Legislative Assembly

Thursday, 22 June 1995

THE SPEAKER (Mr Clarko) took the Chair at 10.00 am, and read prayers.

PAY-ROLL TAX AMENDMENT BILL

Second Reading

MR COWAN (Merredin - Deputy Premier) [10.05 am]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to facilitate the Government's 1995-96 Budget commitment to further payroll tax concessions for small to medium size employers. Complementary measures are included in the Pay-roll Tax Assessment Amendment Bill (No 2).

More specifically, this Bill proposes to increase the annual wages thresholds at which the various concessional tax rates for small to medium size businesses apply. All of the wages thresholds have been increased by a factor of just over 9 per cent as follows -

The 3.95 per cent tax rate applies to wages up to $2.4m per annum compared with $2.2m currently;

the 4.95 per cent tax rate applies to wages of $4m per annum compared with $3.67m currently; and

the top tax rate of 6 per cent applies to wages over $5m per annum compared with $4.58m currently.

To ensure that businesses benefit as soon as possible, these concessions will apply from 1 July 1995, even though this Bill will not complete its passage through Parliament and receive the Royal assent until after that date.

The total cost of these amendments and those contained in the associated Pay-roll Tax Assessment Amendment Bill (No 2) is estimated to be $7.5m in 1995-96 and over $8m in a full year. It is estimated that around 5 000 employers, the majority of those liable for payroll tax, will benefit. These concessions are in addition to the Government's decision to relax the payroll tax grouping provisions, which were the subject of amendments to the Pay-roll Tax Assessment Act introduced earlier this year. That decision is also expected to benefit mainly smaller businesses and will also apply from 1 July 1995.

Together these concessions represent a further example of the Government's commitment to reducing the payroll tax burden on Western Australian businesses. I commend the Bill to the House.

Debate adjourned, on motion by Ms Warnock.

TITLES VALIDATION BILL

Returned

Bill returned from the Council without amendment.

PAY-ROLL TAX ASSESSMENT AMENDMENT BILL (No 2)

Second Reading

MR COWAN (Merredin - Deputy Premier) [10.08 am]: I move -

That the Bill be now read a second time.

The measures contained in this Bill are complementary to those in the Pay-roll Tax Amendment Bill. This Bill proposes to increase the annual wages threshold below which employers are exempt from payroll tax by $50 000, from $550 000 to $600 000, for wages paid from 1 July 1995.

The Bill also provides for proportional increases in the associated monthly and weekly exemption thresholds. The monthly exemption threshold will rise from $45 834 to $50 000 and the weekly threshold from $10 577 to $11 539. It is estimated that these increases in the exemption thresholds will exempt around 270 employers who are currently liable for payroll tax.

When we first gained office, the exemption threshold was only $375 000. This is the third substantial increase in the exemption threshold since the Government came to power. Combined with the two previous increases, this Government will have increased the annual wages exemption threshold by $225 000, or 60 per cent. Unfortunately, the Government's capacity to exclude even more businesses from this impost is severely constrained by continuing real reductions in this State's commonwealth grants. I commend the Bill to the House.

Debate adjourned, on motion by Ms Warnock.

AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED (TOWN & COUNTRY) BILL

Second Reading

MR COWAN (Merredin - Deputy Premier) [10.10 am]: I move -

That the Bill be now read a second time.

This Bill has been introduced at the request of the ANZ Banking Group. ANZ acquired Town and Country Building Society as a wholly owned subsidiary on 30 July 1990 and the building society was converted to a bank on 30 September 1991. This was approved by the Reserve Bank on the condition that the new bank would surrender its banking licence "in due course". Upon Town and Country Bank's surrendering its banking licence it will be necessary for the individual assets and liabilities of Town and Country Bank to be transferred to the ANZ. The objective of this Bill is to facilitate the transfer of the banking business of Town and Country Bank to the ANZ. Without legislation of this kind, the transfer of the banking business would be time consuming and expensive, with separate documentation being required for the transfer of each individual asset. This would involve the preparation of new security documents for the borrowings of more than 38 000 Town and Country customers and transfer authorities to move some 165 000 existing accounts to the ANZ Bank. Recent precedents for legislation of this nature are the State Bank of South Australia (Transfer of Undertaking) Act 1994 and the Australian and New Zealand Banking Group Ltd (NMRB) Act 1991. A condition in each case, and in a number of earlier similar cases, was that the banks pay amounts in lieu of the state government taxes and charges which would have been applied had normal commercial transfers of assets and liabilities been required. This legislation is consistent with the Government's objective of facilitating business efficiency within Western Australia, while not prejudicing the integrity of the State's revenue base. I commend the Bill to the House.

Debate adjourned, on motion by Ms Warnock.

HIRE-PURCHASE AMENDMENT BILL

Second Reading

MR MINSON (Greenough - Minister for Services) [10.12 am]: I move -

That the Bill be now read a second time.

This Bill is submitted as a consequential amendment to the State Supply Commission Bill. By way of background, the Report of the Independent Commission on Public Sector Finances - the McCarrey report - recommended that government investigate the external financing of government vehicles in order to transfer the risks of ownership to the private sector. Based on the McCarrey report and Treasury advice, the Government has called tenders to appoint a private sector financier to buy out the existing passenger

and light commercial fleet and to lease that fleet and future requirements to government under a fully maintained operating lease.

In January 1995, the commission conditionally accepted a proposal from an external financier which will result in the funding of the passenger and light commercial fleet at rates significantly below the Western Australian Treasury Corporation benchmark rate. Under the proposed structure, the lessor of the vehicles will acquire title to the vehicles under a hire purchase agreement. However, the Hire-Purchase Act imposes significant obligations on the parties to a hire purchase agreement. The compliance requirements of the Act were established to deal primarily with consumer transaction for single items or small groups of items. They were not developed with large commercial transactions, of the nature of that proposed, in mind. The financier advises that the application of the Hire-Purchase Act to the transaction will render it administratively unworkable. Advice obtained from the Ministry of Fair Trading confirms this view. Accordingly, an exemption power is required, modelled on section 19 of the Credit Act, to allow the responsible Minister to exempt a transaction or a class of transactions and the relevant parties from compliance with the Hire-Purchase Act. By this means it would be possible to obtain an exemption for the purposes of this proposal only, leaving the controls imposed by the Act in place and operative for all other hire purchase transactions. The Act's existing consumer protection function would not be displaced.

The Government is conscious of its responsibility to better manage the financial affairs of the State and this initiative fits into the mandate given to this Government by the community. I commend the Bill to the House.

Debate adjourned, on motion by Ms Warnock.

STATE SUPPLY COMMISSION AMENDMENT BILL

Second Reading

MR MINSON (Greenough - Minister for Services) [10.13 am]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to broaden the State Supply Commission's powers and functions to enable the Government to pursue its public sector management reform program. This program is producing significant economic benefits to the State through exposing the public sector to competitive forces. The Bill enables the commission to enter into sale, lease, or hire arrangements with public authorities and provides the capacity for the Government to enter into a sale or lease back arrangement for the government motor vehicle fleet.

Based on the Report of the Independent Commission on Public Sector Finances - the McCarrey report - the Government has adopted a clear policy focus to establish the core activities of government and to expose those activities considered to be non-core to private sector competition. Consistent with this approach, and based on the recommendations of the McCarrey report and Treasury advice, the Government has investigated the external financing of the fleet, in order to transfer the risk of ownership to the private sector. Tenders were called in late 1994 for this purpose. In January 1995, the commission conditionally accepted a proposal from an external financier which will result in the funding of the passenger and light commercial fleet at rates significant below the Western Australian Treasury Corporation benchmark rate. This cheaper funding is primarily attainable due to the treatment of depreciation for commonwealth income tax purposes. One of the conditions of appointment is the achievement of a favourable ruling from the Australian Taxation Office.

The approach taken by the Western Australian Government has already been adopted by the New South Wales Government and the Sydney Water Board, and is also being followed by the Commonwealth Government as announced in the 1995-96 federal Budget. Further, the Victorian and South Australian Governments are considering a similar course of action.

For Western Australia, this initiative will help enable the Government to achieve its mandate of better management, as external funding is coupled with the outsourcing of the management of the fleet. Six external fleet management companies have been appointed through a series of tenders to manage the fleet and to use funds provided by the financier to present fully maintained motor vehicles to each agency under a "seamless" operating lease arrangement. Significant savings are offered to the State through the provision of these services by creating growth in the private sector rather than the public sector, transferring risk to the private sector and achieving savings in cost through cheaper funding and more rigorous analysis within the public sector of the number of vehicles required, the selection of vehicle types based on life cycle costing practices, more timely replacement and more accurate and appropriate reporting to government.

The commission, with its existing legislative mandate to arrange for and coordinate the supply of goods and services across the public sector, is the logical and appropriate party to enter into the lease. Further, the Government may decide to enter into similar arrangements for its heavy commercial fleet, plant and other assets. However, the Crown Solicitor's Office has advised that in order for the commission to assume the role of lessee, it is necessary to amend the State Supply Commission Act to make it clear that the commission can acquire, transfer or dispose of ownership, rights to, or other interests in goods or services to public authorities by way of sale, lease, hire or any other means; and dispose of, or arrange for the disposal of, goods in the context of a sale-lease back arrangement. Preliminary discussions with the financier for the motor vehicle fleet have confirmed that the amendment to this Act is essential. The Government is conscious of its responsibility to manage better the financial affairs of the State and this initiative fits into the mandate given to this Government by the community. The Hire-Purchase Amendment Bill, which was read previously, is a consequential amendment to this Bill. I commend the Bill to the House.

Debate adjourned, on motion by Ms Warnock.

CORONERS BILL

Second Reading

MRS EDWARDES (Kingsley - Attorney General) [10.20 am]: I move -

That the Bill be now read a second time.

This Bill meets several long overdue needs in respect of Western Australia's coronial system, which has been largely unchanged since its original introduction 75 years ago. While providing the framework for a complete overhaul of the present system, the Bill also honours the Government's commitment to the community, and in particular to those who have experienced the distress understandably associated with past inadequacies in the system. In presenting this Bill I particularly acknowledge and thank those families who have, due to their own tragic experiences, highlighted the problems with aspects of the previous coronial system and fought so hard for its reform. Although the changes introduced today can do little to ease their personal grief, their contribution to the development of this Bill will ensure that many other families will benefit in the future from a coronial system that gives priority to the needs and feelings of families at such a difficult time.

This Bill -

moves the operation of the coronial system into the twenty-first century with the creation of a coordinated statewide coronial system;

recognises the stress and trauma experienced by relatives and friends of a loved one who has died suddenly, and involves them in the decision making process;

responds to community concern about aspects of the coronial process by banning the use of human tissue for purposes other than investigation of death, without the written consent of the deceased in his or her lifetime or, in the event that such wishes are not known, the written consent of the senior next of kin;

provides for the establishment of a widely representative ethics committee to oversee the research process;

shifts the onus for assisting relatives and friends onto the system instead of the individual, by establishing a coronial counselling service to assist people in understanding the process;

incorporates the recommendations of the Royal Commission into Aboriginal Deaths in Custody insofar as they relate to the coronial process; and

provides for an initial and independent review after 12 months and a complete report to Parliament after five years, to ensure that community needs continue to be heard.

Background: In Western Australia some 1 700 deaths, which arise from apparent non-natural causes, or where the cause of death is not known, are investigated by coroners each year. This means that, on average, the families of four to five people come into contact with the coronial system each day. There have been two reviews of coronial matters: A 1989 ad hoc committee for the review of the coronial process; and a 1992 report of the Committee of Inquiry into Aspects of Coronial Autopsies - the Honey report - by which over 2 700 public submissions were received. The sentiments expressed by those who contributed to both reviews can be categorised under three basic areas -

communication between the next of kin and those involved in the post mortem examination and coronial inquiry;

the rights of next of kin; and

retention or use of body parts or tissue.

This Bill addresses the matters raised.

The current coronial system: A stipendiary magistrate has carried out the duties of the Perth Coroner on a full time basis since 1947. In eight country regions the resident stipendiary magistrates carry out the duties of the coroner on a part-time basis. Each coroner is supported in the task of investigation by personnel from the Police Department, the Health Department and the Department of Minerals and Energy. This support has been provided as a matter of custom and is not based on legislation or any formal departmental arrangement. The Ministry of Justice provides administrative support for each coroner. Some other departments, for example, the Department of Occupational Health, Safety and Welfare, provide support in particular cases, such as industrial deaths.

The need for change: It has been recognised for some time that the existing Coroners Act does not provide a well coordinated coronial system for the Western Australian community. In particular, it does not apply consistently across the State and nor does it make adequate provision for the next of kin to be involved in the decision making process.

Involvement in the process: One of the most common concerns expressed by family members who have come into contact with the system, relates to the level of involvement in the process. These concerns have related mainly to the lack of information provided about the post mortem examination procedure, and the retention of body tissue following the examination. One of the families making a submission to the 1989 ad hoc committee summed up the situation by saying -

> . . . We feel it would be of great benefit to all concerned if the public were much better informed about the conduct of autopsies in general. The secrecy must be removed in order for people to be ready to make these vital decisions as they arise.

Another family suggested -

> It is wrong to presume that it is kinder not to tell people. We are all capable of making our own decisions.

As part of the Government's commitment to improving this situation, the coronial counselling service was introduced ahead of the legislation. The service commenced at the Perth Coroner's Court on 3 January 1995. The feedback from the public on the counselling service has been very positive. The service will shortly be expanded.

Recommendations of the Royal Commission into Aboriginal Deaths in Custody: Along with previously mentioned shortcomings of the system, the recommendations of the Royal Commission into Aboriginal Deaths in Custody have increased pressure to change the Act. The recommendations of the royal commission, inasmuch as they relate to the coronial system, have been addressed in the new legislation. Where recommendations relating to matters such as investigation of a death, reporting and accountability, have not been directly incorporated into the Bill, the supporting regulations and guidelines for the coronial process will address these issues. Prior to the drafting of regulations and guidelines, extensive consultation will be held with all parties involved and, in particular, with the Aboriginal Legal Service and the Aboriginal Justice Advisory Council in respect of deaths in custody.

The new Coroners Bill: Under the present coronial system no one coroner has the authority to coordinate the coronial system statewide. This means -

the selection of medical practitioners to carry out post mortem examinations is made by the individual coroner;

the standard of post mortem examinations is variable;

there is no uniformity on the part of the coroner in determining what post mortem examination or inquiry should take place; and

the mode of investigation of classes of deaths varies between coroners.

This Bill provides for the appointment of an independent State Coroner as a senior judicial officer, with status equivalent to a Chief Stipendiary Magistrate. The State Coroner will be responsible for the coordination of the activities of nine regional coroners, including the Perth Coroner, across the State. All existing magistrates, as part of their normal oath of office, will continue to be appointed as coroners. Directions given by the State Coroner will recognise the statutory provisions of the Stipendiary Magistrates Act.

The State Coroner will be responsible for all administrative arrangements associated with reportable deaths, and for bringing to inquest inquiries into custodial and contentious deaths. Regional coroners will be responsible for bringing to inquest those other deaths which have given rise to concern in their respective regions. The State Coroner will issue guidelines for the provision of information and assistance to persons involved in the coronial system. These guidelines will be directed to many groups, including medical practitioners, forensic pathologists, hospital administrators, nurses, funeral directors, police officers, ambulance officers, families of deceased persons, and coroners.

Also included in the Bill is the power to make regulations on all matters required by the Act. Extensive consultation with parties concerned will take place prior to drafting of the regulations and guidelines.

Notification to next of kin: As soon as practicable, upon receiving a report of death the coroner must advise the next of kin that -

the coroner has assumed jurisdiction over the death;

a post mortem examination is likely to take place, and the procedures for this process;

the senior next of kin has the right to apply for or object to a post mortem examination;

there is a possibility that tissue may be retained after completion of the post mortem examination, but only for the purpose of the investigation of the death; and

there is a counselling service attached to the State Coroner's office that will facilitate in providing this information to any next of kin.

The appeal process will provide for matters such as cultural beliefs to be taken into account, and will also serve to reinforce the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

Post mortem examinations: The post mortem examination is without doubt the most sensitive and often least understood part of the coronial inquiry process. This Bill provides that the post mortem examination will not generally be performed until the coroner has received advice from one of the senior next of kin. The senior next of kin is, in descending order: The spouse, a child over 18 years of age, a parent, a sibling over 18 years of age, the executor and a person nominated by the deceased to be contacted in an emergency. If the senior next of kin of the deceased asks a coroner not to hold a post mortem examination, but the coroner directs a post mortem examination is necessary, the coroner must immediately give the senior next of kin written notice of this decision.

