Wiese
Dr Constable	Mr Johnson	Mr Riebeling	Mr Osborne (<i>Teller</i>)
Mr Court	Ms MacTiernan	Mr Ripper	

Noes (25)

Mr Ainsworth
Mr Baker
Mr Barron-Sullivan
Mr Board
Mr Bridge
Mr Day
Mrs Edwardes

Mr Grill
Mrs Hodson-Thomas
Mrs Holmes
Mr Kierath
Mr Kobelke
Mr MacLean

Mr McNee
Mr Minson
Mr Nicholls
Mr Omodei
Mrs Parker
Mr Pandal

Mr Prince
Mrs Roberts
Mr Shave
Mr Tubby
Dr Turnbull
Mr Cunningham (*Teller*)

Question thus passed.

Bill read a second time.

House adjourned at 10.59 pm

QUESTIONS ON NOTICE

Answers to questions are as supplied by the relevant Minister's office.

RAE ROAD-SAFETY BAY ROAD INTERSECTION, ROCKINGHAM - CROSSWALK ATTENDANTS

2943. Mr McGOWAN to the Minister for Police:

- (1) Will the Government be installing crosswalk attendants at the intersection of Rae Road and Safety Bay Road, Rockingham?
- (2) If not, why not?
- (3) Will the Government be installing a type A or type B crossing at this intersection?
- (4) Why has the Government decided on that type of crossing?
- (5) When will the crossing be installed and be operational?
- (6) Does the Government recognise the need of this particular area?

Mr DAY replied:

- (1) Yes.
- (2) Not applicable.
- (3) Type 'A'.
- (4) The Western Australia Police Service determined the application met the criteria for the installation of a Type 'A' Children's Crossing facility.
- (5) The crossing commenced on 11 March 1998.
- (6) Government recognises the safety needs of all school aged children in Western Australia, irrespective of the area in which they attend school.

RAE ROAD-JUNE ROAD INTERSECTION, ROCKINGHAM - CROSSWALK ATTENDANTS

2944. Mr McGOWAN to the Minister for Police:

- (1) Will the Government be installing crosswalk attendants at the intersection of Rae Road and June Road, Rockingham?
- (2) If not, why not?
- (3) Will the Government be installing a type A or type B crossing at this intersection?
- (4) Why has the Government decided on that type of crossing?
- (5) When will the crossing be installed and be operational?
- (6) Does the Government recognise the need of this particular area?

Mr DAY replied:

- (1) Yes.
- (2) Not applicable.
- (3) Type 'A'.
- (4) The Western Australia Police service determined the application met the criteria for the installation of a Type 'A' Children's Crossing facility.
- (5) The crossing commenced operation on 10 March 1998.
- (6) Government recognises the safety needs of all school aged children in Western Australia, irrespective of the area in which they attend school.

TOURISM - COST OF ADVERTISING CAMPAIGN

2992. Mr BROWN to the Parliamentary Secretary representing the Minister for Tourism:

- (1) Can the Minister advise how much the Government has spent on advertising Western Australia as a tourist destination in each of the countries where it has conducted an advertising campaign in 1997?
- (2) How much has been spent on television advertising in each country?
- (3) How much is proposed to be spent on television advertising in each of the countries between 1 January and 30 June 1998?
- (4) What data is being collected to measure the effect of the promotional campaign?
- (5) What is that data showing about the effects of the promotional campaign in each country?

Mr BRADSHAW replied:

- (1) Advertising expenditure for the period 1 July 1997 - 31 March 1998:

Indonesia:	\$541,897
Singapore:	\$803,720
UK:	\$984,718
Interstate:	\$457,514
Intrastate:	\$138,275

These figure include both WATC expenditure and cooperative revenue raised from the tourism industry. They include media placement costs and commission paid to the advertising agency and exclude production costs. Please note these figures do not include cooperative advertising campaigns for which the media was placed by the cooperative partner. None of the cooperative advertising amounts excluded from these figures exceed \$50,000.

- (2) Confirmed television expenditure for the period 01 July 1997 - 31 March 1998

Indonesia:	\$420,632
Singapore:	\$671,082
UK:	\$847,015
Interstate:	\$284,689
Intrastate:	\$ 30,995

Again, these figures include both WATC expenditure and cooperative revenue raised from the tourism industry. They include media placement costs and commission paid to the advertising agency and exclude production costs. Please note these figures do not include cooperative advertising campaigns for which the media was placed by the cooperative partner. None of the cooperative advertising amounts excluded from these figures exceed \$50,000.

- (3) Estimated expenditure on television for the remainder of the 1997/98 financial year:

Indonesia:	Nil
Singapore:	Nil
Malaysia:	Nil
UK:	Nil
Interstate:	Nil
Intrastate:	\$110,000

- (4)-(5) For each campaign, a primary objective is set although it is acknowledged that the campaign will generate many more benefits than the primary objective. In the case of these participate campaigns, they fall into two categories -

- (a) Awareness i.e. increasing consumer awareness of WA as a tourist destination and
- (b) Incremental Business i.e. increasing incrementally the number of people travelling to WA. The performance measures are related to the primary objective. Please refer to the attached spreadsheets for details. [See paper No 1319.]

TEACHERS - CONDITIONS OF EMPLOYMENT

2999. Mr BROWN to the Minister for Education:

- (1) Is the Minister aware of an article which appeared in *The West Australian* on 16 December 1997 which

reported that State School teachers were fed up with uncertainty over job security, poor housing, low pay, a lack of promotional positions and incentives to work in the country?

(2) Is the Government examining ways to deal with each of these issues?

(3) If so, what action has the Government -

- (a) planned;
- (b) undertaken;

on remedying school teachers' concerns about -

- (c) uncertainty over job security;
- (d) poor housing;
- (e) low pay;
- (f) lack of promotional positions;
- (g) incentives to work in the country?

(4) How much did the Government allocate in the 1996-97 budget to remedy each of these issues?

Mr BARNETT replied:

(1)-(2) Yes.

(3) The Action being planned (a) and undertaken (b) to address these concerns are as follows:

(c) In 1997, approximately 130 secondary teachers were awarded permanent-on-probation status, many of whom were teaching in country locations. Employment prospects for teachers remain sound for the next decade and beyond, as the student population continues to increase in Western Australia. In addition, recent Government policies have enhanced the demand for teachers in this State. In particular, the expansion of pre-primary schooling and reduction in early primary class sizes will result in a need for more teachers. Teacher employment opportunities will further increase during the next five to ten years as a greater number of 'baby boomer' teachers reach retirement age. The Education Department is currently examining employment policies to offer greater certainty to temporary teaching staff. One option being considered is the offering of longer term temporary contracts.

(d) Housing concerns are being addressed through:

Approximately 800 Government Employees' Housing Authority (GEHA) properties with a Relative Strain Index between the 50 and 22 day were provided with evaporative style ducted air-conditioning in the latter half of 1997. A significant number of the properties are occupied by teachers.

Ongoing provision of additional and replacement housing and upgrading of old properties through a Capital Works program injected by funding from the sale of GEHA properties.

The introduction of the practice of leasing on the open market.

The involvement of private developers to build new accommodation and enter into long term lease arrangements.

The introduction of the practice of sale and lease back of GEHA properties.

The proposed amalgamation of the Industrial Commercial Employees Housing Authority (ICEHA) and the Rural Housing Authority (RHA) will provide assistance through low interest loans for local authorities to build accommodation for government employees. A review is currently being undertaken to improve response time and workmanship involved in the maintenance of GEHA accommodation.

(e) The State School Teachers' Union of WA and the WA Principals' Federation recently reached an agreement with the Government's offer on a package of benefits that includes a 6 per cent salary increase over a two year period.