The proposed legislation incorporates a right by the senior next of kin to object to a post mortem examination taking place or not taking place, which is not available under the present Coroners Act. If, after being made aware of such an objection, the coroner still considers it necessary, there is a right of appeal by the senior next of kin to the Supreme Court. It is intended that the objection must be lodged before the Supreme Court within two days after the coroner's written decision. Consideration, as outlined in the Interpretation Act, will be given if the two day period falls on a weekend or public holiday. Notwithstanding the right of the senior next of kin to object to a post mortem examination, the Bill empowers a coroner, if he or she believes it necessary, to have a post mortem examination immediately. Such a case would likely be a death in which it is believed a criminal offence may have occurred. While such provision is necessary, it is anticipated that this power will be rarely exercised. Furthermore, the coroner must justify why it was necessary to override any objection by the senior next of kin. The existence of guidelines, regulations and an ethics committee will further ensure that such authority is exercised with due care.

Retention of body tissue: In some cases it may be necessary at post mortem examination for body tissue to be retained for further examination. In the past the communication of this and the processes involved were not explained to the next of kin unless they asked. Under the new system one of the senior next of kin will be advised at the time of death or as soon as possible after the death of the general nature of a post mortem examination and the possibility of body tissue being retained for further examination. The coronial counselling service will assist in providing this information to any next of kin. Information provided will include reference to the fact that there is sometimes the need for whole organs to be retained.

The regulations and guidelines will ensure that such retention occurs only where absolutely necessary. Should the next of kin indicate that they wish to delay burial until after such investigation is complete, the process will be expedited to allow this to occur. Provision will also be made in the information given to families to advise that the next of kin can indicate to the coroner they would like tissue removed to be returned or disposed of as soon as possible.

Guidelines for information and advice will be drafted by the State Coroner regarding the post mortem examination process. The next of kin will also be invited by the police and mortuary staff to seek from the Coroner's Court or the counselling service specific information regarding the death in question. It is recognised that in some cases the next of kin may not want to pursue inquiries about the post mortem examination process. However, it is considered vital that information is freely available if desired. Body tissue will be retained only for further examination, following a post mortem for the purpose of the investigation of the death. It will not be retained for any other purposes without written permission.

The provision in the Human Tissue and Transplant Act, section 28(3), which allows for tissue to be removed in the course of a coronial post mortem examination for research

and other purposes will be repealed. Under the Coroners Bill it will be an offence, at the post mortem examination, to remove any type of tissue from a body for scientific research, medical or teaching purposes without the written permission of the deceased during his or her lifetime or, in the event that the wishes of the deceased are not known, without the written consent of the senior next of kin. A penalty of up to $5 000 has been provided for breach of this provision. In addition the Bill provides that where the deceased has consented to retention of tissue during his or her lifetime, the coroner must ensure that the senior next of kin is informed in writing what tissue is to be removed and the purpose for which it is to be removed.

Ethics committee: To balance the competing demands of the public who have expressed concern on the use of body tissue following a post mortem examination and those of the medical profession seeking access to such tissue for the ethical purpose of medical research and teaching, the establishment of a coronial service ethics committee is a matter of high priority for this Government. This ethics committee will oversee the decision making process in respect of autopsies and consider requests for the use of human tissue for research purposes, if consented to by the deceased during his or her lifetime or, alternatively, if permitted by the senior next of kin. The ethics committee will be widely representative and will be constituted following calls for expressions of interest. At least one member will be an Aboriginal person. The committee members will be charged with the responsibility for the adoption of protocols and guidelines which will protect the interests of the public while facilitating essential research. The value of availability of tissue for research, scientific or teaching purposes is without dispute. However, the process for obtaining consent must be open and accountable and recognise the rights of the families involved.

Investigations: Police coronial investigators will predominantly investigate deaths reported to the coroner. The State Coroner will also have the authority to engage the services of specialist civilian investigators, particularly if the death occurred in custody. The State Coroner will also have the ability to issue guidelines to the police in relation to their functions as ex-officio coronial investigators when investigating deaths on behalf of the coroner. The development of these guidelines will be undertaken in consultation with the Commissioner of Police. The performance of police functions would be consistent with routine orders issued by the Commissioner of Police and a police officer will not be required to carry out any function which is inconsistent with the direction of the Commissioner of Police.

A coronial investigator will be given statutory authority of inquiry under the provisions of the Coroners Bill. Presently neither the police nor the coroner has the authority to isolate a death scene for the identification of evidence. Under the Coroners Bill a coroner may restrict access to the place where the death occurred or the place where the event occurred which led to the death. This will enable evidence to be identified without the death scene being disturbed. It is proposed that this authority would be able to be exercised for as long as required for reasonable investigation to be conducted. Similarly, coronial investigations including police officers may seize and retain items of physical evidence for the purposes of an investigation under the Coroners Act. Disputes may arise from interested parties with regard to the preservation of the death scene and/or property seizure. Such cases would be reviewed by the State Coroner.

Removal of fires from the coroner's jurisdiction: Currently fires - where no death occurs - can be investigated by the coroner. This aspect was considered by the 1989 ad hoc committee and it was recommended that fire investigation be removed from the jurisdiction of the coroner. The committee was of the belief that the fire inspection unit of the Western Australian Fire Brigade has the capacity to investigate the cause and origin of any fire. Should there be any suspicious circumstances, provision exists for the arson squad to become involved. Scientific investigation into fires has been developed to a high degree of sophistication and there is little to be gained by adding a coroner's inquiry to those procedures. Under the Bill the investigation of fires has been removed from the coroner's jurisdiction.

Inquest: The Coroners Bill requires the coroner to hold an inquest if a death occurred in

custody or in care or if it is suspected the cause of death may have arisen while a person was held in care even though discharged from care prior to the time of death. Under the Bill a person held in care means a person under the control, care or custody of the Department of Community Development; the Director General of the Ministry of Justice; a member of the Police Force; a centre maintained under the Alcohol and Drug Authority Act 1975; and an approved hospital under the provisions of the Mental Health Act 1962. It also includes a person whose death occurs while attempting to escape from custody or in the course of police operations.

The Coroners Bill will allow a right of appeal against a coroner's decision not to hold an inquest. Currently, a person who would like an inquest held into a sudden death does not have the appropriate legislative mechanism for appeal against the coroner's decision. The proposed legislation will provide the opportunity for a person to request the coroner to hold an inquest into a death. If the coroner refuses to grant that request, an application may be lodged at the Supreme Court to overturn the coroner's decision. Any such request must be made within seven days.

The existing Coroners Act provides interested parties with the option to examine any witness involved with a sudden death. The new Bill will ensure that the rights of interested persons to attend and examine any witnesses involved at an inquest will continue. Currently the Coroners Act requires a jury to be called for an inquest into a death on a minesite or factory site. It also requires jurors in mining deaths to be practical miners. The question of the use of a jury at an inquest was considered at length by the ad hoc committee which came to the view that a coroner sitting alone was capable of making rational findings as to facts and making recommendations. The addition of a jury to the process was seen as conferring no additional advantages. Under this Bill the use of juries in inquests will be abolished.

Summary: Major features of the Bill include -

establishment of the Office of State Coroner;

appointment of a State Coroner with the status equivalent to a chief stipendiary magistrate;

a uniform approach to death investigation;

the State Coroner to issue guidelines for the information and assistance of persons involved in the coronial system;

the right of objection before the Supreme Court to having or not having a post mortem examination;

advice of post mortem examination procedure to next of kin and the possibility of the retention of body tissue;

the repeal of section 28(3) of the Human Tissue and Transplant Act to prohibit the removal of tissue in the course of a post mortem examination for use in research or for any other purposes other than investigation of the death without written consent of the deceased or, in the event that the wishes of the deceased are not known, the written consent of the senior next of kin;

inquests to be held for all deaths in custody or in care;

the right of appeal to the Supreme Court to have an inquest;

the right of appeal to the Supreme Court against the exhumation of a body;

abolition of juries at inquest;

the removal of fire investigation from the jurisdiction of the coroner;

the authority to engage civilian investigators where necessary;

power to isolate a death scene and collect exhibits; and

power for items of physical evidence to be seized and detained for the purpose of the death investigation.

The Government is committed to ensuring the new legislation and guidelines rectify the past inadequacies of the coronial system.

Review of the Act: I propose to have an independent review 12 months after this Act is proclaimed. The review will report on the operation of the new legislation, protocols, guidelines and the ethics committee and will address any deficiency in the system. In addition after five years the Attorney General will be required by this Act to carry out a review of the operations and effectiveness of the Act and the Coroner's Court. The review when completed will be tabled in both Houses of Parliament.

The new legislation will establish a coronial system that is responsive to the needs of the Western Australian community. The coronial system will ensure that prompt and thorough investigations are carried out on reportable deaths; that the families and friends of the deceased receive sympathetic and helpful assistance by the participants within the system; and uniform practices are delivered across the State. I commend the Bill to the House.

Debate adjourned, on motion by Ms Warnock.

HUMAN TISSUE AND TRANSPLANT AMENDMENT BILL

Second Reading

MR KIERATH (Riverton - Minister for Health) [10.41 am]: I move -

That the Bill be now read a second time.

The primary purpose of this Bill is to address the concerns expressed by the public over the use of certain provisions of the Human Tissue and Transplant Act for removing tissue in circumstances in which there may have been doubts as to whether the consents required by the Act have been obtained or were given in terms of the Act. The other amendments are minor and update the Act following recent amendments to the Hospitals and Health Services Act and the introduction of the new Coroners Bill.

When the Human Tissue and Transplant Act was first passed in 1982 it was envisaged that the advances in medical technology could be harnessed to enable persons who had need for human tissue to receive donated organs or tissue. A similar scheme is provided for persons who were willing to have their remains made available for scientific research. Part III of the Act deals with donations of tissue after death either by the deceased or by the senior next of kin as defined by the Act. There is no assumption to be made that the deceased has consented - rather there has to be a donation or the designated medical officer has to be satisfied that there is no reason to believe that the deceased had expressed an objection to the use of the tissue. Where this cannot be ascertained the consent of the senior next of kin is required. However, these purposes are subject to the requirements of the administration of justice so that where the coroner has jurisdiction in relation to a death, the purposes of the coroner prevail. The position is to be clarified in the Coroners Bill.

Part IV of the Act provides a scheme of consents for the use of tissue for medical research. However the drafting of some of the sections of the Act has led to doubts as to their correct interpretation and as to the limitations that may be placed on the use of tissue. This Bill seeks to address that issue. For example, one interpretation of section 22 is that the intentions of the deceased could be limited by the senior next of kin. The correct interpretation is that if the consent of the deceased is obtained, the limitations to be observed are those imposed by the deceased. If the consent of the senior next of kin is obtained, the limitations to be observed are the limitations imposed by the senior next of kin. Section 22(3) is being redrafted to remove those doubts. Section 28(3) of the Act is to be repealed by the Coroners Bill and separate provision is to be made in the Coroners Bill for the use of tissue that has been the subject of examination by the coroner.

Dr Watson interjected.

The SPEAKER: Order!

Mr KIERATH: In order to ensure that the persons obtaining consents will act properly in so doing and in order to assure the public that the Government takes a serious view of the practices related to obtaining human tissue, the Bill enables the executive director, public health, to prepare codes of practice that will set standards to be observed in obtaining those consents. It will also be possible for the executive director to adopt, in the codes, the best practice rules that are obtained from the experience of other jurisdictions or developed by advisory groups appointed by the Minister.

The code will be enforceable by undertakings. If an undertaking is breached, provision has been made for a maximum penalty of $1 000. In addition, it will be possible to report a breach of an undertaking to the relevant professional registration body and the registration body will be able to take the report of the breach into account when performing its disciplinary functions.

Dr Watson interjected.

The SPEAKER: Order! The member for Kenwick will have the opportunity to speak on this issue at a later date.

Mr KIERATH: There will also be provision for counselling of relatives to ensure that their concerns are not overlooked. The Bill provides that the codes of practice will be given the status of subsidiary legislation by requiring that it be published in the *Government Gazette* and laid before each House of Parliament. Since the codes deal only with matters of practice, it is not intended that the code will be subject to disallowance. It is hoped that these amendments will assure the public - as donors or as relatives - that the provisions of the Act will be properly administered and that their wishes will prevail.

I commend the Bill to the House.

Dr Watson interjected.

The SPEAKER: Order! I formally call to order the member for Kenwick.

Debate adjourned, on motion by Ms Warnock.

AGRICULTURAL PRACTICES (DISPUTES) BILL

Report

Report of Committee adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

MR COWAN (Merredin - Deputy Premier) [10.45 am]: I move -

That the Bill be now read a third time.

MRS HENDERSON (Thornlie) [10.46 am]: I wish to make a few remarks in the closing stages of the debate on this Bill. In particular, I would like to extend my thanks, as I am sure will the member Eyre on behalf of the Opposition, to the Minister who had carriage of the Bill. The Minister agreed to four amendments, which were in line with some of the issues that the Opposition raised. The Minister's agreement to amend the Bill was a very constructive approach. He took on board some of the points that we made. My colleagues and I were very pleased with the way in which he was prepared to listen to the points raised, to consider them and, as I understand happened last night in my absence, agree to two further amendments.

I was particularly pleased that the Minister agreed to amendments that expanded and changed the composition of the board. Not only will that be fairer, it will also ensure that any claims that the board was biased will hopefully be prevented. I was pleased that the Minister agreed, as I understand he did, that instead of two members being appointed from the local government authority's planning staff - who could well have been involved in the conflict that led to the matter's coming before the tribunal and who would therefore have a particular interest in an outcome in line with their own previous

decision - the legislation will now allow a member of the public to be represented on that tribunal. That will be more in keeping with a fairer balance between the interests of the farmer and those of the person in dispute with the farmer, who could well be an urban dweller.

However, I still have some reservations about how appropriate it is to have two members specifically from a farm lobby group on the tribunal. If the tribunal is to take a mediating role - and later it takes almost an arbitration role in relation to the dispute - then having representatives of lobby groups from one side of the argument only is not an appropriate way in which to compose the tribunal. It would have been more appropriate had the two members representing farming interests, for example, come from the Department of Agriculture or some other more independent body, where they would represent professional expertise but hopefully would be able to bring a more balanced approach. People who belong to lobby groups place themselves in an unenviable position when they are on these tribunals because there is an expectation among the lobby group that they will always support the interests of the group that put them there. In cases of individual dispute, such as the graphic example in my electorate that I described yesterday, it appears to me that it is important that the people on the tribunal have an open mind and are able to look at the dispute from both sides of the fence, quite literally, rather than being caught up in an expectation from their own farm lobbying group that they will always support the farmer.

I urge the Minister to go forward and to look at some changes to that before the Bill gets to the other place. I say that from the point of view that it is to my advantage that there be a person from a lobby group on the board. When both the member for Eyre and I raised our grave reservations that this Bill was taking away people's right to seek injunctions where there was a nuisance, the fact that the board was unbalanced assisted our position. In that case, the court would be more likely to grant an injunction if they could argue that the composition of the tribunal breached the principles of natural justice because it did not present an unbiased panel of persons to hear the two parties to the dispute. Because I was concerned about taking away the right to seek an injunction, to some extent having a biased tribunal will ensure the tribunal is not the only avenue for people to take. I prefer to see a mechanism fair and above board and to see all parties to the dispute being dealt with in a fair manner by people who do not bring preconceived notions to the hearings of the tribunal. I still say the tribunal would have been better not to have representatives with a particular point of view but to have a single, independent, impartial person who could call on expert advice from the Department of Environmental Protection, the Department of Agriculture and the planning authorities. That would have been a far better system than seeking to represent those interests on a body that then has the task of hearing individual complaints and arbitrating on them. It is not the best structure, in my view. The Minister should give some thought to this aspect before the matter goes to the other House.

I was not present for the latter part of the debate last night because I had a commitment elsewhere. I am not sure which way the Minister expanded the capacity to apply for an injunction. That is a matter about which both I and the member for Eyre expressed grave reservations yesterday. I still hold those reservations strongly, until I can be convinced that my constituents will not be prevented from getting an urgent injunction to stop a nuisance that is a serious hazard to their health and wellbeing, and the example I gave demonstrates that clearly. We should not bring legislation before this House that takes away such a fundamental right without good reason. I do not believe that reason was forthcoming yesterday, because the Minister clearly said there had been very few applications for injunctions; they had not presented a major problem in such disputes. He freely admitted that few people seemed to be aware of that as an avenue and took the opportunity to apply for an injunction. Nevertheless, people should have that opportunity if they choose to avail themselves of it.

I hope the mechanism works because I have a number of examples - although I have illustrated only one in this House - of the sorts of disputes where urban land rezoning abuts rural land. That will be an ongoing problem. It has been mainly a problem in

metropolitan Perth until now but as large country towns and regional centres grow it will become a major problem there as well. As more people seek to have second properties as hobby farms it will become a problem in those areas also. I was pleased that the Minister for Planning indicated some support for the idea that if we truly wish to ensure that prime agricultural land is protected, and that its viability is maintained by not allowing it to be rezoned urban willy-nilly, that land must be put under caveat and people involved in farming and owning that land cannot expect to have their position prevail over others who find their activities a nuisance, while maintaining the capacity to seek to sell the land later at highly inflated prices knowing that it will be converted to urban use. The two things are irreconcilable. If farming people wish to have some relief from others bringing action against them for nuisance, for things they consider to be part of their normal practice - and mostly they are - they must accept the converse. That is, their land is to be secured as farming land and they will not have the opportunity to sell it and make a profit if it is rezoned urban, and the problem is shifted further down the line to the next rural property.

I do not wish to delay the House. I am pleased that the Minister was prepared to make some amendments and to accept some amendments suggested by the member for Eyre. I hope that further amendments will be made in the other place to ensure that this legislation works.

MR GRILL (Eyre) [10.55 am]: The member for Thornlie alluded to the fact that I might speak. She has eloquently expressed all the thoughts I could express on this Bill. However, I thank the Minister for the open-minded way he went about considering our amendments. I would particularly like to thank Mr John Paterson who is, I understand, the Minister's senior adviser in respect of legislative matters, and Parliamentary Counsel who spent many hours yesterday on the Bill redrafting some of the amendments and ensuring that they ultimately went through. Mr Paterson has spent a great deal of time prior to that on what is a unique piece of legislation, and one which will create a lot of interest in Western Australia as time goes by. Both of those persons, as well as the Minister, should be thanked for the way in which they approached debate yesterday.

MR D.L. SMITH (Mitchell) [10.56 am]: I do not want to delay the House. I made a short speech at the second reading stage in which I was critical of the Bill. I emphasis that in my view the amendments that have been made do not go to the substance of my criticism. This Bill is a real setback for the legal rights of people in Western Australia. In the end, it will prove to increase the incidence of interference with farming activities rather than decrease it. The Bill will be welcomed by those in the legal profession who may be struggling to find work.

Question put and passed.

Bill read a third time and transmitted to the Council.

SENTENCING BILL

Cognate Debate

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

> That leave be granted for a cognate debate for the Sentencing Bill, the Sentence Administration Bill and the Sentencing (Consequential Provisions) Bill, and that the Sentencing Bill be the principal Bill.

Second Reading

Resumed from 25 May.

MR BROWN (Morley) [10.58 am]: The Opposition generally supports the Bills before the House. We will have a number of comments about the content of the Bills, particularly where we believe some of the measures need further improvement. It is important in this debate to try to come to grips with the change which will be brought about by the three Bills. For those who have had an opportunity of reading the Bills and the second reading speeches it seems that it is not an easy task to get in one's head the

precise nature of the changes that will be brought about by these Bills. Part of the difficulty arises from the array of legislation from which these Bills emanate; part from the nature of the legislation not being entirely clear; and part relates to the fact that the Bill contains new terminology and phrases to reflect the existing programs and changes to existing programs. It is important for the Parliament to canvass, and get a good understanding of, exactly what is contained in these Bills and just how the changes proposed can potentially improve the criminal justice system.

I want, firstly, to make some general observations; secondly, to make some observations about the Bill; thirdly, to go through the Bill in detail and to refer to provisions that are essentially the same as the existing provisions but where new terminology is applied; and finally, to look at some of the implications and concerns that arise as a consequence of the changes being brought about by this Bill. I know the criminal justice system and the way it operates is of vital concern to the public. One has only to be a member of Parliament to know the number of calls one receives from members of the public about crime, particularly calling on members of Parliament to support and implement laws which will reduce the incidence of crime. A great many members of the public have been touched by crime and are vitally interested in the criminal justice system being efficient and effective, in that it has the capacity to reduce the incidence of crime and thereby provide a safe place in which everyone can live.

The sentencing arrangements are of vital interest to members of the public and to public debate. On numerous occasions we have seen political and social commentators take issue with various forms of punishment which are proposed by the courts. Some take a view that the courts have been either not consistent or too soft in dealing with certain types of offences. I agree with the views expressed by the Attorney General; that is, it is important for people to have a good understanding of the sentencing arrangements; to try to be au fait with the matters taken into account by the courts in determining the nature of any sentence to be imposed.

In saying that, I am acutely conscious that members of the public are keen to see sentencing arrangements which contain all of the elements normally associated with such arrangements, not only for better public protection but also a measure of deterrence. I have said that sentencing and the criminal justice system are of great concern to the general population and constantly feature in polling that is done to see what are the general concerns.

Many members will know about the constant calls from constituents for better and more effective measures to be taken to try to minimise the incidence of crime. I will give just one example. Yesterday, when going over some notes for this Bill, I was contacted by an irate constituent who lives in Beechboro, who wanted to know what action was being taken to change the system to provide greater protection to the public of Western Australia. That resident had just had his house burgled for the fourth time in the past six months. He had lost many items of sentimental value over that period and on the last occasion had lost a significant amount of money which was the receipts from a business he operates, so much so that he had reached the point where he is now moving. He is selling up and does not intend to live in that suburb any longer. That is just one isolated case of where a crime has touched a constituent. That constituent is not an orphan. This matter should be taken very seriously by members of this House and the Government of the day.

On a wider note, the provisions of this Bill together with the other Bills detailed by the Attorney General, go to the whole operation of the criminal justice system in this State. Most importantly, constituents are keen to see the level of crime reduced. A short while ago I attended a major conference in Perth dealing with crime prevention. That conference was conducted by the Crime Prevention Council and attracted a very wide audience comprising many people from the State Government, non-government organisations and people involved in the criminal justice system.

Although many points of view were put at that conference, the one that was overwhelmingly accepted was put forward by Professor Richard Hardy in his summation

at the end of the conference. He said that, irrespective of one's political persuasion or point of view, what came out of the conference was that everyone agreed that to lower the incidence of crime, the Government must take a whole of government approach; that is, it was pointless for one agency to seek to have an effect on the level of crime if other agencies were taking action that could not assist or went the other way.

Although that was agreed across the board at the conference, there does not appear to be any broad understanding of that within the government ranks. It is understood by the Attorney General, but it does not appear to be understood by other Ministers. In only the past couple of weeks we have seen the decision by the Minister for Community Development and his department to cease funding for a whole range of community based projects which are designed to assist young people, particularly those who have come into contact with the criminal justice system, to be reunited with their families; to place their energies in more effective ways than breaking the law; and to get into activities which will give them the opportunity to keep out of the criminal justice system in later life.

We have seen a whole range of those programs defunded. On the one hand the Attorney General, quite genuinely, said in this place that as far as she was concerned she wanted to introduce legislation to bring forward new programs designed to improve the system. On the other hand, we see from actions taken by other Ministers that people who are at risk of re-offending will not be assisted because funds for those programs have been withdrawn. The one point particularly mentioned at the crime prevention seminar was that there was too much of a focus in the minds of some Ministers and departments on funding projects which fell within the neat parameters of their department. They did not take a much wider view of the concerns of the general community. That was said to be quite an inappropriate approach. Unfortunately that is what we see occurring. The Minister has written to a number of these groups telling them he thinks they are doing a terrific job and what they are doing is wonderful; that they are assisting youth and families and seeking to ensure that people who have been at risk of offending are assisted so they do not go down the offending path. However, the Minister's letter says that, quite frankly, his department is not interested in that any more; it is a problem for the Ministry of Justice so the Department for Community Development and the Minister for Community Development intend to defund the program. What does that mean? Those agencies are seeking to make representations to the Attorney General and the Minister for Justice for replacement funding. However, they have been told that the funding for the 1995-96 year has been allocated. It is difficult to fathom the thinking in all of that when public concern about crime and crime prevention is very high and these sorts of ad hoc and uncoordinated decisions are being made. That is very worrying for those people who are concerned to see action taken to reduce crime rates in Western Australia.

The other general matter I raise - the Attorney General may wish to comment in her reply - is the Government's plans for providing new prison beds. I notice one of the objectives of this Bill is to ensure that the courts avoid short sentences wherever possible; that is, this Bill contains a prohibition on the court imprisoning someone for three months or less. In addition, if the court wishes to imprison someone for 12 months or less, or an aggregate of 12 months or less, the court is required to provide written reasons for that decision. Both of those measures, as I understand them from the Attorney General's second reading speech, ensure that wherever possible, people are not sentenced to short periods of imprisonment and that community based alternatives are properly examined. That being the case, I am interested to know whether any examination has been done on the degree to which that approach is likely to reduce the projected prison populations. If so, to what extent might that impact on the number of imprisonment places being planned for in future?

I asked the Minister assisting the Minister for Justice the question shown in the *Hansard* of 3 May, on whether the Government had done any forward planning on what was likely to be the total prison population in 1996, 1997, 1998 and 1999; if so, what would be the numbers for those years and had there been any estimates about the number of maximum, medium and minimum security prisoners. Obviously that sort of projection is necessary

if consideration is being given to building new prisons or enlarging existing prisons to make more beds available. The Minister was kind enough to provide a full answer to that question, which was rather pleasing. The answer appearing at page 1988 of *Hansard* set out what will be the expected prison populations for each of those four years. I note that the prison population is expected to rise from a little more than 2 200 in 1996 to a little under 2 400 in 1999, that the number of maximum security prisoners is expected to increase from 673 to 720, and minimum security prisoners from 862 to 920. I am interested to know whether this Bill will mean a refinement of these figures or whether they were provided on the basis of the sentencing Bill now before the House. I understand these figures relate to the building program previously announced by the Government. If this Bill is designed, as the Attorney General says it is, to ensure that fewer people on short sentences go to prison, many of whom are defined as minimum security prisoners - when they come in for three months many go straight to a medium or minimum security institution - will it have the impact of reducing the overall numbers? If that is the case, that will have an impact on the total number of additional beds that must be provided for in the prison system.

Were those figures provided a little over a month ago with this Bill in mind? This Bill, although it had not been introduced then, would have been very well known to people within the Ministry of Justice. Perhaps the Attorney can clarify that when she responds.

In dealing with the first part of the Bill the Attorney observed that the sentencing options would be available to courts for offenders aged between 17 and 18 years and that all sentencing options available to the District Court and Supreme Court would be available when sentencing juveniles convicted of very serious offences. My understanding is - perhaps if it is wrong it could be corrected for the record - that the court has this discretion now. I would appreciate the Attorney advising the House whether it is the case or whether the Bill will give the court a carte blanche discretion to deal in a particular way with juveniles convicted of very serious offences.

Part 2 enacts the sentencing principles put into the Criminal Code last year. I reviewed what was said when those sentencing principles were introduced and the second reading speech made at the time. My recollection is that the sentencing principles were put there so that when purchasing a copy of the Act the general public could see the sentencing principles, but that there was no specific change to the sentencing principles used by the courts over many years. The sentencing principles contained in this Bill are the same as those introduced previously. If I am wrong the Attorney General may wish to correct me. My understanding is that these sentencing principles were put in this Bill as a matter of public information rather than as a desire to change the practice of the courts. When talking about the sentencing principles in the second reading speech, the Attorney General referred to some consideration being given to dealing with Aboriginal customary law but notes that a decision was made not to go down that path. However, the Attorney went on to say that the Bill's silence on matters of cultural background did not mean that they could not be taken into account. The Attorney said that sentencing principles are sufficiently flexible to allow courts to take into account the circumstances of the offender including Aboriginal cultural matters. The Attorney may wish to elaborate on that, particularly in the light of the comment made repeatedly through the second reading speech that the Bill is designed to ensure consistency of approach.

Often when the media comment on the nature of penalties determined by the courts they look at the penalty and do not necessarily concentrate on the circumstances giving rise to the penalty; they do not look at all the factors the court takes into account. We will sometimes see two offences of a similar nature where one court has handed down one sentence and another court a quite different sentence. The reason is that the courts have to take into account all the matters concerning the nature of the offence and those other matters they are entitled to examine. That can give the appearance, if one takes a narrow view, that the courts are being inconsistent in their approach to sentencing. On the other hand, if one wants absolute consistency the courts would not be entitled to take into account all the various matters; they would have to discount them. It is not entirely clear to me from my reading of this Bill and the second reading speech just how the two sit

together. The Attorney may wish to explain that in response. It is important that the criminal justice system be seen as a system of integrity. If people lose confidence in the system, all sorts of implications will follow. Therefore, I agree with the view of the Attorney and the Government that it is important for there to be the best understanding possible of the way in which the system operates. That means clearly understanding the factors to be taken into account, both where the court considers an offence to be of an aggravated nature and where it considers appropriate matters of mitigation can be taken into account in determining its attitude to the sentence it should impose. The Attorney may wish to respond to that. I might have a better understanding if she comments on that.

Part 3 of the Bill deals with the types of matters the court is entitled to take into account when guiding and informing itself before passing sentence. The court may do a number of things: It may examine pre-sentence reports, victim impact statements, and mediation reports. As I read the Bill, pre-sentencing reports have been a feature of the system for a number of years. I do not read from the Bill any significant change to the provision of those reports. Victim impact statements were, as I understand it, introduced through a change in practice in the courts. I am told from fairly reliable sources that that practice changed in about 1986, so the courts, particularly the superior courts, have been considering victim impact statements since that time. Of course, victim impact statements were given legislative recognition with the Victims of Crime Act. That Act recognises what has been happening in the superior courts for a number of years.

The other matter the court is entitled to examine is mediation reports. Reference was made in the Attorney General's second reading speech to the establishment in 1992 of the victim-offender mediation unit. It is pleasing to see that the establishment of that unit by the former Government is so warmly received and that it will be continued. There is some element of bipartisanship in the recognition of that good initiative. However, it is not correct to say that when it was introduced it was part of the Ministry of Justice, because the ministry was not then formed.

Although the Bill contains some matters of detail which the Opposition will raise in Committee, it seems to reflect what is existing practice. Part 4 requires a number of things. It requires the court to explain to the offender the effect of the sentence and the offender's obligation under the sentence. That provision seems to come from similar words in the Offenders Community Corrections Act, and although they are not the same words, it appears to be basically in line with those provisions and is eminently sensible. Another provision in that division requires the court when sentencing an offender to a term of imprisonment of 12 months or less, or an aggregate of 12 months, to give written reasons why no sentencing option other than imprisonment is appropriate. That will place an obligation on the court to publish the reasons why only the sentencing option of imprisonment is appropriate and some other form of sentence is not.

I note that the rationale for this approach comes from section 19A of the Criminal Code, which imposes an obligation on the court to provide written reasons where the court decides to impose a term of imprisonment for six months or less. It is not clear the degree to which that section of the Criminal Code has been successful in getting courts to think about the available alternatives. Will the Attorney General indicate the degree to which that section has met with success? On the face of it one must conclude that that provision has been relatively successful because it is substantially repeated in this Bill; however, this legislation states that the court must give written reasons where a sentence is imposed for 12 months or less, as opposed to six months under the existing provision.

I note also there is to be a review of decisions of justices where a justice wishes to imprison an offender. This review is to be carried out by a magistrate. Members will be aware of the recommendations that have been made about the difficulties in the criminal justice system of justices in remote communities imposing prison sentences, notwithstanding that people who occupy the positions of justices in the majority of instances are seeking to do "the right thing". However, they do not have the training or level of expertise of magistrates and other officers and, therefore, can be prone to make mistakes, albeit genuine mistakes, in determining sentences to be imposed. A strong

view exists that justices should not have the power to set a term of imprisonment. It may be that justices should have the power to imprison offenders temporarily, but there is considerable concern about this power remaining for justices. The Opposition will raise in Committee its concern about the review process proposed in the Bill and the openness of that process.

Part 5 of the Bill deals with the sentencing options, and a range of sentencing options is covered in the following parts of the legislation. Part 6 of the Bill deals with an offender not being sentenced for a trivial offence. As I understand it, that simply reflects existing practice. Part 7 of the Bill deals with conditional release orders, which have been a feature of the system for some time. As I read the Bill, no substantial change is proposed to the nature of the arrangements for conditional release orders that have been in place for some time. Part 8 of the Bill will enable the court to impose a fine and to award a victim of an assault the proceeds of a fine or part of a fine. It retains the power for the District Court or the Supreme Court to imprison a person when a fine is not paid when that fine relates to an indictable offence. The provision for the courts to impose fines simply continues the existing arrangements. The court's ability to award a fine or part of a fine to a victim has been part of the Justices Act. The opportunity exists under that Act for the conversion of a fine into compensation. The power of the District and Supreme Courts to imprison where a fine has not been paid has been part of the system for a significant time. As the House will be aware, attempts were made when the fines legislation was debated, to ensure that, wherever possible, people who were fined were not imprisoned.