(f) There has been no reduction in the number of promotional positions across the system. With the introduction of a merit based promotion system, teachers in country locations are able to access preferred locations years earlier than they would otherwise under a service/seniority transfer system. Also the second round of the Level 3 Classroom Teacher selection process has just been

completed. A result of the 1996 Enterprise Bargaining Agreement (EBA), the Level 3 Classroom Teacher program is designed to retain excellent teachers in the classroom and provide an improved career path for classroom teachers.

- (g) The Government's offer which has been accepted by the State School Teachers' Union of WA includes further country incentives for teachers. The detail of this is still being finalised.
- (4) The additional funding for salary increases for all staff in the 1996/97 financial year was \$50.785 million and the funding allocation to the remote teaching service was \$2.663 million. Since 1985, GEHA has supplemented its capital works programs through the sale of surplus and unwanted properties.

GOVERNMENT DEPARTMENTS AND AGENCIES - CONTRACTS

3022. Mr BROWN to the Minister for Primary Industry; Fisheries:

- (1) In any of the departments or agencies under the Minister's control, are there any plans to contract out to the private sector any services or functions currently being carried out by the public sector workforce?
- (2) Have any plans been made to contract such work out over the course of 1998?
- (3) What work is planned to be contracted out?
- (4) Has any department or agency contracted any work out since 1 July 1997?
- (5) What work has been contracted out?

Mr HOUSE replied:

- (1)-(5) As part of normal business management, government departments and agencies continuously review opportunities to improve the efficiency of services and functions currently being carried out by the public sector workforce. This includes consideration of contracting out to the private sector. The Government's approach is that the decision to contract out services and functions is made at agency level to suit agency needs. Since July 1997 many agencies have contracted out work previously performed by the public sector workforce. This ranges from small and routine functions contracted out to release skilled public sector staff for higher value work in their agencies, to significant out sourcing projects where moving functions and staff to the private sector has resulted in better service and value for money to the community. Agencies normally disclose their key contracting processes as part of their annual reporting process.

MR PHILLIP GAUSTEN - DEATH AT FORRESTTANIA MINE

3056. Ms McHALE to the Minister representing the Minister for Mines:

- (1) Did the (then) Department of Mines investigate the death of Mr Phillip Robert Gausten at the Diggers Rock Mine, Forresttania on 22 November 1992?
- (2) Did the Boral Site Manager, Mr Graeme Dickey, inform the Director of Mines that "a minor adjustment (was) made on the brakes to the service vehicle prior to it being put back to work" on 23 November 1992?
- (3) Is the Department aware of the Statutory Declaration made by a Boral fitter that affirms that on 23 November 1992 (night shift) his first job was a full brake reline on the service truck involved in the accident?
- (4) Is the Department of Mines further aware that the same Statutory Declaration affirms that "it was a major repair job that took a full twelve hour shift to complete"?
- (5) What explanation does the Department of Mines give for the significant discrepancy in facts?
- (6) Did the Inspector of Mines, Mr Leggerini, supervise tests on the service vehicle on Tuesday 24 November 1992?
- (7) If so, why were tests done on the vehicle involved in the fatality after the completion of a complete brake reline?
- (8) Were tests done on the brakes?
- (9) If yes to (8) above,
 - (a) when;

(b) what were the results?

(10) If no to (8) above, why not?

(11) Will the Minister consider reopening the investigation into the death of Mr Phillip Gausten?

Mr BARNETT replied:

(1) Yes.

(2) No. This information was provided to the investigating inspector in a memorandum dated 10 December 1992. The memorandum does not mention the date 23 November 1992 as being the time at which the vehicle was returned to service.

(3) No, the Department has never been provided with a copy of this statutory declaration.

(4) No, refer to answer (3).

(5) In view of answer (3) the Department cannot comment on the alleged discrepancy, apart from stating that the condition of the brakes on the vehicle was not considered to be a contributing factor in the cause of this tragic accident.

(6) Yes.

(7) The tests involved checking whether the vehicle could be induced to "jump" forward when started in both neutral and in gear. The condition of the brakes was not material to the tests that were carried out.

(8) No.

(9) Not applicable.

(10) Refer to answers (5) and (7).

(11) No new evidence has come to light that would justify approaching the Coroner to re-open the inquiry.

TANTABIDDY CREEK DEVELOPMENT

3124. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) Did a Mr Eugene Stankevicius of the Western Australian Tourism Commission prepare a memorandum dated 23 July 1996 addressed to one John Willis concerning the Tantabiddy site?

(2) Did that memorandum contain an attachment produced by Terry McVeigh then General Manager of the Tourism Industry Development?

(3) If so, did that memorandum record the terms and conditions of a proposed expression of interest briefing document include conditions under which the proponent may identify a suitable tourism development site of up to 3 ha?

(4) Was this the size of the area identified or required by the proponents of the proposed development at Tantabiddy site?

(5) On what information did the Tourism Commission rely to specify 3 ha was required by the proponents?

(6) In any correspondence or discussions with the proponents had an area of that size been identified?

(7) If so, in what communication or discussion had it been identified?

(8) Were the proponents looking at a development of a 240 bed resort which would be no more than two levels?

(9) If not, what were the proponents looking for in terms of the nature and size of the resort?

(10) Did the Tourism Commission envisage that a resort of that nature could be constructed with all supporting facilities on a property the size of 3 ha?

Mr BRADSHAW replied:

(1)-(2) Yes.

(3) No, the document detailed actions required if the government intended to formalise the proposal to proceed with carrying out technical studies. The 3 hectare site was to "test site" scale.

- (4) No.
- (5) The Department of Land Administration suggested a 3 hectare test site.
- (6) No.
- (7) Not applicable.
- (8) Yes.
- (9) Not applicable.
- (10) No. As previously advised, the 3 hectare site was just a "Test Site".

GOVERNMENT DEPARTMENTS AND AGENCIES - NATIONAL POLICY BODIES

3146. Mr BROWN to the Minister for the Environment; Employment and Training:

- (1) How many national policy bodies does the Minister and each of the departments and agencies under the Minister's control participate on?
- (2) What is the name of each policy body?
- (3) Does each policy body meet on one or more occasions during the calendar year?
- (4) Has the Premier and/or any of the departments or agencies under the Minister's control made representations to that policy body and/or the Commonwealth or other State governments for the policy body to be abolished or changed in any way?
- (5) If so -
 - (a) what was the nature of the submission made;
 - (b) when was the submission made?

Mrs EDWARDES replied:

Department of Environmental Protection:

- (1)-(2) Australian and New Zealand Environment and Conservation Council (ANZECC);

Australian and New Zealand Environment and Conservation Council - Standing Committee on Environment Protection (SCEP) (and associated working groups, subcommittees and task forces);

Australian and New Zealand Environment and Conservation Council - Maritime Accidents and Pollution Implementation Group;

Australian and New Zealand Environment and Conservation Council - National Advisory Body (NAB) and Schedules Wastes Management Group;

Australian and New Zealand Environment and Conservation Council - Working Party on Wastes from Boating and Shipping;

National Environment Protection Council (NEPC);

National Environment Protection Council Committee (NEPCC) (and associated subordinate groups);

National Environment Protection Council - Jurisdictional Reference Network - NEPM on Transport of Controlled Wastes;

National Environment Protection Council - Jurisdictional Reference Network - NEPM on Used Packaging Materials;

Groups subordinate to the Council of Australian Governments (COAG):

Oceans Policy Institutional Arrangements Working Group
 State-Commonwealth Roles and Responsibilities for the Environment Senior Officer Group
 National Greenhouse Strategy Working Group; and

Environment Australia Working Group on NiCad Batteries

- (3)-(4) Yes.
- (5) In 1997 the Premier wrote to the Prime Minister recommending that the Intergovernmental Committee on

Ecologically Sustainable Development (ICESD) be disbanded. It is believed that other States made similar representation. That Committee has now been disbanded by the Prime Minister and its extant programmes continued under the senior officials' groups of the Council of Australian Governments.