Part 9 of the Bill deals with community based orders. This is a new name and is one of the changes in terminology that one has to get used to in dealing with the Bill. In the Attorney General's words, community orders are aimed at offenders suitable for community supervision who are in need of minimal intervention. The option for providing community based work as an alternative to prison has existed for many years; it is nothing new. The nature of that work, how it is to be supervised, and the degree to which people undertaking that work are required to participate in other programs has been changed from time to time.

Existing provisions relating to community service orders are contained in the Offenders Community Corrections Act. While that Act is "convoluted" - I certainly agree with that - it provides that offenders released to a community service order are required to undertake unpaid community work. Under the community based orders provided by this legislation, that requirement will be optional. There will be no obligation in future for offenders who are sentenced by a court to community orders to undertake community work. Under the new arrangements, an offender may be required to undertake community service work, to undertake a treatment or other program, or to undergo what is called a supervision requirement. However, that offender will not be required to undertake community work in the future when put on a community order. There is no explanation for the removal of that requirement in the second reading speech and it would be worthwhile if an explanation were provided to the House.

In the community's mind there are always questions about the degree of supervision to be applied when people are on community-type orders. Under the community orders proposed in part 10, an offender is obliged to report to a community corrections officer whenever so ordered by that officer. However, in the absence of that order, the offender is required to report to a community corrections officer every eight weeks. As I read the provision, that would mean that someone who is placed on a community based order may be subject to a supervision requirement requiring him to report to a community corrections officer at appropriate times, with those times being not longer than eight weeks apart. Apart from that requirement, that person may not be required to undertake any community work or undertake any program.

Part 10 of the Bill deals with intensive supervision orders, which are new and which were emphasised by the Attorney General in the second reading speech. I was interested to see the distinction between an intensive supervision order and a community based order. A person on an intensive supervision order is placed under closer supervision than a person

on a community based order. My reading of the Bill suggests that a person on an intensive supervision order has to fulfil additional requirements: Firstly, he is not permitted to change his address or place of employment without the prior permission of a community corrections officer, whereas a person on a community based order has the opportunity to change his address or job and simply notify a community corrections officer.

Secondly, the supervision requirement for a person on an intensive supervision order is compulsory, but it is not a requirement for a person on a community based order. Thirdly, a person on an intensive supervision order must contact a Ministry of Justice officer every 28 days instead of every eight weeks which is the requirement for a person on a community based order. Fourthly, a person on an intensive supervision order must comply with one, two or three requirements - a requirement to undergo treatment; a requirement to undertake community work; or a requirement to comply with a curfew.

I also note that a person on an intensive supervision order may be required to carry out community service work of up to 240 hours while a person on a community based order may carry out up to 120 hours of community service work. From my understanding of the Bill, these are the essential differences between the two orders. It is important that this is understood by members. It is also important for the public to realise that a person who is released on an intensive supervision order could have been sentenced to prison for a short time. However, under this legislation a magistrate will be prohibited from sending a person to prison for less than three months. If the Bill works as the Attorney General wants it to work, the court will be subject to a lot of pressure to justify the reason it is imprisoning a person for from three to 12 months rather than implementing an intensive supervision order. It will be a testing time for the courts. One may have the impression that a person on an intensive supervision order will be required to report daily or hourly. The minimum requirements of an intensive supervision order still carry a significant amount of trust on the part of the offender to report and comply with the terms of that order. Certainly, sanctions will be imposed if the offender does not comply with the order.

The court will be under considerable pressure to walk a very fine line between determining whether a person should not be subject to a term of imprisonment and ensuring that this or any other type of order is appropriate to having an effective influence over the offender's life and offending patterns. The court must, in imposing an intensive supervision order, call for a pre-sentence report. On the one hand, the court may be faced with a pre-sentence report which may caution against a community order and, on the other hand, the court will be required to comply with the provisions of the legislation; that is, that the court cannot imprison anyone for less than three months and if it imprisons someone for longer than three months, but less than 12 months, it must provide written reasons. It will be a testing time for the courts. I am not suggesting that courts make flippant decisions to imprison offenders.

The Bill imposes a prohibition on sentencing anyone for periods of three months or less. One could argue that a sentence of two weeks or one month is silly. The $64 question is, whenever one puts a Statute bar on the length of imprisonment, to what degree will the court determine that because it cannot send someone to prison for one month, which it thinks is an appropriate sentence for the offence, it will imprison that person for four months or longer. I ask the Attorney General what monitoring mechanisms will be put in place to ascertain whether these provisions are operating as intended. It is important that the Parliament is informed of exactly how these provisions operate.

Members know that in the criminal justice system, like many other complicated systems, people come up with some very good ideas. Unfortunately, some of the good ideas, even with the best of intentions, do not work effectively to provide the anticipated solutions. This Bill is important and the Opposition intends to canvass its provisions and the provisions of the accompanying Bills in Committee to ensure that there is a good understanding of what is intended and to debate some of the concerns I have raised.

MR D.L. SMITH (Mitchell) [11.59 am]: First, I will comment on the inadequacy of

the parliamentary system. These three Bills - the Sentencing Bill, the Sentence Administration Bill and the Sentencing (Consequential Provisions) Bill - are critically important Bills for the proper administration of this State's criminal justice system and, in fairness to the community, in maintaining a view that in our prison system we should be about rehabilitation as much as punishment.

The problem with being in opposition is that members quickly lose the resources to understand and research Bills of this kind. Opposition members are not involved in the day to day administration of the system; therefore, the critical issues are not immediately apparent to them. If an opposition member is a lower House member in a marginal seat, he does not have the time to gain an understanding of these Bills in their totality and go through the consequential amendment Bill to assess its impact on the Bills which are amended as part of this package. The method by which we deal with these Bills is wrong. The only way the Parliament can properly deal with these Bills, which are of substance in terms of the administration of the justice system, is to refer them to a committee and allow it to sit while the Parliament is sitting. It should be able to go through the Bills with a fine toothcomb and be able to seek the opinion of other people about the judicial and prison systems which this legislation embraces. Until we change the system that operates in this place, we will not be able effectively to deal with legislation. I am not one of those members who believe that we have a second Chamber for that purpose. The second Chamber's role should not be any different from the role of this Chamber; that is, to properly understand the legislation before it, allow adequate community debate on it and go through the Committee stage more quickly than would otherwise be the case.

Having said that, in the community these Bills seem to have gone down like a lead balloon. That can be due to only one of two reasons: The Bills are not of enormous consequence in terms of change, or some of the groups which would normally be critically interested in this kind of legislation are too busy with other issues. Having read the Sentencing Bill, the former is the case. These Bills are largely about consolidation. They do not match the rhetoric of the Government's campaigning and its public stance on the administration of the criminal justice system. These Bills are really a codification of the status quo, but with some important minor changes which I think will enhance the system.

The ACTING SPEAKER (Dr Hames): The level of background conversation is too loud and the Hansard reporter is having difficulty hearing, so I ask members who are having conversations to take them out of the Chamber.

Mr D.L. SMITH: The Bills before us have been divided into three for no reason other than the fact that they deal with slightly different issues. The Sentencing Bill is a remarkably good Bill. I do not know who was responsible for its final drafting, but it is a well drafted Bill and reads easily. It is sequential in the way in which it deals with issues, and given that it deals with the criminal justice system, it uses relatively simple language to cover the various matters which it needs to cover. I do not know but suspect that some members of the judiciary have been involved at some stage in looking at the draft and providing some commentary on it, and that seems to be reflected in some of its drafting. That is not a criticism of Parliamentary Counsel. I have raised previously in this place my concern that we do not put into Parliamentary Counsel the resources that we should, but in general terms they do an excellent job with the Bills that are presented to this place.

The Sentence Administration Bill, on the other hand, does not come up to the standard of the Sentencing Bill. I suspect that the Ministry of Justice was more involved in the Sentence Administration Bill, and that is reflected in some of the quirks that appear in it. The Sentencing (Consequential Provisions) Bill was not dealt with adequately in the second reading speech because it makes a great number of reasonably important amendments to a great number of Bills, and the second reading speech should have given a more substantial explanation of those amendments. The Attorney General may say that we all have the opportunity of attending briefings on these matters and those briefings should be an adequate alternative, but obviously people will read these Bills at a later

time, and the second reading speech is always an important mode of information when people want to understand what is the true intent of legislation.

Overall, these Bills do not make substantial changes to the present system. They codify much of the current system and bring into one Bill a number of measures which have been spoken about and anticipated for some time. They were spoken about so much that we knew what they would be, and they seem to be well represented in these Bills. I do not know why the Sentencing Bill and the Sentence Administration Bill were not combined. One of the reasons the Attorney gave for introducing this legislation is that at present many of the sentencing provisions are scattered around five Bills in particular and it is sometimes difficult to read them all together. Given that they are relatively short Bills, there is no reason that the Sentencing Bill and the Sentence Administration Bill could not have been consolidated.

I have a few disappointments. Although the Attorney, despite the rhetoric of some of her colleagues, spoke at some length when in opposition about her opposition to short sentences and promised a number of times that she would abolish sentences of less than six months, in this Bill that promise has been only half honoured. In effect, there is an attempt to deal with sentences of three months or less, but not the six months or less which the Attorney promised. I can only presume that some of the rednecks in Cabinet overrode the Attorney in regard to that change.

There are some cute little things in the legislation which are new but of which I approve. One of those relates to the use of the spent conviction provision. Previously, if a person was found guilty of an offence, the court had the option of not recording a conviction in certain exceptional circumstances, but otherwise it had to record a conviction, and that obviously had a more substantial effect on some people than on others in regard to their future career. The Spent Convictions Act was introduced to allow people, after a period of good behaviour, to in effect have a conviction erased. In this legislation, rather than have a set time requirement in which an application for a spent conviction order can be made, the judiciary may, as part of the sentencing process, have a conviction spent at the time of its creation. That is a relatively minor amendment on its face, but in my view it will enable the court to deal out a great deal more sentencing justice in regard to the particular situations in which some offenders find themselves. The conditions under which that can be done are spelt out in the legislation. I would, however, like the Attorney to advise the House in her second reading response what has happened to the ability of the court not to record a conviction. One of the problems of a person like me, now that I am no longer actively involved in the courts nor a member of shadow Cabinet, but hopefully am doing my best for my constituents, is that I have not had the opportunity of looking at that issue in detail, and I hope we will continue to retain some aspects of the ability of the court not to record a conviction and will not see the spent conviction process as some kind of alternative to it.

The treatment of victims under the provisions of this legislation, although it is given some emphasis in the Attorney's second reading speech, does not advance the interests of victims beyond that already achieved in the current legislation. In fact, on my strict reading of the material that can be included in the victim impact statements to be filed, it seems to be simply a progressive refinement of what can be included in those statements. I do not disapprove of that, because there was some danger in victim impact statements allowing people to put some esoteric arguments about how a person who has offended should be treated by the courts. This legislation precludes that to the extent of allowing victim impact statements only on the direct impact the offence has had on the victim, and then allowing the court to do justice by the victim and the community by the penalty imposed, without allowing the emotion of the occasion to override full consideration of the issues. At this stage I do not want to go much beyond that in a general commentary on the Bill.

Some other aspects require commentary, and one is the question of the Chief Justice reporting to the Parliament. I have read press commentary to the effect that it seems to be an intrusion by the judiciary into the role of Parliament. I do not agree with that. I think the ability of the Chief Justice to report annually to the Parliament will be a very

valuable tool in enabling Parliament to obtain information direct from the Chief Justice, rather than rely on the Executive to keep it informed about the health of the criminal justice sentencing and administration system at any time. The way that is framed in the legislation will be an important benefit to the Parliament in future. I encourage the Government to examine other Statutes to determine whether chief executive officers of various other agencies should be required to report to the Parliament in a similar way. The annual reports Parliament receives these days - if one is interested in the financial approach, job losses and what the department is up to - do not provide the Parliament with the direct advice of chief executives about what is going on and the current immediate concerns of those CEOs. Quite often, those concerns are conveyed to the Executive which considers them on the basis of the resources available and says yes or no.

That is as much communication as the Parliament receives about the views of chief executives of agencies. An annual report, in which the chief executive is required to tell the Parliament how the agency is progressing, what he or she thinks of the resources allocated to that agency and the legislation governing the administration of his or her function, would be a valuable tool in keeping Parliament informed and the Executive honest. The report by the Chief Justice is not intended to do that. It is intended simply to bring to the attention of the Parliament any concerns he may have about the way in which the legislation is operating and the way in which he thinks it may be improved by the Parliament by amendment. It would also give information about what is going on in the criminal justice administration system. That will be a valuable tool and I congratulate the Attorney for including it in the legislation. The Sentencing Bill is a very good Bill; it is well drafted and in the main represents many of the principles supported by members on this side of the House. It is largely a codification but, to the extent that there is change, the change is supported by the Opposition.

The Sentence Administration Bill has a more bureaucratic look about it. It does not read as well, and a few things have been sneaked in with which the Opposition will find fault in Committee. One relates to the power of the chief executive of the Ministry of Justice to apply for the transfer of a juvenile from a juvenile detention centre or institution to a prison. Although the process by which that will be achieved is by application to people in effect constituting the Children's Court, some of the grounds for the transfer in my view do not recognise the importance of maintaining our compliance with all the international treaties and conventions dealing with the custody and treatment of children by the criminal justice system. I am very concerned about 16 year olds being transferred to adult prisons and being subject to the influences that may confront them in that adult prison. Although the way in which it is to be done under this legislation is not extreme, and due processes will modify it substantially, once we start that process of treating 16 year olds as adults and placing them with adult prisoners, it will be very difficult to stop in people subsequently responding to some of the emotional debate that occurs in the community about the criminal justice system. We could suddenly find we have departed from the principles that should apply in relation to juvenile offenders.

In general terms I am very disappointed that the Sentence Administration Bill has effected very little change. We should regard the sentencing of people in two different ways, perhaps as these two Bills seek to do; that is, the imposition of the sentence by the court and the administration of the sentence by the Ministry of Justice. The current Prisons Act is the most outdated legislation on our Statute book. Any person interested in human rights, modern language, and proper management skills being applied in the management of prisons, will recognise that the current Prisons Act is hopeless. I very much regret that in the 10 years the previous Government was in office the opportunity was not taken to reform the Act quite drastically.

Mr Prince: As a matter of interest, why was that? Was there any particular reason?

Mr D.L. SMITH: For the life of me, I do not know. I think the former Attorney was involved in a substantial amendment of the Criminal Code, and a number of procedures in the way the courts were administered but, for whatever reason, the previous Government did not reform the Prisons Act to make it a modern Act for the

administration of prisons and the way prisoners and prison officers are treated within the confines of the Act.

With regard to the Sentence Administration Bill, the Attorney is aware that I have raised examples with her of difficulties relating to work release, home release and other alternatives to prison, in some of the conditions that are artificially imposed, in the length of sentence required in some cases, and some other aspects. Although the royal prerogative has been retained in this package, the use of the pardon is a rare and extreme action for the Attorney to take. It is always hard to persuade any Attorney General to look at the pardon process. We all know that, because of the way in which the lives of prisoners change as a result of their imprisonment, the circumstances that apply to their family situation, and the ways in which they adapt to the fact that they have been convicted and are in prison, there are a number of prisoners within the prison system for whom there are good reasons to consider whether their sentence - although it was entirely appropriate at the time it was given - could be modified or changed to utilise some of the other options that might have been available at the time of their sentencing. I for one would have no problem if a great deal more discretion were given to either the Attorney General or the Parole Board to look at individual cases, and to allow them to avoid some of the bureaucratic constraints that are imposed on some of those options. In the end, sentencing administration and administration of prisoners should be about flexibility in our approach to dealing with them. The way in which we respond to community concerns about the level of crime, where we continue to increase the prison population and maximum sentences, will result in an enormously expensive situation for the Government. We will find as a result that we spending more money and resources on custodians looking after people in prisons than on preventing crime through our police forces or in other areas where it might be better spent in reducing the level of crime. Part of that is that often people who are sentenced do make a genuine decision to reform themselves. Often the circumstances in which they offend are unique, and are not likely to be repeated; but for one reason or another at the time the court thought that a sentencing option was appropriate for them.

In managing the prison population in an appropriate way, we need to introduce into the system a greater degree of flexibility where, in exceptional circumstances, either the Attorney General, the Parole Board or some other independent group, can exercise their discretion and re-examine the sentence that was imposed to see whether as a result of the changed attitude, family circumstances or the peculiar needs of the individual prisoner and what might be available in the prison system, the sentence should be reconsidered. We need a greater degree of flexibility in managing those options. When we introduce the alternatives to imprisonment, or alternative methods of dealing with prisoners within the prison system, we are always concerned that the community at large will say that we are too soft, that we will allow murderers to go free, and all sorts of drastic things that will endanger the community. We must always pay heed to those concerns and make sure that we do not allow people to misuse the system in a way in which they will become a danger to the community sooner than the courts think should be the case. At the same time, as a result of that community concern, we often tie up a few of the administrative options that are available in a way that is bureaucratic, and in many cases excludes some people from being able to take advantage of those alternatives, as a question of the administration of the prisons, rather than as an option to be considered at the time of sentencing.

I am disappointed that the Attorney General, firstly, did not look at the inclusion in the Sentence Administration Bill of some general power to consider people's individual circumstances after they had been sentenced and as they changed during the period of the sentence; and, secondly, has not looked at some of the bureaucratic limitations on some of these options that have been imposed for the wrong reasons. I encourage her, as part of the ongoing review of this legislation, to consider whether we should not introduce to the administration side, at least, some of those options in a more effective way of making them available.

Apart from anything else, for day release for work, home visits and dealing with

particular family problems over parole periods, and a number of things in the lives of individual prisoners and their extended families, we could save money in the management of those prisoners 24 hours a day, seven days a week. Secondly, we could show some equity of justice for prisoners and their families, by enhancing the opportunities for their rehabilitation, or in some cases by enhancing their opportunities to contribute back to the community during day release from prisons and the like, where a greater degree of flexibility could have been introduced, at least in the Sentencing Administration Bill, to allow that, and at a later time a much better overhaul of the current Prisons Act to achieve that.

The legislation before us is neither extreme nor likely to cause any real concern to those who are involved in and have the best knowledge of the criminal justice system. It is largely a codification of the status quo. The amendments in the main will both enhance the responsiveness of the judiciary to the concerns of the community, and at the same time will not clutter up our prisons with people who should not be in prison, and will allow some review of some of the problems that currently arise. For example, in relation to instances of sentencing by justices of the peace, although the review system provided for in this legislation is an administrative form of review by magistrates, it will work reasonably in a context, and still has the capacity to utilise justices. Although the Opposition and many welfare groups in the community often talk critically of justices, as a country person I recognise the valuable role that justices play in the administration of our justice system. Certainly, in the more remote areas of Western Australia it would be impossible to administer the system properly without the role of justices. That includes upon occasions the opportunity for justices to sentence. We all know that can often go wrong and there needs to be a quick, effective means of reviewing it when it does go wrong. Control can be exercised by the stipendiary magistrate who has his or her circuit in that area. That will work, even though some members of the Opposition may be more critical of those provisions than I.

I hope that all of this will mean more resources. I have said a number of times in this place and elsewhere that the last place we should stint is in the administration of our judicial system. These Bills require a degree of consideration by the various levels of the judiciary. That will take more time, and some of the alternatives will require more resources for administration. I hope that the Attorney General will consider the question of the number of magistrates, judges and Supreme Court judges and that she will continue to increase their numbers to ensure that, in the application of these alternatives, that is achieved in a proper manner; and when the various alternatives are being used by judges and magistrates that the resources exist so the alternatives to administrative justice can be carried out in a proper way.

MR CATANIA (Balcatta) [12.29 pm]: I support these Bills. As the member for Mitchell stated, a number of areas in these Bills, particularly in the Sentencing Bill, should have been dealt with more specifically. However, that Bill directs sentencing in the way that the previous Government had been progressing. It is good to see that, after two years in office, this Government sees the wisdom of talking about things like rehabilitation, as this Bill does in some of its provisions, and sentencing options. The previous Government proposed sentencing options on many occasions and it was ridiculed. It was said that providing sentencing options without custodial options was a sign of weakness. After two years in office, this Government has seen that Governments should ensure that there are options in sentencing that will ensure that minor offences do not attract gaol or sentences that are too severe for the types of indiscretions committed.

The general overview of the Bill is that it allows the court to sentence offenders using a wide range of alternatives and is consolidating sentencing laws and penalties in the one Statute, and that is commendable. If many other Statutes could be consolidated we would not have the current overcrowding of confusing laws. That deserves some praise, as the member for Mitchell stated. Simplifying sentencing so that the community understands when judges or courts make decisions also is commendable, as is involving victims and offenders so that both understand the consequences of decisions and actions.

As I said, the previous Government, of which I was a member, at all times directed its

sentencing or judicial process towards that end. I refer again to an area with which I have dealt on other occasions - non-custodial options and the issuing of pecuniary penalties. That is very important because many offences do not attract sentences or gaol terms. This is a way of ensuring that people are not exposed to our prisons, thereby not being exposed to the university of how to commit crimes in a more efficient and effective way. If certain people in our community who commit minor offences are not exposed to the prison system the offences and fines that they are given may be the last they receive. After having those penalties imposed perhaps we will not see them in the court system again. This is very important and I am certainly happy that the Sentencing Bill deals with this and emphasises that at all times we should endeavour to use the option of non-custodial sentences if - and I stress if - the crime or the offence committed is of a minor nature.

This approach allows a greater opportunity for rehabilitation and for the offender to think about whether an offence similar to the one committed, or perhaps more serious, is worth testing the gaol system. It is commendable to see a range of alternatives and I applaud the Attorney General for making them the centrepiece of this legislation. However, when I stand here praising the Government on this Bill, I recall that not long ago when we were in government, if we had introduced such a Bill or made suggestions to the effect that we should use non-custodial sentencing more often, the then Opposition and the now Government would criticise this side -

Mr Leahy: They used terms such as "the revolving door of the Children's Court".

Mr CATANIA: That is right: We were weak on crime and soft of criminals.

Mr Bradshaw: Spot on!

Mr CATANIA: There was no intention on this side to give any indication to criminals that if they committed serious crimes, they should be let out. There is no doubt that if serious crimes are committed and they attract a sentence, that sentence should be imposed and the perpetrators should be interred for the appropriate time. There are occasions when perhaps a juvenile commits a minor offence and, if dealt with in the right way, a non-custodial offence is recorded. Perhaps that may be the way to deal with that juvenile and it may in fact result in that juvenile's not committing another offence. Statistics reveal that sometimes cautioning allows people, especially juveniles, to think again. Perhaps if they have the guidance of parents, they may not reoffend and will go on the straight and narrow. It is good to see the Government following the line of the previous Government in stating that non-custodial sentences should be adopted and also talking about rehabilitating some of the people who commit minor offences, because obviously they will be better suited to rehabilitation than some of the hard-core criminals.

The Bill endeavours to explain to the public the system of sentencing and parole and to give the courts clearer direction. Once again, the public is confused when certain sentences are passed and, as a result, they are afraid or they criticise. They say that the sentences are not harsh enough for the crime committed. If there is a guide and that guide is clear about what sentences should be imposed for various crimes, if members of the public are instructed and educated and know specifically that a particular type of crime attracts a particular sentence, that is commendable. In fact, all legislation should be in understandable language and should be able to be promoted in the public arena so that the public can understand its content. Not only should the public understand the content, but also the people responsible for the administration of those Statutes should have quite clear guidelines as to what they should do in dispensing their responsibilities. To that end, I think clearer guidelines should be provided to the judiciary and the courts. Those guidelines could then be given to the public, who will then also understand the decisions of the judiciary and the courts. This legislation makes that important statement, and we commend the Government for that.

A popular accusation by government members when in opposition was that no attention was paid to the victims of crime. As the member for Mitchell stated, government members said that they would ensure victims of crime had more rights than those provided under a Labor Government. This legislation follows the path taken by the

previous Government. However, it is not as generous to the victims of crime as we were when in government.

Mrs Edwardes: You know that is wrong. You cannot make such a statement. Fair comment is appreciated but incorrect statements are not.

Mr CATANIA: I am not saying that this Government has not been generous to victims of crime. My point is that when the Attorney General was in opposition she often said that the Labor Government was not generous to victims of crime. I do not see in this Bill any expression of the generosity for which the Attorney General called in the past.

Mrs Edwardes: There are more provisions in the Victims of Crime Act, and in this legislation, than in the statement tabled in Parliament by the former Attorney General. That is a fact.

Mr CATANIA: We now have impact statements; and victims of crime have a position in the sentencing process. However, it is not a generous position. Because so much emphasis was placed on the disadvantaged position of victims in the judicial process in the past, I expected the Government to be more generous and allow the victims more presence in the whole system.

Mrs Edwardes: They are involved in every step of the process.

Mr CATANIA: I do not mean to give the impression that I am criticising this legislation.

Mrs Edwardes: What else would you do?

Mr CATANIA: The provision for victims being present during the process, and making impact statements is generous. They can now come face to face with the offenders, and that is a generous provision. When we were in government, I was always intrigued about the claims the member for Kingsley made about what we were not doing. I expected a more central position for victims of crime -

Mrs Edwardes: That shows that you were not fully aware of the former statements. Victims are far more involved, right up to the Parole Board stage where they have the ability to make statements.

Mr CATANIA: That is an expansion on the intentions of the previous Government.

Mrs Edwardes: That is not what you said.

Mr CATANIA: The Attorney General has not added much to that. I was expecting a great deal more from this legislation.

Mrs Edwardes: What more would you do?

Mr CATANIA: I was waiting to see what the Attorney General would do, because when she was in opposition she said that the Labor Government was doing nothing.

Mrs Edwardes: But you cannot say how much more you would like to see done.

Mr CATANIA: When in government, we were headed down the right path, but the Attorney General said at that time that we were not.

Mrs Edwardes: We have the victims' advisory council. In government you did not say that you proposed to set up such a body. We now have the Victims of Crime Act -

Mr CATANIA: Did the Labor Attorney General state that we would give victims of crime more involvement in the process?

Mrs Edwardes: A statement was tabled regarding victims' rights.

Mr CATANIA: I thought the Attorney General would be more generous.

The Bill contains reforms in sentencing and presents a hierarchy for sentencing. I am interested in this area of the legislation because it presents a number of options. These provisions are very welcome because they give the ability to the courts to ensure that no record is made of a person committing a particular crime, and there is no sentencing option. I have discussed with the Attorney General section 669 of the Criminal Code relating to first offences. Under that section people get away with certain offences. I

would be very perturbed if people were able to get away with serious offences as a result of the option relating to non-custodial sentencing or the non-recording of crimes. The Attorney General is aware of a constituent of mine who was the victim of fraud amounting to hundreds of thousands of dollars. The offender relieved my constituent of his hard-earned money, but he avoided a sentence; in fact, he did not have the crime recorded against his name because he applied under section 669 of the Criminal Code. He walked away scot-free because it was a first offence. That was a serious crime. Following publicity about the case, I received numerous telephone calls from people who had been defrauded of money by the same person. I have records in my office relating to about $3.2m which has been defrauded by him. The offender walked away with a caution. I would not like to see that being an option with non-custodial sentencing or the non-recording of offences. That option should be restricted to minor offences otherwise people may slip through the net or receive only a slap on the hand and go on to enjoy the fruits of their criminal activities, as did the offender in the case to which I referred. When we were in government we were unashamed in our approach to penalties and fines, and custodial sentences. No Government would like to see people getting away with serious crimes and receiving no punishment.

I am disappointed that the Bill does not deal with justices of the peace. Many members of Parliament are justices of the peace and are in a position where they could make a judgment which would have an adverse effect on the sentencing of a person. That is not appropriate today. The Bill should have dealt with it, but it has not. In closing, I reiterate that I welcome the Bill. Any Bill which does away with a number of Statutes and amalgamates provisions into one Bill which makes the whole process clear and well defined should be supported. This is a good Bill, as the member for Mitchell, who is a lawyer, says. All Bills have deficiencies. As it is tested, I hope the Bill can be refined and improved and where it is lacking, that it can be supplemented. I support the Bill although I have some reservations in certain areas.

MR LEAHY (Northern Rivers) [12.51 pm]: I generally approve of the Bill, in which some good initiatives are taken. As was stated by the previous speaker, I think the simplistic approach of the now Government, when in opposition, caused many problems and those problems have been seen interstate. They relate to what we should do by way of sentencing, and a harsher custodial system is the normal suggestion.

Anyone who has been involved in the court system or law and order will know the simplistic approach - lock 'em up and throw away the key - is not the answer. That has been proved by studies worldwide. The country with the greatest gung-ho approach to imprisonment, the United States of America, has the highest rate of incarceration and probably the worst crime figures in the world. Locking people up and not achieving any rehabilitation is not the answer to law and order.

I commend the Government and the Attorney General for some of the measures in the Bill to provide sentencing options. In some way it is restricted by the common tenet of consistency. We do not argue that there should be consistency, but of paramount importance is the ability to have a wide range of options for sentencing. The people on the ground are best able to assess the applicable sentencing option in a particular case. In my area that is the stipendiary magistrate with an input from a justice of the peace when a magistrate is not available, and in some serious cases the District Court and the Supreme Court. No Bill should tie the hands of those judicial officers, especially those who are trained. There needs to be a range of options, and those officers are best placed to decide whether incarceration is the best option or whether one of the other sentencing options will have a greater impact and eventually will result in a better outcome for the public. We are all aiming to reduce the impact of crime on the community and on the victims, and to achieve that we need to rehabilitate the offenders.

That is not achieved by imprisonment. I do not think anyone who has been involved in the system could point out many occasions when offenders usually come out of prison better than when they went in. Unfortunately under the prison system, whether it be in Australia or overseas, crime is at its worst. Drugs and assaults are rampant and crime is rife in prison; everybody knows that. The person who has committed a first or second

offence and is placed in the prison system will almost certainly come out of that system a worse person, one more capable of committing worse crimes, than when he went in. That is why the majority of the public is calling for a harsher line when penalising offenders.

We must all participate in an educational program of members of the public to say that we are on their side; we are trying to reduce the impact of crime on the community and on victims. We are all aiming for that solution, but those who have been involved in this area for a number of years know that we cannot just make promises of harsher penalties because we are simply pandering to the cries of people who do not know any better - I can point the finger at many people in the media - who think harsher penalties are what the public wants, so that is what the public will get. We will continue to get more of the sorts of crimes that we do not want and more criminals will be more ably trained by the prison system to carry out those offences.

I have a few concerns with the Sentencing Bill, some of which have been touched on ably by the members for Mitchell and Balcatta. I will add my weight to their arguments. I am not one who calls for justices of the peace to be stripped of the imprisonment sentencing role. I have an electorate which requires the use of justices of the peace within the judicial system. It is a very large seat and the towns are quite sparsely populated and are quite a distance from Carnarvon. It is impossible for the magistrates to deal with matters and sometimes JPs will need to impose a sentence of imprisonment. That is not to say that JPs enjoy doing that. I have sat as a JP and from my knowledge of those in my area, they rarely impose a sentence. They realise that their experience and knowledge in that area is not as great as that of a magistrate, and they tend to remand an offender to the next visit of a magistrate, which in the Carnarvon magisterial circuit is no longer than a month and usually no more than two weeks. The vast majority of those cases can be remanded on bail. People will not abscond. In some cases it might be necessary to remand in custody, rather than to impose long sentences and imprisonment without having regard to the other options available.

Although I say that JPs should not be stripped of their ability to impose a sentence of imprisonment, as has occurred in the past, they should continue to use that discretion in very few cases; that is, they should not use the ability to impose a prison sentence but should use other options, which they do. That is not a pressing need. A review needs to be undertaken of the times when prison sentences are imposed in Perth. I do not know whether the magistrate needs to impose the sentence within seven days, given that all police stations now have facsimile machines.

Mrs Edwardes: There is an amendment which reduces it to 48 working hours.

Mr LEAHY: That is a very sensible amendment, and I commend the Attorney General for that. The magistrate needs to be aware of this information almost immediately and needs to review that decision as soon as possible. Forty-eight hours is far more appropriate than seven days. I have a slight concern about the ability of an offender or his legal representative to be involved in it, but I do not think it is a problem. A process is in place already in which the offender or the solicitor has the opportunity to be involved at the time of sentencing. It is an added protective mechanism, rather than taking away anything else. As I said earlier, overall it is a good clause, and the amendment to make the time 48 hours makes it even better. Another concern is the ability after a conviction to adjourn for six months for sentencing.

Mrs Edwardes: Do you remember the hotel case in which the matter was adjourned for sentencing? In that time it was made very clear to the person that he had to pay restitution which amounted to millions of dollars, which occurred within the six months; that is, by the time he went back to the court for sentencing. The judge in that instance was able to take into account the fact that restitution had been paid.

[Leave granted for speech to be continued.]

Debate thus adjourned.

Sitting suspended from 1.00 to 2.00 pm

VISITORS AND GUESTS - BOTSWANA PARLIAMENTARY DELEGATION

THE SPEAKER (Mr Clarko): I welcome to the Speaker's Gallery today a parliamentary delegation from Botswana led by Speaker Nwako.

[Applause.]

[Questions without notice taken.]

MATTER OF PUBLIC INTEREST - HOSPITALS, SIR CHARLES GAIRDNER, MANAGEMENT PRIVATISATION

THE SPEAKER (Mr Clarko): Today I received within the prescribed time a letter from the member for Victoria Park seeking to debate concerns that Sir Charles Gairdner Hospital will be placed in the hands of a private operator.