Perth Zoo:

- (1) Perth Zoo is not involved in any national policy bodies.
- (2)-(5) Not applicable.

Kings Park and Botanic Garden:

- (1) Kings Park and Botanic Garden is not involved in any national policy bodies.
- (2)-(5) Not applicable.

Department of Training:

- (1)-(2) Australian National Training Authority (ANTA), Ministerial Council (MINCO); Ministerial Council on Employment, Education, Training and Youth Affairs (MCEETYA); Australian National Training Authority, Chief Executive Officers Committee.
- (3)-(4) Yes.
- (5)
 - (a) A submission to adopt rotating Chairperson arrangements for the Ministerial Council and to formalize the Australian National Training Authority Chief Executive Officers Committee to clearly articulate its role within the Australian vocational education and training system was made during negotiations on the revised Australian National Training Authority Agreement.
 - (b) Negotiations on the revised Australian National Training Authority Agreement were conducted throughout 1996, 1997 and 1998.

Department of Conservation and Land Management:

- (1)-(2) Agency officers participate in a wide range of committees and groups that include Commonwealth and State/Territory officials. However, policy is channelled through peak Ministerial Councils and their standing committees. The relevant Ministerial Councils in my portfolio are:

Ministerial Council for Forestry, Fisheries and Aquaculture
Australian and New Zealand Environment and Conservation Council
- (3)-(4) Yes.
- (5) In 1997 the Premier wrote to the Prime Minister recommending that the Intergovernmental Committee on Ecologically Sustainable Development (ICESD) be disbanded. It is believed that other States made similar representation. That Committee has now been disbanded by the Prime Minister and its extant programmes continued under the senior officials' groups of the Council of Australian Governments.

GOVERNMENT DEPARTMENTS AND AGENCIES - NATIONAL POLICY BODIES

3152. Mr BROWN to the Minister for Health:

- (1) How many national policy bodies does the Minister and each of the departments and agencies under the Minister's control participate on?
- (2) What is the name of each policy body?
- (3) Does each policy body meet on one or more occasions during the calendar year?
- (4) Has the Premier and/or any of the departments or agencies under the Minister's control made representations to that policy body and/or the Commonwealth or other State governments for the policy body to be abolished or changed in any way?
- (5) If so -
 - (a) what was the nature of the submission made;
 - (b) when was the submission made?

Mr PRINCE replied:

- (1) 49.

- (2) Australian Health Ministers Advisory Committee (AHMAC)
Home and Community Care (HACC) Officials Working Group
HACC Officials sub groups:
- Data Reform Working Group
 - Assessment Working Group
 - Standards Working Group
 - Funding Reform Working Group
- Aged Care Indicators Working Group
National Palliative Care Steering Committee
AHMAC Sub Committee on Women and Health
Australian's Donate
National Rural Health Policy Forum
Rural Health Support, Education and Training Grant Advisory Committee
National Multi Purpose Service Contact Group
National Health Minister's Benchmarking Working Group
Casemix Information Development Exchange
Coding Educators Network
National Health Sub-Committee on Government Services Provision
Cross-Border Flow Negotiations
Heads of Aboriginal Health Units
Australia New Zealand Food Authority
Australia and New Zealand Food Authority Advisory Committee
Australia and New Zealand Food Standards Council and various working parties.
Directors of Environmental Health Forum
National Public Health Partnership and various workgroups
National Drugs and Poisons Standing Committee
National Co-ordinating Committee on Therapeutic Goods
Meat Standards Committee
Food Regulation Review Committee
Highly Specialised Drugs Committee
National Advisory Committee to Breastscreen Australia
National Advisory Committee to the National Cervical Screening Program
National Immunisation Committee
National Immunisation Education Subcommittee
Australian National Council on AIDS and Related Diseases
National Communicable Diseases Surveillance Strategy Committee
Communicable Diseases Network of Australia and New Zealand
Australian Technical Advisory Group on Immunisation
Australian Health Ministers Advisory Committee - Hepatitis C Education Subcommittee
Ministerial Tobacco Advisory Group
Strategic Intergovernmental Nutrition Alliance
Radiation Health Committee
Radiation Protection Panel
Nuclear Codes Committee
Commonwealth/State Consultative Committee on Management of Radioactive Waste
AHMAC National Mental Health Working Group
Australian Transcultural Mental Health Network
National Mental Health Promotion Working Party
Triple P National Scientific & Professional Advisory Committee
Health Representative National Drug Strategy Committee
National Psychostimulants Task Force
- (3) Yes, Australian's Donate yet to be inaugurated, replacing Accord.
- (4) Yes.
Heads of Aboriginal Health Units
National Advisory Committee to Breastscreen Australia and National Advisory Committee to the National Cervical Screening Program
Strategic Intergovernmental Nutrition Alliance
- (5) Heads of Aboriginal Health Units
(a) changes to logistical management
(b) December 1996
- National Advisory Committee to Breastscreen Australia and National Advisory Committee to the National Cervical Screening Program
(a) That the terms of reference, membership and work plan of both committees need to be reviewed.
(b) November 1997
- Strategic Intergovernmental Nutrition Alliance
(a) That a national policy body be retained with more specific terms of reference and direct reporting to national Public Health Partnership and Australian Health Ministers Advisory Council.

- (b) November 1996

COMMUNITY POLICING CRIME PREVENTION COMMITTEE, SOUTH HEDLAND

3169. Mr GRAHAM to the Minister for Police:

- (1) Did the Minister write to anyone regarding the location of the Community Policing Crime Prevention Committee office in South Hedland?
- (2) If yes to (1) above -
 - (a) on what date was/were the letter/s written;
 - (b) to whom did the Minister write;
 - (c) on what date was/were a reply/ies received?

Mr DAY replied:

- (1) Following a trip to Port Hedland in August 1997, where I visited the Crime Prevention and Community Policing Committee Resource Centre (CPCPCRC) within the South Hedland Shopping Centre, I wrote to Mr Don Humphreys, Chairman, Foodland Associated Limited, arguing for the retention of the CPCPC within the shopping centre.
- (2) (a)-(b) I wrote to Mr Humphreys on 21 August 1997.
(c) 16 September 1997.

CONSTITUTIONAL CENTRE - COST

3236. Ms McHALE to the Premier:

- (1) I refer to the Constitutional Centre and ask how much did the centre cost -
 - (a) to build (capital costs);
 - (b) to equip?
- (2) What is its budget for 1997-98?
- (3) What is its anticipated budget for 1998-99?
- (4) Which Minister has responsibility for the Centre?
- (5) Within which Department/Agency does the Centre fit?

Mr COURT replied:

- (1) (a) The Constitutional Centre was restored using \$2.8m from Contract and Management Services budget for exterior refurbishment of the two buildings on site. A new building was constructed for approximately \$150,000 as part of this sum.
(b) Equipping of the Centre was largely within this sum and was an integral part of the refurbishment. However, an additional \$131,000 from Premier and Cabinet was spent on equipping the Centre.
- (2) \$1.1 million.
- (3) It is estimated that the budget will be \$850,000.
- (4) The Premier.
- (5) Ministry of the Premier and Cabinet.

DEPARTMENT OF CULTURE AND THE ARTS

Director General

3277. Ms McHALE to the Minister for Public Sector Management:

- (1) Has the position of Director General of the Ministry for Culture and the Arts been advertised?
- (2) If yes to (1) above -
 - (a) when was it advertised;
 - (b) how many applicants were there for the position;
 - (c) has a person been appointed and if so who was the successful applicant?

(3) If nobody has been appointed, why not?

Mr COURT replied:

(1) Yes.

(2) (a) Nationally on 24 May 1997.
(b) 26.
(c) No.