If at least five members stand in support of the motion, I will allow it.

[At least five members rose in their places.]

The SPEAKER: The matter appears to be in order and it shall proceed on the usual basis with half an hour allocated to members on my left and half an hour to members on my right, and three minutes in total to the Independent members should they seek the call.

DR GALLOP (Victoria Park - Deputy Leader of the Opposition) [2.32 pm]: I move -

> That this House calls for the maintenance of our State's public hospital system as the key to access, equity and quality in health care and expresses its serious concern that Sir Charles Gairdner Hospital, one of the State's premier hospitals, is to be placed in the hands of a private operator.
>
> Further, this House calls on the Government to release all details of the rationale for the move, the tender process to be followed, and the monitoring mechanisms to be put in place.

The two pillars of a good health system are, firstly, a proper system of national health insurance and, secondly, a very strong and effective public hospital system. The conservative parties in the past decade have shown a consistent desire to undermine both of those aspects of a good health system. We see that effort at the federal level where the coalition, at the last election and in elections before that, attempted to undermine Medicare. At the state level we saw the Greiner Liberal coalition Government start an assault on the public hospital system in New South Wales with the process of privatisation. It is interesting to note that both Greiner and Hewson failed. The Fahey Government backed off from privatisation and at the last state election said that it would not privatise any more public hospitals in New South Wales. We now see the federal Liberal Party saying that it supports Medicare. The Opposition is still concerned about the quality of that commitment by the federal Liberal coalition, and we will see what happens at the next election.

At the state level the primary responsibility of this Parliament and of any State Government is to protect and improve our public hospital system, because the public hospitals act as the central feature of a health system that guarantees equity and access to the community. I will draw a very simple historical analogy to indicate what happens when Governments allow private operators to take over the health system. Firstly, in the 1960s the United States of America did not have a very good health system compared with ours, but it was certainly better than the system in the USA today.

Mr Kierath: Are they different systems?

Dr GALLOP: Of course they are. At that time community hospitals presided over by local boards provided a minimum, if not an equal standard of care to all US citizens, but in the 1970s and 1980s a very dramatic change occurred in the American hospital system. There was a massive expansion of hospital facilities, particularly at the top end of the market - the specialty end of the market - to the point where in the United States surgical specialists now outnumber general practitioners. In America 70 per cent of services are

provided by specialists, and 30 per cent by general practitioners; in Australia it is the reverse.

Secondly, we saw the non-profit hospitals becoming in the language of the time, not-for-profit hospitals. This simple linguistic shift meant that those hospitals introduced a commercial approach to their health care administration. The simple reason was that the hospital expansion of that era was debt funded, and the people providing the finances to those hospitals started to call the tune as to how those hospitals would operate. Not only that, but pressure from the for-profit sector made it inevitable that those not-for-profit hospitals had to use commercial practices to make a profit to operate from day to day.

The third thing that happened in America was the boom in the private sector of the health system. In America many multinational private hospitals run the health system. From 1975 to 1983 the number of proprietary hospitals increased by 103 per cent. That increase in private hospital care provided enormous competitive pressure on the not-for-profit sector and was part of the reason it had to adopt commercial practices. Many public hospitals were purchased, leased or managed by for-profit hospital chains. That is exactly the agenda this State Government has for the government hospital system in Western Australia. The Government could not sell the Bunbury hospital off, but it still wants to sell off the management of some of our major public hospitals.

What was the consequence of that commercialisation process in America, which is the road down which the Minister for Health wants to take Western Australia? The first was a huge escalation of health costs, and an increasing inequality of access to good health care. That was partly a result of the lack of a comprehensive insurance system in the United States, but also of the dynamics of privatisation. I will quote from a leading authority on the US health system to indicate how the dynamics of privatisation work. Let us forget about the theory in the textbooks and look at the actual dynamics. Dr Arnold Relman, is editor of the *New England Journal of Medicine*, one of the most prestigious medical journals in the United States.

He has retired from his editorship of that publication. He refers to the American health system as being dominated by the medical industrial complex. In his article he writes on how health care has become commercialised and people in the medical profession have become entrepreneurs. The article in *The Atlantic Monthly* of 1992 reads -

> Not-for-profit, nonpublic hospitals ("voluntary hospitals"), which constitute more than three quarters of the nonpublic acute-care general hospitals in the country, originally were philanthropic social institutions, with the primary mission of serving the health-care needs of their communities. Now, forced to compete with investor-owned hospitals and a rapidly growing number of for-profit ambulatory facilities, and struggling to maintain their economic viability in the face of sharp reductions in third-party payments, they increasingly see themselves as beleaguered businesses, and they act accordingly. Altruistic concerns are being distorted in many voluntary hospitals by a concern for the bottom line. Management decisions are now often based more on considerations of profit than on the health needs of the community. Many voluntary hospitals seek to avoid or to limit services to the poor. They actively promote their profitable services to insured patients, they advertise themselves, they establish health-related businesses, and they make deals with physicians to generate more revenue. Avoiding uninsured patients simply adds to the problems of our underserved indigent population and widens the gap in medical care between rich and poor. Promoting elective care for insured patients leads to overuse of medical services and runs up the national health-care bill.

That is the way this Government wants to take us, by putting into our public health system the concept of privatisation. There is a world of difference between a health system with a strong public sector at the core and private sector operators offering a choice for our citizens. That is what we have in Australia. It maintains a choice but it offers a strong public scheme. There is a world of difference between that and what the

Government wants; that is, to bring the private sector into the core of the public sector. What is the case for private hospitals? What do they like? What is good for them? It is short term illnesses and short stays in hospital; elective surgical procedures for otherwise healthy young people; and lots of diagnostic studies, because that is easy money. That is called skimming off the system. They do not like patients who need labour-intensive care, burns patients, chronically ill patients, elderly patients or psychiatric patients because they cost money.

Recently the managing director of a leading health care company in a report to his shareholders said that it is in the interests of the shareholders for people to have short term stays in hospital. That is the logic that they must follow as private operators. They do not like those aspects of the system, and they do not work well in the areas of health promotion and health prevention. That is the logic of the system that this Government wants to introduce in Western Australia. This takes me to Sir Charles Gairdner Hospital, a premier public facility and asset. It is an asset which has provided research and teaching, general hospital services, and some of the best specialist care anywhere in the world. This Government wants to privatise the operations of that hospital. It has been revealed to the Opposition that the Government wants to put out to tender the management of that hospital. That is alongside our knowledge that the Government wants to privatise the Joondalup, Peel or Mandurah hospitals - the new hospitals intended to be put in place. It comes on top of the Government's effort to privatise the Bunbury Regional Hospital.

The Opposition has a clear view on the subject: There is a clear difference between us and the Government. We say no to privatisation; the Government says yes. We will be asking a lot of questions about the approach to be taken with Sir Charles Gairdner Hospital. I will quickly run through the five questions: What does it mean to say that this hospital will tender to the private sector? Does the Government simply intend to contract the managerial services or is it a contract over the whole running of the hospital which will then contract back to the Government particular medical services? These are important distinctions. If it is just the former, why bother to do it? If it is just the former, why bother to give the profits to private companies when we could have public sector management in place? If it is the latter, obviously our concerns go deeper, but whichever it is we have great concerns.

On what basis will the Government proceed with this tender process? Health Care Australia - that is Mayne Nickless - and Ramsays have already had access to an enormous amount of information. Will they be precluded on the basis of the inside information that they already have? How will the contract be monitored to ensure compliance? We want the answers to these questions asked on behalf of the public of Western Australia. We also want to know how the tradition of research and teaching at Sir Charles Gairdner Hospital will be protected under the arrangements the Government hopes to enter into. On radio today the Commissioner of Health said that the Government was just testing the market. Why did not the Minister for Health front up? The Government has an increasing tendency to send out CEOs to debate political issues. The commissioner said that the Government was just testing the market. That was done with the Hospital Laundry and Linen Service and it wasted enormous amounts of taxpayers' money.

We know our position. We say no. This process being followed by the Government is bad in its conception. If it happens, it will lead to the undermining of our public hospital system. The Opposition makes it clear: We are opposed to the privatisation of our health system. We make it crystal clear to the public that in Peel, Wanneroo and Bunbury and at Sir Charles Gairdner Hospital we will be saying no. We know that the people of Western Australia agree that that is the only campaign to protect what has been a wonderful public hospital system.

I refer to a headline in *The West Australian* in January this year - "WA tops health studies". It states that studies of health outcomes puts us at the top. That is because we have a traditional Public Service; because we have had a tradition of public health, and because we have a strong public health system. It is because we have cared for that

public health system, and we have research and training to ensure that we cater for the twenty-first century as well as the twentieth century. That is why Western Australia tops health studies. It is that sort of statistic that this Government wants to reverse, but the Opposition will say no to privatisation. In saying no to privatisation we will also be asking the Government to justify the course it has set itself in relation to Sir Charles Gairdner Hospital. The Government must release the report on the basis of which this conclusion has been reached. I have had a freedom of information request in for that report for more than three weeks and I still do not have it. The Government should release that report so that the public can see it. Secondly, the Government must tell us about the tender specifications so that we can subject them to scrutiny. It must tell us whether those who have had an inside running will be tendering for the process. It must also tell us what the monitoring mechanisms will be. Most importantly, the staff of Sir Charles Gairdner Hospital must be allowed to participate in that debate. The staff are very concerned that this process is being railroaded by the Government. The staff at the hospital will not have the chance to participate in a debate which could see the first step being taken in a process which will destroy this great Western Australian public institution.

Since I raised this issue last night people have been ringing me. These are senior medical people at Sir Charles Gairdner Hospital. They are saying that they want me to go into Parliament and ask this Government to hold up the process so that they can participate. That is exactly what the Opposition will do regarding one of our premier assets. There is a clear division between the Government and the Opposition: We say yes to Medicare, it says no. We say yes to public hospitals, it says no. On our side is evidence of experience of health care systems all over the world. On the Government's side is pure ideology.

MR KIERATH (Riverton - Minister for Health) [2.50 pm]: I have heard the member for Victoria Park bring out this sort of trollop before. I consider his matter of public interest to be in three parts: In the first part he asks the House to call for the maintenance of the State's public hospital system as the key to access equity and quality in health care. I agree with that part of the motion.

Dr Gallop: You always say that. Back it up with policy.

Mr KIERATH: This Government supports a state public hospital system. The MPI then expresses serious concern that Sir Charles Gairdner Hospital, one of the State's premier hospitals, is to be placed in the hands of a private operator. Is the member for Victoria Park telling me that if a private operator offered better management he would seriously consider rejecting it?

Dr Gallop: It is not our policy.

Mr KIERATH: Is he seriously saying that?

Dr Gallop: We know the system.

The SPEAKER: Order! When the Deputy Leader of the Opposition made his speech there was a very brief interjection by the Minister at the beginning when I called him to order and there were no further interjections, as I recall. I understand the pressures on someone who has spoken and who has much knowledge and interest in the subject; when other people view it from a different point there is great pressure to interject. However, I ask him not to.

Point of Order

Mr BROWN: I have raised this matter before and I ask you, Mr Speaker, for some ruling. It seems to me that the Minister was inviting the member for Victoria Park to respond. As you know, Mr Speaker, if a member is invited to respond and sits mute, frequently he is criticised severely for failing to respond. How do you intend to deal with so-called interjections, Mr Speaker, when the Minister invites a member on this side to respond?

The SPEAKER: The member for Morley raised a very good point of order and put it very skilfully. Nevertheless, the rules are that we should not interject, as he knows. In

our Australian system Speakers allow some interjections. However, whether an interjector should respond because a question has been put in his direction is generally indicated by the person asking the question pausing. Some people who ask the question pause and it is obvious they are looking for a response. The other types of questions are often of a hypothetical nature and the person posing the question does not really seek an answer. Although some judgment must be made to follow the point the member for Morley is making, which has validity, the truth of the matter is that at the moment we will be able to hear the debate more clearly if we do not have interjections which do not add to the debate.

Debate Resumed

Mr KIERATH: The only group in this House that is driven by ideology is the Labor Party. This Government wants the best health system it can get, whether it be publicly or privately managed. The Labor Party insists on publicly run, managed and owned health services, even if it wastes vital health dollars. That is an ideological line; it is not a commonsense or pragmatic line.

Mr Tubby: It is not even followed by their federal counterparts.

Mr KIERATH: I was saving that for last. Who is the greatest privatising Government in this country? Ironically, it is not a coalition Government. As the member for Roleystone said, the Federal Labor Government is the biggest privatiser in this country. This Government wants the best. We should consider why we must examine changes. At the last Council of Australian Governments, what we used to call the Premiers' Conference, the Federal Labor Government cut the grants to this State by $50m. That amount must impact on the system we run. At the same time the federal Labor Government will share in $12b of additional revenue this year. Rather than sharing that with the States, which is what it should do, it cut the grant to this State by $50m. The Health Department takes a quarter of the State's Budget; therefore, obviously it must suffer its share of that pain because of the stupid budgetary position the Federal Labor Government imposed.

Mrs Hallahan: Don't be pathetic.

Mr KIERATH: The member for Armadale does not have to deal with that, but I must deal with it every single day. Given those constraints, and in order to do exactly what we did last year, we need an extra $27m because of the ageing population and the growth in population. We are being squeezed at both ends. Health faces an increasing demand at one end and a reduced supply of money by the Federal Government at the other end. It would be easiest for me to wash my hands of this and spend the next two years at the beach. If members opposite gave me the power to control the supply of money I would fix it at a federal level. I cannot change that or the growth in demand. The only thing I can change as Minister are the processes in the way we spend that money. I have said this Government will consider more efficient ways of providing those health services given those constraints. We have not said that any system is right or wrong.

Dr Gallop: We have.

Mr KIERATH: The process is as follows: Firstly, as the member for Victoria Park knows, a report on Sir Charles Gairdner Hospital was conducted by Health Care of Australia. The member for Victoria Park knows that.

Dr Gallop: Why won't you give it to me?

Mr KIERATH: I will; I am the Minister, not the member for Victoria Park, and when I am finished with it he will get the report. The report recommends eight different options. It ranges from a full public option to a full private option and offers various stages in between. If the Opposition were genuine, surely it would want us to examine those options carefully to see whether they offer advantages to not only the Government of Western Australia but also, more importantly, the people consuming health services. Even members of the Labor Party know there are waiting lists at Sir Charles Gairdner Hospital. A waiting list is an indication that insufficient money is available to enable people to have vital operations. The Opposition would have us leave those people on the waiting lists. We say, no to that; if we can find savings we will reduce the waiting lists.

The key to ascertaining the Labor Party's attitude on this matter is to ask it whether it wants to reduce waiting lists or leave people on waiting lists. We on this side of the House want to reduce waiting lists. If it means considering private sector management or involvement, so be it. Our goal is to achieve a better health system and health service rather than maintain an inferior service run by someone who has a stupid ideological stance. If the public system provides the best system we can get, we will run with that. If the private system can provide something better we will run with that.

The report given to me has eight options. I took several months to carefully consider my position as Minister and to read and digest the report. Having done that I discussed the report with the hospital board in the first instance. I thought any responsible Minister would consult with the body charged with managing that facility. Would members have me not consult with the board? I am going there tonight to talk about the full eight options. Members opposite are worried that if the board and the Minister are of the same mind and agree on one out of the three or four options with which I would be comfortable, we might do something about it. I give the House the assurance that I will talk to the board. If the board and I can agree on one of those options, I will take a minute to Cabinet for it to endorse that. I will then talk to the staff involved. That is the proper process.

Do these sorts of antics by members opposite enhance that process? No. The Western Australian branch of the Labor Party peddles fear and trauma among people. It tries to frighten people and does anything it can to make life miserable for them. If members opposite have a better way of going through the consultation process, I invite them to make that suggestion. If there is a better suggestion, I will adopt it. I am going down this path because all the people I can find in the Health Department and elsewhere say that it is the best process to go through; the most consultative and the one which lets the parties have a say. If the Opposition has better ideas, by all means it should put them forward, but it should not come in here carping and trying to score cheap political points. The member for Victoria Park's logic is so distorted that he tries to equate this process with the path followed by the United States of America; however, we are not going down that path. He knows it is a totally different system. If he does not know that - if he does not understand those basics - heaven help us if he ever becomes the Minister for Health.

Mr Tubby: If he is here long enough, he will be Premier.

Mr KIERATH: Yes. They are falling off the perch in front of him. He is getting there by attrition. The Leader of the Opposition will fall over before the next election, or soon after, so he might get there by attrition. To even have the audacity to try to relate something that is happening within our system to the United States shows a gross misunderstanding of a complex subject.