(3) No appointment has been made as the process is still underway.

WHITBY FALLS HOSTEL

Maintenance

3297. Mr McGINTY to the Minister for Health:

What money has been spent on maintenance or improvement at the Whitby Falls facility in each of the last seven years?

Mr PRINCE replied:

	Paid by Health Dept of WA Capital Works	Paid for from Armadale Health Service recurrent funding	
		Maintenance \$	Improvements \$
1996/97	\$68,100	74,776	41,134
1995/96	\$103,121	77,545	2,651
1994/95	Nil	71,979	5,622
1993/94		27,285	19,300
1992/93		42,706	nil
1991/92		53,814	nil
1990/91		37,177	17,700
		\$385,282	\$86,407

Note: The figures above are only for expenditure from recurrent funding and not expenditure paid for by Health Department of WA on behalf of Whitby Falls Hostel, for example the new water pipeline.

MULTANOVAS

Effect on Road Toll

3313. Mr BROWN to the Minister for Police:

- (1) In what year or financial year were multanovas introduced?
- (2) How many road deaths were recorded in each of the five years previous to that year?
- (3) How many road deaths have been recorded since the introduction of multanovas?
- (4) Please specify each year or financial year/s?
- (5) Do police records show where road deaths have occurred over the last three years?
- (6) Are there any particular locations where such deaths have occurred?
- (7) What are the locations?
- (8) Do the police position multanovas in or around those areas where road deaths have occurred?

(9) If so, what is the frequency of such placement of multanovas?

Mr DAY replied:

(1) 1988.

(2)	1983	203
	1984	220
	1985	243
	1986	228
	1987	213

(3)	1988	230
	1989	230
	1990	196
	1991	207
	1992	200
	1993	209
	1994	211
	1995	209
	1996	247
	1997	197

(4) Each calendar year.

(5)-(7) Yes, however, to extract this information would involve a lengthy manual search of records and an unreasonable use of resources.

(8) Yes.

(9) Speed cameras are placed at random intervals in accordance with Speed Camera Placement Committee criteria. Criteria includes consideration of the history of a specific site.

STEVEDORING COMPANIES

Sacking of Unionised Workforce

3316. Mr BROWN to the Minister for Labour Relations:

(1) Is the Minister aware of an article that appeared in *The West Australian* on Saturday 28 February 1998 concerning a minute being prepared for Federal Workplace Relations Minister Hon. Peter Reith MHR which outlined a plan under which stevedoring companies would sack their entire unionised workforce?

(2) Have any discussions or communications taken place between the Federal Government and the State Government on this matter?

(3) If so, what was the nature of those discussions or that communication?

Mr KIERATH replied:

(1) Yes.

(2) I have had no discussions with the Federal Government on this matter.

(3) Not applicable.

MR KEL GLARE

Work for WA Police Service

3321. Mrs ROBERTS to the Minister for Police:

(1) Did the former Victorian police officer Kel Glare do any work for the Western Australian Police Force?

(2) If yes -

- (a) what was the nature of this work;
- (b) for what period was Mr Glare employed; and
- (c) what was the cost of Mr Glare's services?

Mr DAY replied:

(1) No.

- (2) Not applicable.

PREMIER'S FAMILY

Government Credit Card Issue

3323. Mr RIPPER to the Premier; Treasurer; Minister for Public Sector Management; Federal Affairs:

- (1) Has the Premier's spouse, or any other member of the Premier's family, been issued with a Government credit card?
- (2) If yes, who was the card issued to and for what purpose?

Mr COURT replied:

- (1) No.
- (2) Not applicable.

MINISTER'S FAMILY

Government Credit Card Issue

3326. Mr RIPPER to the Minister for Primary Industry; Fisheries:

- (1) Has the Minister's spouse, or any other member of the Minister's family, been issued with a Government credit card?
- (2) If yes, who was the card issued to and for what purpose?

Mr HOUSE replied:

- (1) No.
- (2) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES

Corporate Credit Card Allocation and Guidelines

3348. Mr RIPPER to the Minister for Primary Industry; Fisheries:

- (1) How many staff in the departments and agencies under the Minister's control have been allocated Corporate Credit Cards?
- (2) Is there a policy in place to guide staff in the use of these credit cards?
- (3) If yes to (2) above, where is this policy published?
- (4) If no to (2) above, why not?

Mr HOUSE replied:

AGRICULTURE WESTERN AUSTRALIA

- (1) 994 in Agriculture Western Australia.
- (2) Yes.
- (3) (a) Hard copy in the Corporate Card Manual.
- (b) Electronically on request of card holders.
- (c) Accounting Manual of Agriculture Western Australia.
- (4) Not applicable.

FISHERIES WESTERN AUSTRALIA

- (1) 215 officers have been allocated Corporate Credit Cards in Fisheries WA.
- (2) Yes.

- (3) The policy is published on an intranet service called "Fish Info" which is accessible by all staff.
- (4) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES

Corporate Credit Card Allocation and Guidelines

3352. Mr RIPPER to the Minister for Lands; Fair Trading; Parliamentary and Electoral Affairs:

- (1) How many staff in the departments and agencies under the Minister's control have been allocated Corporate Credit Cards?
- (2) Is there a policy in place to guide staff in the use of these credit cards?
- (3) If yes to (2) above, where is this policy published?
- (4) If no to (2) above, why not?

Mr SHAVE replied:

DEPARTMENT OF LAND ADMINISTRATION

- (1) 40.
- (2) Yes.
- (3) Internally.
- (4) Not applicable.

LANDCORP

- (1) Eight.
- (2) Yes.
- (3) Internally.
- (4) Not applicable.

MINISTRY OF FAIR TRADING

- (1) 40.
- (2) Yes.
- (3) Internally
- (4) Not applicable.

WESTERN AUSTRALIAN ELECTORAL COMMISSION

- (1) Three.
- (2) Yes.
- (3) Internally.
- (4) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES

Corporate Credit Card Monitoring

3370. Mr RIPPER to the Minister for Primary Industry; Fisheries:

In relation to use of Corporate Credit Cards in departments and agencies under the control of the Minister -

- (a) what type of monitoring mechanism is in place to ensure that policy regarding usage of these cards is being adhered to;
- (b) what system is used to verify transactions; and

- (c) is a register of issued and cancelled cards maintained in each department and agency?

Mr HOUSE replied:

AGRICULTURE WESTERN AUSTRALIA

- (a) Cardholders submit expenditure details for payment to Incurring and Certifying Officers who certify as required by FAAA. The agency's Purchasing Branch reviews transactions and any breaches of Corporate Card and Purchasing Guidelines are identified and appropriate action taken.
- (b) All purchases made have a Purchase Support Document (Sales Voucher). Purchase Support Documents must be incurred by an appointed Incurring Officer who testifies to the validity of the purchase. All Purchase Support Documents are then matched to the individual Cardholder's Monthly Statement. The Statement is then certified by an appointed Certifying Officer according to Section 33 of the Financial Administration and Audit Act.
- (c) Agriculture Western Australia maintains such a register.

FISHERIES WESTERN AUSTRALIA

- (a) Whenever a purchase is made the Corporate Credit Card user must provide a copy of the receipt or docket, with a chart number and the approval of their manager, to the Expenditure Officer. Their manager is responsible for monitoring the expense of his/her particular area. In addition, the Internal Audit Plan provides for an independent audit to ensure compliance with credit card policies.
- (b) Every month the bank issues a purchasing card report where all transactions are listed against cardholders names and card numbers. If a receipt is not provided for a particular transaction, the manager of the cardholder is notified in writing and the transaction is brought to account by the cardholder or his/her manager.
- (c) Yes.

SALE OF GOVERNMENT ASSETS OVER \$1 MILLION

3414. Dr GALLOP to the Minister for Primary Industry; Fisheries:

Will the Minister provide the following details for all Government owned assets sold since January 1993 (excluding land and building sales undertaken in the ordinary course of business, for example land sales undertaken by the Department of Land Administration), in both the general government and government trading enterprise sector of their portfolio areas, which had a sale value of \$1 million or more -

- (a) name and nature of the asset;
- (b) date sold;
- (c) nature of sale and name of buyer;
- (d) proceeds received from the asset;
- (e) associated revenue from the sale, such as stamp duty;
- (f) the application of the funds received; and
- (g) any associated costs incurred in the sale process?

Mr HOUSE replied:

AGRICULTURE WESTERN AUSTRALIA

- (a)-(g) No Government owned assets with values greater than \$1 million have been sold since January 1993.

DAIRY INDUSTRY AUTHORITY

- (a) Dairy Industry of WA, Land & Building, Claremont.
- (b) 20 August 1997.
- (c) Property sold by auction - purchased by Kent Mercantile Trust.
- (d) Sale price \$1,150,000.00.

- (e)-(f) The funds received have been used to purchase land in Bunbury to co-locate the Dairy Industry Authority of WA and Herd Improvement Service (WA).
- (g) The auctioneers commission and costs were \$19,223.45.

FISHERIES WESTERN AUSTRALIA

- (a)-(g) No Government owned assets with values greater than \$1 million have been sold since January 1993.

GOLDEN EGG FARMS

- (a)-(g) No Government owned assets with values greater than \$1 million have been sold since January 1993.

GRAIN POOL OF WA

- (a)-(g) No Government owned assets with values greater than \$1 million have been sold since January 1993.

MEAT MARKETING CORPORATION (WA)

- (a)-(g) No Government owned assets with values greater than \$1 million have been sold since January 1993.

PERTH MARKET AUTHORITY

- (a)-(g) No Government owned assets with values greater than \$1 million have been sold since January 1993.

POTATO MARKETING AUTHORITY

- (a)-(g) No Government owned assets with values greater than \$1 million have been sold since January 1993.

WA MEAT INDUSTRY AUTHORITY

- (a)-(g) No Government owned assets with values greater than \$1 million have been sold since January 1993.

SALE OF GOVERNMENT ASSETS OVER \$1 MILLION

3418. Dr GALLOP to the Minister for Lands; Fair Trading; Parliamentary and Electoral Affairs:

Will the Minister provide the following details for all Government owned assets sold since January 1993 (excluding land and building sales undertaken in the ordinary course of business, for example land sales undertaken by the Department of Land Administration), in both the general government and government trading enterprise sector of their portfolio areas, which had a sale value of \$1 million or more -

- (a) name and nature of the asset;
- (b) date sold;
- (c) nature of sale and name of buyer;
- (d) proceeds received from the asset;
- (e) associated revenue from the sale, such as stamp duty;
- (f) the application of the funds received; and
- (g) any associated costs incurred in the sale process?

Mr SHAVE replied:

- (a)-(g) This question is not applicable to any of the agencies within the Portfolio of Lands: Fair Trading: Parliamentary and Electoral Affairs.

AGRICULTURE WESTERN AUSTRALIA'S TECHNICAL LIBRARY

Use by Veterinarians

3444. Mr PENDAL to the Minister for Primary Industry:

- (1) Is it correct that the Agriculture Department's technical library is available to private veterinary practitioners?
- (2) If yes to (1) above, is it correct that they are charged \$10 each time they borrow a book?
- (3) On what basis is this charge assessed and struck?

- (4) Will the Minister undertake a review of these charges with a view to introducing an annual access-to-library payment which more accurately reflects the real cost of offering a book on loan and which would more accurately reflect the principle of user-pay?

Mr HOUSE replied:

- (1)-(2) Yes.

- (3) This charge was set as part of Agriculture Western Australia's Library Business Plan. An assessment of the time, operational costs and overheads involved in providing the service formed the basis of the charge. Estimates of the number of transactions in a year were also conducted. On the basis of the data a charge was struck to cover the cost of the transactions.

- (4) Agriculture Western Australia reviews its fees and charges annually.

TOURISM PORTFOLIO

3447. Mr GRAHAM to the Premier:

What was/were the reason/s for the Premier gaining the Tourism portfolio from his predecessor Hon. C. Barnett, MLA?

Mr COURT replied:

The allocation of the Tourism portfolio to the Premier in January, 1994 was part of a series of ministerial changes.

ODOUR REGULATIONS

3452. Mrs ROBERTS to the Minister for the Environment;

- (1) Is the Department of Environmental Protection preparing 'odour' regulations?
(2) If so, what stage are those regulations currently at?
(3) When is it anticipated that the regulations will be introduced?
(4) What form will the regulations take?
(5) What will the regulations achieve?

Mrs EDWARDES replied:

- (1) No. The DEP on behalf of the Environmental Protection Authority is preparing a "Guidance for the Assessment of Environmental Factors" document on odour. The purpose of this document is to establish a better scientific basis for determining buffer distances around odorous industries and activities. It will provide operators, proponents and consultants with guidance on how to assess odour impacts and what are acceptable levels of odour impact.

- (2)-(5) Not applicable.

LAND ALLOCATED FOR INDUSTRIAL PURPOSES

3464. Mr BROWN to the Minister for Lands:

- (1) Is the Minister aware of an article that appeared in the *Property Council of Australia - Western Australia* magazine in March 1998 concerning Perth being in danger of failing to allocate enough land for future factories and other industrial uses?
(2) Are the claims made in the report accurate?
(3) If not, why not?

Mr SHAVE replied:

- (1) Yes.

- (2)-(3) The article referred to deals with the general industrial land requirements by the year 2021. LandCorp has commissioned independent studies to quantify future industrial land needs and to locate new estates

comparable to Canning Vale. The latter study was jointly commissioned with the Ministry for Planning. LandCorp is now actively pursuing acquisition of future estates in the metropolitan area.

AGRICULTURE WESTERN AUSTRALIA EMPLOYEES

3491. Mr BROWN to the Minister for Primary Industry:

- (1) Is the Minister aware of an article that appeared in *The Sunday Times* on 8 March 1998 concerning young workers employed by Agriculture Western Australia having their pay docked as result of being overpaid?
- (2) Have any of the workers referred to had their pay reduced by Agriculture Western Australia?
- (3) If so, what rate were such workers paid before their pay was reduced?
- (4) What rate were the workers paid after their pay was reduced?
- (5) What was the nature of the contract entered into between Agriculture Western Australia and the workers concerned?
- (6) Did the contract provide for an hourly rate of pay?
- (7) What was the hourly rate of pay?

Mr HOUSE replied:

- (1)-(2) Yes.
- (3) 'Adult unskilled assistant' rate of pay.
- (4) 'Junior Assistant' rate of pay.
- (5) The contract was for 'casual employment'.
- (6) Yes, hourly rate of pay for 'Junior Assistant'.
- (7) \$7.50 per hour.

MILK VENDORS

Compensation

3494. Dr CONSTABLE to the Minister for Primary Industry:

- (1) Following the deregulation of the milk industry and the Distribution Adjustment Scheme, how many former vendors received compensation?
- (2) In respect of each compensation claim -
 - (a) what was the amount of the claim; and
 - (b) what amount of compensation was paid?
- (3) Were aggrieved vendors permitted to appeal against the arbitrator's decision and, if so -
 - (a) how many appealed; and
 - (b) what was the outcome in each case?
- (4) How many former milk vendors have indicated to the Government that they are dissatisfied with the outcome of the deregulation of the industry or that they have suffered financial loss as a result of it, and what are their total claimed losses?

Mr HOUSE replied:

- (1) The Dairy Industry Authority has made 53 assistance payments to former milk distributor/vendors.
- (2) The amounts were paid to each claimant on a confidential basis.
- (3) In accordance with an undertaking given by me during debate in this House, an independent arbitrator was appointed to hear appeals and finally deliberate on submissions lodged by vendors.