The member for Roleystone alluded to this: Only one hospital in this State has ever been sold - Hollywood Private Hospital. Do members know which Government sold it? It did not keep all the employees on the public payroll and have just private management, which it could have done: It sold the whole lot - lock, stock and bedpan. It sold every skerrick of it. How backward are members of the State Opposition! They come in here saying no to privatisation, but their federal colleagues privatised the only hospital they operated in this State. To be fair, they privatised 100 per cent of their hospital system in this State - not part of it.

Mr Tubby: Did they protest?

Mr KIERATH: No, there was not a squeak. The problem I have is that I said we would not sell any of our hospitals, but the best example we have is of a hospital being sold. Operations and health services at Hollywood hospital previously cost the Government $11m; the same health services now cost $8m. The Government has saved $3m by a privatised hospital.

Mrs Hallahan: My aunt couldn't get in there.

Mr KIERATH: That is strange because my father-in-law had no problem getting in yesterday.

Mrs Hallahan: She always went to that hospital but her doctor could not negotiate it.

Mr KIERATH: My mother received a war widow's pension, so as a child I had access to services at Hollywood hospital. I have been to Hollywood for virtually all my operations and I can tell members that the facilities at that hospital now are far superior than they have ever been: There are more facilities and a better quality of facilities. That has happened since the hospital was privatised, but the best is yet to come. Except in the area of urology, the average waiting time is now six weeks compared with over 12 months when it was publicly run. The problem the Labor Party has is its ideological stance that says the 12 month model is the best option, no matter what. The Government is trying to achieve better facilities and shorter waiting lists. If the involvement of the private sector can provide that, we will welcome it with open arms. If the Opposition says no to privatisation, as the member for Victoria Park said, it is saying no to improving health services and yes to increased waiting lists. The Government does not support those. Our task is to get the best health service we can.

The member for Victoria Park said also that staff would have no input. That is not true. It is early days in the process. I will discuss the report with the board tonight. It is possible that nothing could happen from there; it is possible that some agreement could be reached and we could have one of those eight options with private sector involvement.

Mr Taylor: Answer the five questions you were asked.

Mr KIERATH: The member for Kalgoorlie tells me to answer when I am asked; however, in many cases decisions have not been made yet. How can I give outcomes when the decision has not been made? There are eight different options ranging from complete public ownership to complete private ownership. The Government has not discussed them with the board. I cannot give assurances yet because I do not know what the outcome of those will be. There are three or four options that I support. I hope that from tonight, if the board and I can agree, I can take submissions through the proper processes and get approval to go down a particular path.

Let us get it straight: We come back to a point, to which the member for Roleystone also referred, about who has been indulging in privatisation around the country. I said that the biggest privatising Government in the country has been the Federal Labor Government. Has it privatised the Commonwealth Bank or Australian Airlines? What about Telecom? As a customer I get far better service out of a privatised Telecom than I ever got from the publicly owned and operated Telecom. When it was publicly owned and operated its staff used to tell me to get lost: Now they say, "Yes, sir; no, sir; how can we help, sir?" What does the member for Thornlie think about the privatisation operations of her federal Labor colleagues? Does she support or condemn them?

Mrs Henderson: You tried to give examples that were not even privatised.

Mr KIERATH: They are privatised. The Federal Government is also trying to sell the Australian National Line - the federal version of Stateships. A week long strike was held throughout the country because it was trying to flog the national shipping line. It owns also Qantas, but it is privatising it. When I was Minister for Services the British Airways Corporation came to see me; it has a major share in Qantas. It thought privatisation was fantastic and that it created tremendous new marketing opportunities for the two.

Mr Lewis: What an incredible ramp it is doing with Qantas shares.

Mr KIERATH: Exactly. Now it is in there it is funny how its spots have changed. The member is right; it is trying to increase the price.

To show members how ideologically stupid the Labor Party is I refer to a document put out by Serco Australia Pty Limited on some of its operations. It says that its major customers include the Department of Defence. Tasks it undertakes include the operation and maintenance of the defence satellite communications station in Western Australia. I did not think that a defence satellite system was an item of privatisation; however, the federal Labor Party does. It has privatised that. It gets even better. The company goes on to brag about what it does. If members opposite reckon private management of a hospital is privatisation, they should wait until they hear this: At the Australian Army's

Puckapunyal camp in Victoria, as well as operating the range - that is the rifle range, for the benefit of the member for Victoria Park in case he never did any armed service - it maintains all the infrastructure.

Mr Prince: It is also a tank firing range.

Mr KIERATH: Yes. It also says that it provides catering, cleaning services, sporting facilities and - it gets better - medical services, including the hospital, together with a range of other administrative support.

Dr Gallop: It is a one off and that is the difference that you do not understand.

Mr KIERATH: I cannot believe the hypocrisy and the stupidity of members of this state Labor Party or the silly ideological position they adopt. They are shown up to be an absolute sham. Their federal colleagues have been in it up to their armpits. In fact, they make this Government look a little wimpish in this area of privatisation. They make it look like an amateur just starting down the path! If members opposite had any shred of decency they would come into this place and say they support testing the marketplace.

Dr Gallop: We have a position. We do not need to do that. It has been tested throughout the twentieth century.

Mr KIERATH: If three of the four options are accepted, proposals would be requested from within the marketplace. If the Government went down that path it would find out whether there is a better offer. I can assure the Deputy Leader of the Opposition that if the Government cannot find a better offer it will not change the existing situation. Equally, if the Government goes down that path and finds that there is something better on offer, it will pursue that course. This Government needs all the scarce resources it can possibly get to improve the health system. This Labor Party is so far out of touch it belongs in the last century. An opposition member in the other place during the debate on the workplace agreements legislation said that the events in 1765 were the forerunner of that legislation. That is how far back in the past members opposite dwell.

However, the Opposition's federal colleagues have realised that when they have been in power for a number of years they must manage taxpayers' funds responsibly. When the Opposition was in power it did not do that. Its federal colleagues are obviously smarter than they were. They are trying to manage their money better than this state Labor Party did. That is the reason they have indulged in privatisation. They know that when corporations like Qantas and Telecom were part of the public sector their capital was starved. They had difficulty raising capital and a range of provisions were put in place to give them more access to funds.

If members opposite had any shred of decency they would support any changes, even if they were in variance with its political and ideological differences, to benefit the people they have been elected to represent. The best way they can do that is to make sure that this State has the best health service available.

Mr Tubby: To be credible they must support what we are doing and criticise what the Federal Government is doing.

Mr KIERATH: That is right. If the ideological stance of members opposite were consistent they would be bagging the Federal Government for every privatisation it has undertaken. The Government has been stunned by their silence.

Dr Gallop: Horses for courses.

Mr KIERATH: I did not hear one criticism from the member for Victoria Park when Hollywood hospital was privatised.

I refer now to Medicare and the issue of financial arrangements.

Dr Gallop: You want to undermine Medicare.

Mr KIERATH: The Government does not want to do that. I actually caught out the federal Minister.

Dr Gallop: You did not.

Mr KIERATH: I did. At the Health Ministers' Conference I pointed out something to her that she and her advisers did not understand. It is frightening to find that they do not understand what they are doing to the health system. An agreement was made that if a major change were implemented with respect to private health insurance the States would be compensated because the policies are controlled by the Federal Government. This State's public health system lost $10m as of September last year. The federal Health Minister offered Western Australia its share of $23m - which was $2.3m to compensate for that $10m. It is a joke! If she had a commitment to a proper health system she would give this State the entire amount that it lost from the private sector so it could maintain its health system.

The situation gets worse for the people of Western Australia, but better for the Australian Labor Party. Under the medical benefits and pharmaceutical benefits schedules, if a person has a provider number, all of the money is picked up by the Federal Government. It is not capped. However, the public sector, under the Medicare agreement which controls what we partly do in state hospitals, is capped. I asked the federal Minister for Health where she stands. The public system has been constrained, capped, regulated and restricted, but the private system is uncontrolled. I asked her to explain the reason for it. As Minister for Health I will do everything I can for the people in this State who want a better health system. I told the federal Minister that if she was not prepared to change the rules I would move people from the public system into the private sector, which is not capped. She responded by verbally attacking me. I do not know where she stands. I thought she was at one time a Premier and a member of Parliament of this State. She left this Parliament to represent the people of Fremantle in the federal Parliament. However, she is selling her soul to the people of Victoria and New South Wales and is not looking after the interests of Western Australians. The worst aspect is her lack of commitment to a public health system. If she were committed to it, she would ensure that additional moneys were available to it.

I can understand it if members opposite have an ideological problem, but under the current rules imposed by the federal Labor Government they must realise that if there are more people under the public health system, with a constraint on the amount of money available, it will mean a reduction in service. The best thing members opposite can do is to get people out of the public health system and into the private system. If that can be done, better services can be provided to Western Australians.

I understand the ideological opposition of members opposite but I hope that inside themselves they will stop and think -

Mrs Hallahan: Inside themselves?

Mr KIERATH: I know the member for Armadale will not admit it publicly and that her ideological position will stop her from doing that. If she will not do it publicly, I ask her to do it internally; that is, to consider what is the best thing she can do for the public health system. She will realise it is to get more people paying their own way so that the resources will go further. Some people in this State do not have access to anything but the public health system. Members opposite know from their time in government that there are always competing and increased demands on the health system.

If the state Labor Party were only half serious it would come into this place and support any moves the Government makes to make available more resources to the public health system so long as all the proper processes have been followed. It would have been a real test of its credibility. However, members opposite did not do that. They came in here simply to try to score cheap political points. The Government has come to expect that from them. The Government knows that they cannot elevate themselves from silly political games into a statesman like position. One day - the Government lives in hope - they will put the people first rather than their own political party.

MR TAYLOR (Kalgoorlie) [3.20 pm]: The Minister summed up his position towards the end of his speech when he said that the best thing to do is to get more people paying their own way. I remind the Minister that the health system in Western Australia and Australia is paid for by the people of Western Australia and Australia. They are paying

their own way day after day through the taxes and charges imposed on them by the State and Federal Governments. The people paying their way in this health system expect a return, and that has been a very fine return in the past. It is an outstanding system of health care, and this Minister is adopting the attitude that it is his hospital and he will do what he wants with it. He implies that he owns the hospital and that the people of Western Australia have no ownership or say in this whole issue. He indicates he will do what he damn well wants. This matter has not been judged by the people of Western Australia; they have not had an opportunity to make a decision on the Minister's management of health care. They were not told before the last election that this Government intended to flog one of their hospitals. It was not a matter under consideration in the last election campaign.

Mrs Henderson: It is a secret agenda.

Mr TAYLOR: The member for Thornlie is right in describing it as a secret agenda. On the subject of secret agendas, I ask the Minister whether he has met the board members.

Mr Kierath: Were you not listening to me? I have met them once and will meet them again tonight.

Mr TAYLOR: I am glad to hear that because the feedback to me is that people who had not met the Minister before could not believe what they saw and heard from him. They could not believe his arrogant, standover approach to their position as board members. They also could not believe the Minister would make such proposals on the basis of "like it or lump it".

Mr Kierath: I have not put any proposals.

Mr Minson: He is making it up.

Mr TAYLOR: I am not making up anything. These are members of the board whom the Minister says he will meet tonight. They could not believe the attitude of and approach by this Minister: Board members will do as they are told, or else. The Minister has not been prepared to outline to the Parliament the eight options he will put to the board tonight -

Mr Kierath: They have not seen them.

Mr TAYLOR: The Minister intends to go to that board meeting tonight, put eight options about the future of the hospital for which those board members are responsible, and they know nothing of the proposals to be put to them.

Mr Kierath: That is right.

Mr TAYLOR: Does the Minister call that good management?

Mr Kierath: I will talk to them tonight about the eight options.

Mr TAYLOR: Does the Minister regard it as good management to meet the people who have direct responsibility for overseeing the operation of that hospital, when he does not have the gumption, good manners or good management sense to give the board prior notice of what he intends to talk about?

Mrs Parker: How much notice do you want?

Mr TAYLOR: A couple of years would be good. Healthcare Australia has put together a series of proposals, and some of them were a bit tough even for the previous Minister. Arthur Andersen has also put forward some options. In the back room the usual boys are deciding what will happen and how the Minister will act. Those same people who were behind the sacking of Solomon, White and Brennan, are telling the Minister what to do with regard to health care. Those people are in the background giving this supposedly tough Minister his dancing instructions in relation to health care.

Mr Kierath: No-one has ever accused me of that before.

Mr TAYLOR: It is quite clear that that is exactly what is going on. I am told that one of the options is to sell the lot - lock, stock and barrel - and put in a new board. Another option is to appoint a new chief executive officer, not from within the existing system but

from the private sector. The intention is to use a hired gun as CEO to do the Minister's dirty work. Another option is to appoint a new private corporation to run the hospital with its own CEO and top management team. Another proposition is to merge Royal Perth Hospital and Sir Charles Gairdner Hospital, with Ray Turner taking over as supremo of both. They are just a few of the options among the range proposed that will be put to the board tonight. The chairman of the board, Ray Turner, who is respected by members on both sides of the House, stated in the last annual report of Sir Charles Gairdner Hospital -

> The loyalty, dedication and professionalism of our staff are the key factors that enable this Hospital to provide high standards of care to those who need our services. Their efforts on behalf of our patients are to be commended.

What do those staff get in return for their loyalty, dedication and professionalism? A kick in the face. The board of management will not be consulted. How can it be said that the board will be consulted when the Minister has not told it what he wants to talk about? The board will be told what action will be taken. That will be the outcome. If the board members do not like it, the Minister will show them the door.

The Minister for Health has said that the Labor Party is in the business of making life unhappy and miserable for people. The actions of the Minister for Health and his colleagues are now making life unhappy and miserable for people in the health, education, water supply and transport areas, among others. I could go on. I do not know how many of his colleagues on the back bench, who do not make speeches, have people coming to their electorate offices and crying because they do not know what will happen to them and their families. Many of those people have been working for the same organisations for 20 or 30 years, and they have given their hearts and souls to those organisations. They now find they do not have a future. I do not know whether members opposite have experienced that, but if they have not, it is probably a reflection on the way they do their job as a member of Parliament, and a reflection of the fact that they do not want to become involved in these proceedings. I ask the member for Bunbury whether he will be happy to see the hospital in Bunbury privatised. I ask the member for Helena whether she will be happy if Sir Charles Gairdner and Royal Perth Hospital are privately run.

Mrs Parker interjected.

Mr TAYLOR: The people in the electorate of Helena also access Sir Charles Gairdner Hospital. I will tell members why that is so. That hospital has the following roles: Emergency centre; general hospital to the community; and specialist and super specialist referral centre for Western Australia in a range of specialities such as elective neurosurgery, tuberculosis and Hansen's disease, exotic infections, MRI, radiosurgery and other complex radiotherapy. I can go on with the range of super specialist facilities that are provided at Sir Charles Gairdner Hospital. The constituents of the member for Helena will have a worry as to whether that hospital will become a privately-run hospital. Is the member for Roleystone happy that the hospital will be privately run?

Mr Tubby: Providing the services are better than they are now, yes.

Mr TAYLOR: So, the member is not happy with the service he gets from that hospital. He has complaints.

Mr Tubby: As long as the service to my constituents is improved and the waiting lists are cut I will be very happy.

Mr TAYLOR: Does the member have complaints from his constituents about the quality and standard of services at that hospital?

Mr Tubby: The waiting lists are far too long.

Mr TAYLOR: None of the Government members wants to answer these questions. The member for Dianella has a special interest in this area. Will he be happy with Sir Charles Gairdner and Royal Perth Hospital being turned over to private enterprise?

Dr Hames: When I was working at Royal Perth there were some areas that were very

good and some that were not. The total bureaucratic structure of the hospital could have been improved if they were privately operated.

Mr TAYLOR: Now answer my question.

Dr Hames: I do not want to see it privately operated provided it offers the best service and decreases -

Mr TAYLOR: There is no guarantee whatsoever of any of that. Is the member or is he not happy with that hospital's being turned over to private enterprise?

Dr Hames interjected.

Mr TAYLOR: The member will not give us a yes or a no, because he knows that if we have a situation where Sir Charles Gairdner is turned over to private enterprise he will pay the price at the next election. The consequence for health care in Western Australia of the Minister's action will be to reduce significantly the quality of health care in this State. Right at this minute in my electorate of Kalgoorlie the nurses are meeting to discuss the pathetic offer that the Minister has put to them. That offer is typical of the way that the Minister has run the health system in Western Australia. He is a disgrace and the way he has run this system is a disgrace.

The ACTING SPEAKER (Mr Ainsworth): Order! The member's time has expired.