- (4) There have been 26 milk distributor/vendors who appealed to the independent arbitrator.

ORGAN DONATIONS

3501. Ms WARNOCK to the Minister for Health:

- (1) What has the Government done to support clinicians to improve Western Australian organ donation rates?
- (2) How many people died in intensive care in Western Australian hospitals in 1997 and how many of those were organ or tissue donors?

Mr PRINCE replied:

- (1) In 1997 established a consultation process and dialogue with clinicians which is ongoing.

Sponsored WA clinician attendance at South Australian International Organ Donor Coordination Training Course (1 week).

Sponsored visit of Dr Al Vedig and Professor Geoffrey Dahlenburg to WA (February 1998) to support and educate WA clinicians.

(2)

Hospital ICU	Deaths	Organ Donor	Tissue Donor
Royal Perth Hospital	124	4	3
Sir Charles Gairdner Hospital	103	3	0
Fremantle Hospital	90	0	0
Princess Margaret Hospital	13	1	0

QUESTIONS WITHOUT NOTICE

SACKING OF WORK FORCE BY EMPLOYER

1032. Dr GALLOP to the Premier:

Does the Premier support the principle that an employer can sack his entire work force en masse and replace it with contract labour?

Mr COURT replied:

I assume that the Leader of the Opposition is referring to the current waterfront issue.

Dr Gallop: I refer to a very important principle.

Ms MacTiernan interjected.

The SPEAKER: Order! The member for Armadale.

Mr COURT: There has been a desire for a long time to bring true competition onto the waterfront in this country. I am not aware of the processes that are being applied at Patricks. As I understand it, legislation was introduced into the Federal Parliament. I do not have details of that legislation and how that issue is being handled. At the national level waterfront reforms are virtually going nowhere.

Ms MacTiernan: Take them back to the 1920s; is that your idea of reform, Premier?

Mr COURT: Let me finish. Now that all government operations have the blow torch of a competition policy on their bellies, waterfronts are no different from any other business. They must accept that they must also open up their operations to a competitive environment.

WORKERS' RIGHTS

1033. Dr GALLOP to the Premier:

As a supplementary question, in the Premier's ideological universe, what rights do workers have?

Mr COURT replied:

Their rights are clearly defined in legislation. One aspect the Leader of the Opposition will not accept is that introducing flexibility into the labour markets of this country is leading to lower levels of unemployment and higher levels of employment opportunities.

JANDAKOT WATER MOUND

*Amendment to the Metropolitan Region Scheme***1034. Mrs HOLMES to the Minister for Planning:**

Will the Minister please inform the House of the current status of the amendment to the metropolitan region scheme, which is intended to protect the Jandakot water mound?

Mr KIERATH replied:

The member for Southern River has had a long interest in and concern for the protection of our groundwater system. Amendment 1981/33 of the metropolitan region town planning scheme was introduced to give statutory effect to the recommendations of the Select Committee on Metropolitan Development and Ground Water Supplies by introducing a new zoning - rural water protection. That is due to be gazetted once written confirmation is received from the other place. It is designed to protect the Jandakot water mound. It was introduced into Parliament in September of last year. It would have become law last November, but the Labor Party in the other place sought to frustrate it at every turn. At the eleventh hour it put in a disallowance motion; it was put in one day before the amendments would have been passed. Those protections would have been in place before Christmas. Again at the eleventh hour the disallowance motion was withdrawn. So all that has been achieved by this cheap political stunt is a delay of seven months in protecting our precious groundwater. We have seen these sorts of stunts again. All the Labor Party has done is to waste valuable parliamentary time. It has ultimately agreed with the protection of the water mound but it has used a silly stunt to do it. My challenge to the Leader of the Opposition is not to allow a repeat of this appalling display when I introduce a similar amendment to protect the Gngangara water mound.

MEDICARE PAYMENTS TO THE STATES

*Mr Jeff Kennett's Proposal***1035. Dr GALLOP to the Premier:**

- (1) Was the Premier aware of Jeff Kennett's proposal to John Howard 10 days ago that the States would accept almost half of the \$5.5b in additional Medicare payments they have been demanding?
- (2) Did Mr Kennett consult with the Premier before speaking to Mr Howard and did the Premier support Mr Kennett's secret offer?
- (3) If not, will the Premier confirm that the minimum acceptable increase for Western Australia is still \$100m a year?

Mr COURT replied:

(1)-(3) I am not aware of any details of Mr Kennett's secret proposals to the Prime Minister.

Mr McGinty interjected.

Mr COURT: The Leader of the Opposition has asked me a question and I have said that.

Dr Gallop: Did he consult with you about that?

Mr COURT: No.

Dr Gallop: Did he consult with any of your officers?

Mr COURT: Hang on! Let me finish the answer.

Several members interjected.

The SPEAKER: Order!

Mr COURT: Under the Medicare proposal that has been put to us, in the first year of the agreement there is little change to the current funding levels, which to us is not acceptable because the base is too low. However, there is a drop in years two and three. Our concern with the five year program is that over that five year period we end up considerably worse off. Therefore, our position has been that we want an increase in the funding base of \$1b a year to enable us to carry out the required level of service. Discussions between Mr Kennett and Mr Howard are their business.

Dr Gallop: Are you aware of those discussions?

Mr COURT: No. We have been talking and negotiating with the Federal Government virtually on a daily basis.

Dr Gallop: He made that offer on behalf of all the States.

Mr COURT: It is no secret that we have requested an additional \$1.1b on the base level of funding. As I have said, we have been negotiating with the Federal Government virtually on a daily basis to try to reach an agreement on a renewed level of funding in that Medicare Agreement.

MEDICARE PAYMENTS TO THE STATES

Mr Jeff Kennett's Proposal

1036. Dr GALLOP to the Premier:

As a supplementary question, did Mr Kennett have the authority of the States when he made that offer to Mr Howard 10 days ago?

Mr COURT replied:

I have just made the comment that I am not aware of what proposal was put by Mr Kennett to Mr Howard.

ABORTION

IVF Program Statistics

1037. Mrs HODSON-THOMAS to the Minister for Health:

I refer to the ongoing emotional debate in the Chamber concerning the abortion issue.

- (1) How many women participating in in-vitro fertilisation programs have previously had abortions?
- (2) What is the average cost to the taxpayer of one IVF treatment program per woman?

Mr PRINCE replied:

I thank the member for some notice of this question, which I have been able to research.

- (1) No current data on this is available from the state held IVF register or from the national IVF data held at the National Perinatal Statistics Unit. Between 1983 and 1986 of 1 129 women treated in this State's IVF clinics, 7.5 per cent reported a history of prior termination of pregnancy. That information is drawn from a report entitled "IVF and Related Procedures in Western Australia 1983-87: A Demographic, Clinical and Economic Evaluation of Participants and Procedures", written by an officer of the Health Department and published in 1988.
- (2) The estimated average cost per woman on the IVF treatment program in this State during 1996-97 was about \$3 000. The available data shows that the median number of treatment cycles per woman per year is one. Current data on the average total number of treatment cycles by couple over a longer period is not available.

MORALE IN WA POLICE SERVICE

1038. Mrs ROBERTS to the Minister for Police:

Does the Minister agree with the claim by Commander Bob Ibbotson that morale in the Western Australia Police Service has been devastated, or will he simply echo what Bob Ibbotson has called "the official party line" by claiming morale is high?

Mr DAY replied:

I will not make any comments specifically about the remarks that have been made by Commander Ibbotson, but I

certainly reject any notion that morale in the Police Service is at an all-time low, or anything of that nature. The House does not need to take my word for that. Mr Brennan, the Deputy Commissioner of Police and State Commander, has stated that -

There is no reluctance by our investigators to pursue criminals at any level, nor are they hindered in their tasks by the presence of an external investigation body. Nothing can be further from the truth, as evidenced by the number of significant achievements obtained since January 1, 1998 by the Specialist Crime Squads including the Drug Squad, our District Detectives and Uniformed Officers throughout the State.

He states also that the criminal charges that have been brought about by the members of those squads since 1 January of this year include 839 charges for household burglaries; 12 charges for murder; 105 charges for armed robbery; 74 charges for robbery; 848 charges for common assault; 612 charges for serious assault; 356 charges for assault against a police or public officer; and 42 charges for aggravated sexual penetration.

Those figures do not indicate a Police Service in which morale is a problem or in which there is any situation of a crisis. They indicate to me a Police Service that is getting on with its job, and which comprises many thousands of very hard working, dedicated and honest officers who are committed to doing their job to protect the community of Western Australia. It is about time the Opposition got behind those officers in doing their job.

KWINANA FREEWAY EXTENSION

1039. Mrs HOLMES to the Minister representing the Minister for Transport:

In order to answer the ongoing concerns expressed by my constituents, will the Minister please advise -

- (1) What is the time frame for the extension of the Kwinana Freeway?
- (2) When will the bridges over the Kwinana Freeway be built that will enable the traffic lights to be removed?

Mr OMODEI replied:

The Minister for Transport has provided the following response -

- (1)-(2) It is planned to extend the Kwinana Freeway south of Thomas Road and provide interchanges on the existing freeway. The scope of that work and the funding sources are under consideration at present. The member should be aware that an assessment of Western Australian road needs has identified unfunded projects totalling more than \$2.5b, which includes \$700m for national highways. In an effort to address this serious deficiency, a proposal is under consideration to undertake key road works on state and local government roads over a short period to meet the demands by the community. The benefits would be enormous, providing significant necessary road improvements now rather than the current time frame of five to 10 years, and beyond.

The extension of the Kwinana Freeway interchanges at light controlled intersections and other major public transport and freeway improvements are included in this proposal. On average, these projects would have benefits in the form of a reduced number of accidents, better public transport, a reduced travelling time, and more efficient road freight of around seven times the cost of the investment.

COMMANDER BOB IBBOTSON

Attack on the Anti-Corruption Commission

1040. Mrs ROBERTS to the Minister for Police:

Does the Police Commissioner intend to take any action against his senior colleague, Commander Bob Ibbotson, after his unprecedented attack yesterday on the Anti-Corruption Commission? If so, what action has been taken or is being contemplated, and on what grounds?

Mr DAY replied:

I am not aware of any action that has been taken so far with regard to that matter; and whether any action is taken in the future will be a matter for the Commissioner of Police to determine at a later date.

AUDITOR GENERAL'S REPORT

1041. Mr TRENORDEN to the Premier:

Can the Premier comment on the Auditor General's report tabled in the Parliament this morning, in particular the opinion about Gold Corporation's financial statements?

Mr COURT replied:

I have had the opportunity to read most of the Auditor General's report. In fulfilling his obligations, the Auditor General has, quite rightly, drawn attention to some concerns about deficiencies of administration in a small number of departments. The overwhelming number of public sector organisations have obtained clear audit reports. In the areas where concerns have been expressed, the Treasury was notified earlier this year and has been working with those agencies, along with the Auditor General, to make sure that those issues are properly addressed.

In recent years, there has been a major shift within government from a simple cash accounting system to a sophisticated accrual accounting system. That has caused a number of problems. One matter that it has highlighted, as I have mentioned in this Parliament over the past few years, is a lack of qualified accounting expertise in many of the agencies to handle an accrual accounting system. That matter is being addressed by an active recruiting campaign to get more qualified accountants, because under a cash accounting system, people basically do not need an accounting qualification.

The Auditor General has already highlighted that the number of agencies that have been getting their reports in on time has reduced considerably from 42 agencies to 16 agencies.

The Auditor General has also said with regard to the valuation of assets, in particular property, that there has been, in his words, significant improvement in recognising and reporting on these assets. The biggest problem that we have had with accrual accounting in putting valuations on assets such as property has been identifying the property within government. We have now developed a sophisticated computer system for dealing with all of the properties in a way which can put values on them and have them identified by agencies, something which the previous Government said it had done but in fact had not. We are pleased that, with the implementation of accrual accounting, we have been able to achieve those pluses.

GoldCorp was mentioned in a media statement that came out three days ago. I am somewhat surprised that the Auditor General's report mentioned GoldCorp, because it was given a clear audit opinion for 1996-97, with no qualifications; and in recent years it has not changed its accounting practices for the valuation of gold. The report said that a surplus of some 2 000 ounces of gold had not been taken into account.

Mr Graham: It was mine! They dropped it.

Mr COURT: I want the member to know that the gold it is talking about is contained in the refining sweeps, mud and tailings around the refinery; and the member for Pilbara is a better person than I if he can estimate what is that level of gold. The accepted practice in the industry is to take a conservative position and not try to put a value on it. I find it amusing that mention is made in this regard in the press statement, yet no mention is made in the audit provided for GoldCorp. The audit opinion from the Auditor General's report of November 1997 states that the operating statement, statement of financial position and statement of cash flows for the corporation and the group operating statement, group statement of financial position, and group statement of cash flows of the economic entity, and the notes to, and forming part of, the financial statements are based on proper accounts and present fairly in accordance with applicable accounting standards, other mandatory professional reporting requirements and the Treasurer's Instructions. That was for the transactions for the year ending 30 June 1997 and the position at that date. I cannot understand why specific mention would be made in that regard when the agency has a clear audit.

ACTING ASSISTANT COMMISSIONER BOB IBBOTSON

Attack on the Anti-Corruption Commission

1042. Dr GALLOP to the Premier:

- (1) What action does the Premier intend to take to end the unseemly slanging match that has erupted between Acting Assistant Commissioner Bob Ibbotson and the Anti-Corruption Commission?
- (2) Why does the Premier not show some backbone for once and call a royal commission into the Western Australia Police Service, or will he continue to leave the tough decisions to -

Point of Order

Mr COWAN: It is my understanding that questions, whether on or without notice, should not contain opinion. I wish that that standing order be adhered to.

Dr Gallop interjected.

The SPEAKER: Order! I take the Deputy Premier's point, but I will not proceed with the point of order. Every member in this Chamber should reflect on the quality of not only answers but also questions.

Questions without Notice Resumed

Dr GALLOP: Will the Premier leave the tough decisions to someone else by surrendering his authority on this matter to the ACC?

Mr COURT replied:

(1)-(2) Does the Leader of the Opposition have confidence in the operations of the ACC?

Dr Gallop: I do. However, it is not equipped to deal with an issue like police corruption. We have said that in Parliament for two years, and we are right!

Mr COURT: I find it interesting that for years the Opposition said that we must have an ACC with teeth so it can carry out these investigations. As approved by Parliament, the ACC has become so powerful that it can appoint a special investigator with all the powers of a royal commission. The question the public want to ask the Leader of the Opposition and the Labor Party is why have they jumped on the bandwagon to knock the ACC.

Dr Gallop: We have not jumped on the bandwagon; we want a royal commission and you're stopping it!

Mr COURT: It is interesting that the ACC is going about its business investigating complaints of official corruption in the community, and once the heat goes on, who is the first to jump on the bandwagon saying, "It should not be doing this"? Members opposite cannot have it both ways. The ACC is operating with the power of a royal commission, yet the Opposition does not like it when it operates in that way. Why not get behind the operation and allow the ACC to carry out its proper investigation into official corruption in this community?

Down the track the Leader of the Opposition could well have egg on his face if he wants to publicly attack the operation of the ACC and expect a politician to become involved in its operation. He says that we should have an independent body, but then indicates that I should show "some spine and sort it out". Personal attacks do not worry me. However, it worries me when an independent body operates with the powers to investigate provided by Parliament, and the Leader of the Opposition wants me to interfere in its operation.

ACTING ASSISTANT COMMISSIONER BOB IBBOTSON

Attack on the Anti-Corruption Commission

1043. Dr GALLOP to the Premier:

As a supplementary question, what does the Premier intend to do about the unseemly slanging match between Bob Ibbotson and the ACC which is undermining efforts to fight corruption in this State?

Mr COURT replied:

The Leader of the Opposition has reinforced his position that I should become involved and interfere with the operations of the ACC.

Dr Gallop: That is not the question. What will you do about the slanging match?

Mr COURT: That is the question as I understand it. If a person publicly accuses the acting assistant commissioner -

Mr Ripper: Is he a senior officer?

Mr COURT: I do not care what position he has. When the Chairman of the ACC releases a press statement and corrects that position, I do not believe I should have any involvement.

AGED ACCOMMODATION IN AUSTRALIND-EATON

1044. Mr BARRON-SULLIVAN to the Minister for Housing:

I refer the Minister's attention to the shortage of aged accommodation in the Australind-Eaton area.

- (1) Can the Minister provide details of Homeswest's plans to increase the provision of units for retirees in the area?
- (2) What other action has Homeswest taken to address this issue?

Dr HAMES replied:

I thank the member for his question, and for some notice of it.

- (1)-(2) During the 1996-97 financial year, Homeswest constructed four pensioner and two family units in Australind, and a further three family units at Eaton. In the following financial year, that provision was increased to 11 pensioner units in Australind and two family units in Eaton.

In addition, through the WiseChoice program, Homeswest has undertaken a joint venture with the Shire of Harvey to provide an additional 16 unit development to allow for accommodation for private purchase.

It is true that seniors' housing is needed for the whole of Western Australia, and particularly the area identified in the question. Therefore, in trying to determine the housing requirements for the area, the Government has appointed a Bunbury based town planning consultant to undertake a study of that area. The study will consider three points. First, it will determine the existing supply and location of seniors' accommodation, and whether it is adequate to meet current demand. Second, it will project future supply and demand of seniors' accommodation over a five and 10 year scale. Third, it will draw conclusions which may be used by Homeswest in its pensioner housing program.

Last year, the Government significantly increased funding for seniors' accommodation in Western Australia, and it intends to continue that trend. The report being prepared by the consultant will give us better direction on how much we should put into the area.

ACTING ASSISTANT COMMISSIONER BOB IBBOTSON

Raid on Home

1045. Mrs ROBERTS to the Premier:

I refer to claims that during the ACC raid of the Ibbotson home Mrs Ibbotson was forced to keep the toilet door open and go to the toilet in full view of a female ACC operative.

- (1) Is the Premier concerned about the alleged treatment of Mrs Ibbotson?
- (2) If yes, what action does the Premier intend to take as the Minister responsible for the ACC?
- (3) If no to (1), does he regard it as an acceptable approach to investigations?

Mr Day: Have you read the media statement from the ACC?

Mrs Roberts: Yes, I have.

Mr COURT replied:

- (1)-(3) I have read the statement released by Mr Ibbotson, and also the media statement released by the Anti-Corruption Commission. I now quote the first sentence of the ACC statement -

Anti-Corruption Commission Chairman, Terence O'Connor, QC, today described the public statement by Police Commander Robert Ibbotson as an utterly outrageous distortion of the truth.

He then quoted the questions asked of Mrs Ibbotson. It reads -

The extent of the distortion is exemplified by the following excerpt from the transcript of evidence, given by Mrs Ibbotson, who appeared under summons before the Special Investigator.

Mrs Roberts: You're not answering my question.

Mr COURT: I am telling the member what I know about the matter. The release further reads -

SPECIAL INVESTIGATOR: Okay. May I respectfully inquire for the record, were you treated properly this morning?

MRS IBBOTSON: Yes. We were.

SI: And everything was done with dignity and courtesy?

MRS IBBOTSON: Certainly.

Later in questioning, the Special Investigator raised the issue again.

SI: All right. But no one mistreated you or . . .?

MRS IBBOTSON: No.

SI: And whenever any search was done of you, I understand a lady officer was present on this day?

Mrs IBBOTSON: That's correct. Yes.

SI: And you have no complaint about how you were treated?

MRS IBBOTSON: None at all.

At the end of Mrs Ibbotson's evidence the following was said -

SPECIAL INVESTIGATOR: Before releasing you further, do you have any difficulty with the way that you've been treated?

MRS IBBOTSON: No, none at all.

SPECIAL INVESTIGATOR: Any complaint or anything like that?

MRS IBBOTSON: No, not really.

That is the public information and it is the only knowledge I have of this matter.

ABORIGINAL AFFAIRS DEPARTMENT

Abuse of Government Credit Cards

1046. Mr RIPPER to the Minister for Aboriginal Affairs:

- (1) When did the Minister become aware of the widespread abuse of government credit cards that the Auditor General has identified in the Aboriginal Affairs Department?
- (2) What action has he taken to ensure all credit card transactions are properly accounted for?
- (3) Does he as Minister accept any responsibility for the lack of financial accountability displayed by the department?

Dr HAMES replied:

- (1)-(3) Yes, of course, as Minister I accept responsibility for all the actions of the portfolios under my control. As stated in the House yesterday I had a meeting with the Auditor General and discussed the issues.

I was particularly concerned about the first part of the question from the Deputy Leader of the Opposition yesterday which said that we did not know where the \$3.2m split into 142 grants went. We certainly knew the purposes for which those grants were made. The wording of the press release by the Auditor General makes understanding it a little difficult. I pointed out that it could be interpreted in two ways. Having read the press release I understand the interpretation of the Deputy Leader of the Opposition that we did not know where the grants went.

It says that uncertainty exists over exactly how and for what the \$3.2m grants were made. As the Auditor General said to me last night, by that he meant that even though we knew the purposes for which the grants were made, because they were not acquitted properly we could not be certain they had been spent in the manner for which the grants were allocated.

Mr Ripper: Have they?

Dr HAMES: We do not know. The problem is that they were not acquitted. Some of the 142 grants go back six years. I am not sure whether that is after the change of government or during the Opposition's term in government.

We have taken a number of actions on both that and the credit card front. The points raised by the Auditor General are correct. We have done much work to try to fix them. When these issues arise at the last minute, like they have with the Auditor General, we are not in a position to respond adequately about what action we have taken.

Mr Ripper: What have you done about the credit cards?

Dr HAMES: The response from my department reads -

- . 183 transactions between January and June 1997 were unsupported or supported by substitute vouchers which did not provide adequate details of the goods or services purchased.
- . The Department is currently developing revised procedures to improve levels of accountability and management information in the use of the corporate credit card.

Those procedures have been revised. The Auditor General said that if we had been able to present them to him earlier he would have qualified his comments to indicate that action was being taken.

MIDLAND RAILWAY STATION

Secure Park 'n' Ride Area

1047. Mrs van de KLASHORST to the Minister representing the Minister for Transport:

I have been asking for, and the Minister for Transport has been reviewing the need to have, a secure park 'n' ride area at the Midland railway station. Has this review been completed and has a decision been made to provide a secure park 'n' ride area?

Mr OMODEI replied:

The member for Swan Hills has certainly kept the Minister for Transport on his toes on a number of issues in relation to transport in her electorate. I have no doubt she will continue to do that. I notice that this afternoon she will raise a further matter to do with security on trains to which I will respond. Hon Eric Charlton's short response to the question is that the review of the provision of a secure park 'n' ride area at the Midland railway station has been completed. A tender will be called in May 1998 for the provision of this service.