Question put and a division taken with the following result -

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Ayes (18)

Mr Brown	Mr Grill	Mr Ripper
Mr Catania	Mrs Hallahan	Mrs Roberts
Mr Cunningham	Mrs Henderson	Mr D.L. Smith
Dr Edwards	Mr Kobelke	Mr Taylor
Dr Gallop	Mr Marlborough	Ms Warnock
Mr Graham	Mr McGinty	Mr Leahy *(Teller)*

Noes (25)

Mr C.J. Barnett	Mr Lewis	Mr W. Smith
Mr Blaikie	Mr McNee	Mr Strickland
Mr Board	Mr Minson	Mr Trenorden
Mr Court	Mr Nicholls	Dr Turnbull
Mr Cowan	Mr Omodei	Mrs van de Klashorst
Mr Day	Mr Osborne	Mr Wiese
Mrs Edwardes	Mrs Parker	Mr Tubby *(Teller)*
Dr Hames	Mr Prince	
Mr Kierath	Mr Shave	

Pairs

Mr Thomas	Mr Bloffwitch
Mr M. Barnett	Mr Marshall
Mr Bridge	Mr Johnson
Dr Watson	Mr House
Mr Riebeling	Mr Bradshaw

Question thus negatived.

CARAVAN PARKS AND CAMPING GROUNDS BILL

Second Reading

Resumed from 21 June.

MR STRICKLAND (Scarborough) [3.38 pm]: I rise to support this Bill and make just a few brief comments. I appreciate the fact that I have this opportunity to speak because I have come to an arrangement with the member for Nollamara. One of differences between the Bill in the House now and the Bill in the House at the end of last year is that previously there were some provisions to cater for overflow situations when caravan

parks are full. In particular, I want to say a few words about the overflow situation that occurs at Broome. Members of this House would be well aware that Broome is one of those magnificent places with much tourist potential. In our winter months the population expands from about 8 000 to 10 000 to as high as 20 000 because of the large number of people who go to Broome for holidays and, of course, many of those people go there in caravans. Because of that, the caravan parks fill and there is a considerable overflow.

I have a son-in-law with the Police Force. In fact, he now heads the police and citizens' youth club in Broome. This unusual happening is very important to the PCYC because when the caravans cannot get into the normal caravan parks they are all directed down to the PCYC. In fact, it has the facilities to handle the overflow. It has a large oval, and toilets and showers. It makes for a ready arrangement which provides some flexibility when it is needed. To make money from caravan parks, the owners must operate them all year and have some customers all year round. Broome is one of those places where the tropical weather is not conducive to people travelling there at some times of the year. The importance of the PCYC is that its staff collect the money from the caravan owners for their stay in this temporary facility and that money substantially funds this organisation. The PCYC at Broome is probably one of the best complexes in the State. I know for a fact that a lot of fine work is done for the young people and families in Broome and in the outlying areas by the PCYC and its programs. It is extremely important to the PCYC that this arrangement is allowed to continue.

I was concerned that the previous provisions were not repeated in this adjusted Bill. However, in discussions with the people involved in the drafting of the Bill, it has been indicated to me that this flexible situation will be allowed to continue through the regulations, and it is considered that the flexibility to cater for the overflow is best provided for by adjusting the regulations. I ask the Minister to give an assurance that he will ensure that the regulations will allow places like the PCYC in Broome to continue to have this opportunity. I ask for that assurance because the legislation generally tightens up the caravan park situation and requires them to be licensed. The PCYC at Broome will not be a licensed caravan park; it will be classified as a temporary situation.

This Bill has been many years in coming. From what I understand, the industry is pretty happy with it. An aspect of caravan parks involves people who are travelling in the outback. Some are new to this State and are not always in a position to get into a licensed caravan park because of the time for travelling and a whole range of things. Previously under the health regulations it has not been possible for people to pull over somewhere, park the caravan and spend the night on the road, as it were. My understanding is that those health regulations have been adjusted. Some rules are still in place which do not make it legal for people to park their caravan on Crown land, for instance, or in a park.

We should be looking for a little more flexibility in this respect simply as a convenience measure or a commonsense measure to address these situations. It is not a bad thing for people who travel around Australia - they tend to stay here and there and sometimes the money gets a little short - to have a night when they pull over in an appropriate safe place and rough it. They will not be able to have a shower unless they have a dip in an estuary or a pool. In that way they will reduce the expenses of their trip around Australia. As the money starts to run out, these people can get into difficulties and they might have to consider doing that sort of thing. I do not believe this legislation provides that flexibility, but it would be a good thing if it did. After all, we are trying to encourage tourism which brings enjoyment to those who are touring and dollars and cents to the small businesses around Western Australia and in the outback areas. All travellers should not be conscripted into spending every night in a caravan park. Caravans are self-contained. I have been approached by a couple of people who work with Telecom Australia who are used to travelling in the outback. One fellow was an experienced caravanner. These are responsible people. They believe it is not fair that every night they must pay $17 or $20, or whatever it is, to stay in a caravan park. At the moment the standard of the facilities at some of these outlying caravan parks is not worth $20. The Minister will be addressing

the quality of the caravan parks because to obtain a licence, the caravan parks are subject to inspection and certain minimum standards - and that is a good thing. We should still have some flexibility on these matters because of the many aspects I have mentioned and because, in my view, it is not a bad thing. This much awaited Bill will be welcomed by caravanners and the industry alike.

MRS PARKER (Helena - Parliamentary Secretary) [3.49 pm]: I have not made comparisons with other electorates, but my electorate has a significant number of caravan parks. Within Helena is the Perth Tourist Caravan Park, the Springvale Relocatable Village in Maidavale, the Forrestfield Caravan Park in Hawtin Road, the Banksia Tourist Village in Hazelmere and the Guildford Caravan Park in West Swan Road. In all those caravan parks are some 612 bays. Of those, approximately 350 are used for permanent residents. For those people who live in caravan parks as their permanent place of residence, this Bill will go a long way to providing a more secure position in their place of dwelling.

In his second reading speech, the Minister referred to the fact that this Bill has been 16 years coming. The coalition gave an election commitment, before being elected, to tighten up this Bill. It has broad endorsement throughout the industry. When the Bill was introduced a number of people approached me - even those who were not aware of its introduction - and spoke to me about the ability for them to make their position in the caravan park more appropriate for permanent dwelling. This Bill accommodates a trend that has occurred over the past 15 to 20 years. Sophistication of caravans and their facilities and the improvements in amenities at parks have encouraged people to live within the metropolitan area in a caravan, a park home or whatever. One of the problems for permanent caravan park dwellers is that there has been very limited opportunity for them to make themselves comfortable for that purpose. One of the most consistent concerns I have heard from residents is their inability to erect a structure to protect their vehicles. One caravan park dweller had his quite expensive four wheel drive vehicle damaged by hailstones in a storm when it was parked next to his caravan. He lives there permanently and his request was to be able to erect a carport. The member for Scarborough mentioned that much of the flexibility of this Bill will be provided for within its structure and by way of regulation.

The Bill seeks to set in place a caravan parks and camping grounds advisory committee. That committee will have broad representation across industry and will provide advice to a wide range of people - the Minister; the department; public sector bodies; local governments, which are intricately involved in caravan park management; government; members of the public - among which we anticipate will be the user groups; and other persons as the Minister directs. I am pleased to see that this committee has very broad representation of the Western Australian Municipal Association, the caravan industry, consumers, the public sector and other appropriate or interested bodies as the Minister considers necessary. This committee, together with the Minister, will provide the detail required under clause 28 to determine the set of regulations. Clause 28(2)(b) provides for standards of design, construction, installation and maintenance of caravans and annexes. This long awaited Bill will provide security and certainty for people in my electorate who choose this lifestyle, knowing they can construct shelters to protect their property. Once this Act is proclaimed, the committee will be appointed and will proceed with its task.

Bearing in mind partners and families who live permanently in these dwellings, this legislation will affect between 700 and 1 000 people. They look forward to the development of that committee and the writing of those regulations. The only disappointment my electors will have with this Bill is that it has not yet been proclaimed and the regulations have not yet been detailed. They await this Bill keenly. One constituent came to me some weeks ago concerned that the approaching storm would cause hailstone damage to his vehicle. When one considers the sophistication of vehicles these days they can be quite expensive investments. Yet under the present provisions he is unable to make arrangements to protect it from the weather. I look forward to the appointment of the committee and to the Minister's tabling the first of these regulations in this House to complete the process this Bill puts in place.

I congratulate the Minister on bringing to pass something that has been awaited and talked about for approximately 16 years. It is pleasing to see it is here, almost through this House and ready to go to that advisory committee stage - the regulation stage - so that people can be comfortable in the flexible lifestyle of their choice.

MR TAYLOR (Kalgoorlie) [3.57 pm]: I have taken the opportunity of circulating this Bill and the Minister's explanatory speech to caravan park owners or operators in my electorate of Kalgoorlie-Boulder and have also taken the opportunity of sending the same information to the local council. The Minister might address the couple of matters I will raise, if not in his reply, in Committee. The first matter relates to that raised by the City of Kalgoorlie-Boulder which said in correspondence that in the interpretation section of the Bill the definition of a caravan does not adequately answer whether a caravan which has had its wheels removed and not the axle is a caravan or a park home.

Mr Omodei: I think you will find a park home must have its wheels left on. I will cover that in Committee.

Mr TAYLOR: The other issue is a bit sensitive in not only my electorate of Kalgoorlie but also a number of other electorates around the State. The city council believes that it may be of merit to establish whether Aboriginal communities camping on Crown land within the town boundaries of the municipality will be bound by this Bill. The council suggests that if this is the case it will need to be further established whether if the community is not an incorporated body, the Crown will become the licence holder of the camping ground. The Minister for Aboriginal Affairs might also be interested in this. It deals with a rather sensitive issue. In my electorate of Kalgoorlie people have all sorts of questions, such as if we build other facilities outside of town will people live in them. My own view is very simple; most people in and around Kalgoorlie want to live there, whether it be winter, summer or whatever. It suits them fine. Our responsibility is to make certain that during the more difficult climatic times, such as the middle of winter or summer, people have access to decent shelter and reasonable standards of hygiene. The council is raising where it stands on the wider issue of people camping within the town boundaries on Crown, and whether if the community is not an incorporated body - the vast majority are not incorporated bodies - the Crown will become the licence holder of the camping ground. It is perhaps a difficult question at this stage of the debate. Nevertheless, if the Minister could provide me with that answer it would be greatly appreciated.

Dealing with people who live permanently in caravans is long overdue. There is no doubt that many people find living in caravans in a caravan park or wherever a very satisfying and good lifestyle. We must make certain those people are given support by this type of legislation. The comment was made that the Bill will not apply to government departments or agencies but, as indicated previously, it will apply to all privately and council operated caravan parks and camping grounds. There is a need, which may be unusual in a legislative sense, to impose certain requirements on government agencies or departments which operate caravan parks or camping grounds, as I know the Department of Conservation and Land Management does. Those caravan parks and camping grounds must provide the same standards as are required of private operators. In most cases they are far superior. Agencies and departments, although not strictly covered by the legislation, must be given guidelines or requirements indicating that if they operate a camping ground or caravan site, it shall be operated at the same standards as are required of councils and private enterprises.

Mr Omodei: We are saying that a council caravan park will be treated the same as any other. A government agency will have standards set under government policies. At the moment most of them have better standards.

Mr TAYLOR: They have indeed. What is good for the goose is good for the gander. In that case it may be necessary to have some sort of prescription that deals with government agencies and departments.

I congratulate the Minister on bringing the Bill to the House. It is certainly overdue. I also have a great deal of respect for the work of John Wood, because during the lengthy

period he was involved in the caravan industry in Western Australia he set very high standards and made a great contribution to the industry. Much of the work and background to this legislation is a tribute to the work he put in over those years.

MR OMODEI (Warren - Minister for Local Government) [4.04 pm]: I thank members opposite for their cooperation and expressions of support for this Bill. As has been mentioned, it has been around the place for 16 years. I support the comments of the member for Kalgoorlie. John Wood and his organisation have been at the forefront in attempting to get Governments to recognise that the caravan parks legislation needed to be updated in this State. Some questions raised in the second reading debate need to be answered. I will attempt to respond to them, although perhaps not in the order in which they were asked.

The member for Peel, as the opposition spokesman on this matter, asked a number of questions. The first was in relation to the exemption of a caravan park from the application of the Act, standards or regulations. I am advised that under clause 3(2) the Governor on the Minister's recommendation may exempt a caravan park in any area of the State from any regulations or provisions. Clause 31 allows the Minister to exempt a caravan park from a regulation or by-law or for that regulation or by-law to apply in a modified or varied form. The objective of the new Act and of the regulations is to have uniform legislation throughout Western Australia. However, we must acknowledge that in some situations it is not appropriate. Clauses 3(2) and 31 will allow exemptions to be considered. As with other matters involving local government, one expects the relevant local government authorities to be consulted by the licence holders of caravan parks before any changes are made.

Under clause 18(1)(d), powers of entry, the member raised the question of stopping a vehicle entering a caravan park or detaining a vehicle and inspecting it. I am advised that it would be highly improbable that that would occur. The provision has been included to enable an authorised person, who must be approved by the Minister, to deal with a range of situations where somebody is creating a disturbance or driving in and out of a caravan park in a dangerous manner. I know it happens in Pemberton where young fellows like to drive through the caravan park from time to time and create a disturbance.

Clause 21(1) requires a local government to inspect both private and its own caravan parks at least once a year. Local government authorities will receive considerable licence fees from caravan parks and camping grounds to cover the cost of the issuing of a licence. They have an obligation to inspect each of the licensed parks. One of the complaints received from proprietors was that they were being treated differently from local government-owned parks. The Bill will apply to local government just as it does to others. Some of the local government caravan parks leave a little to be desired in standards. The yearly inspection will apply to not only private sites but also local government caravan parks.

On the question of the Residential Tenancies Act, schedule 2, item 6, on the last page of the Bill reads -

> This Act applies to a site at a caravan park . . . as if the site was residential premises for the purposes of this Act.

It is understood that the Residential Tenancies Act and regulations apply to a situation where occupancy is residential, but not for holiday purposes. It is further understood that it would not matter whether what was being used for sleeping purposes was a car, a traditional caravan or a tent.

A question was asked about the number of people living permanently in caravan parks in Western Australia. Those statistics are not available. However, figures published by the Australian Bureau of Statistics indicate that as at 30 December 1994 there were 4 073 caravan park sites in the metropolitan area, 1 875 of which were occupied permanently, and 29 625 sites for the whole of Western Australia, 4 957 of which were occupied permanently. The Bill does not refer to the matter of allowing people to stay permanently in caravan parks. Limitations on people living permanently in caravan

parks are generally contained in most of the local government by-laws. However, when regulaltions are made under the proposed Act we expect the existing by-laws to be repealed, and restrictions on the length of stay to be removed. However, a caravan park proprietor could impose restrictions on the length of stay by an occupant by occupancy agreement.

The member for Kalgoorlie asked whether the same standards that apply to privately owned caravan parks and camping grounds would apply to caravan parks and camping grounds in national parks. Clause 3(1) specifically states that the Bill does not apply to public sector owned caravan parks and camping grounds. Although they are not required to comply with the legislation, health standards will apply. Once this legislation has been passed, I will give consideration to the standards applying to public sector caravan parks and camping grounds, particularly standards relating to decent shelter and hygiene. Those sorts of things will be covered by the Health Act. We will put in place a government policy that requires government facilities be up to the same standards set for anybody else.

In an interjection, the member for Balcatta referred to strata titles. In schedule 2, the Bill, through the Strata Titles Act, prohibits land being subdivided into strata titles. The main reason for that is that local government and the caravan parks industry have encountered serious problems with individual lot owners believing they can do as they please and treating their sites as residential lots. It is a complex matter and it creates an undesirable situation for caravan park proprietors. A caravan park in a deteriorated state does not make for good living conditions. It was therefore not thought appropriate to have the Strata Titles Act apply to caravan parks. That is also in keeping with the moratorium introduced in 1990 by the then Minister for Planning which prohibited subdivisions. It has been imposed by successive Ministers and is still in place.

Mr Deputy Speaker, you asked about the regulations applying to temporary caravan parks and overflow areas. I give you an unequivocal commitment that that will be built into the regulations, so that your concerns will be placated. The member for Kalgoorlie raised a number of issues about wheels and axles. I understand the Bill allows for park homes. However, the wheels have to remain on them.

The Bill does not cater for Aboriginal camps within a council's boundaries or the question of decent shelters and hygiene. That matter will have to be dealt with under separate legislation or under the Health Act and through the provisions of the Local Government Act. The member for Helena referred to carports. They will be covered under the regulations. At the moment, the Shire of Swan is considering amendments to its caravan by-laws to permit carports.

The Bill, while comprehensive, also requires regulations to be introduced to make the Bill operational. This Bill has been requested by the industry for a number of years. It has taken a long time to get here and has a long way to go until the promulgation of the regulations to make the legislation effective. Caravan park and camping groups would like the legislation passed quickly. However, it will not be dealt with by the Legislative Council until the spring session, but it will be passed before the end of this year. It is a credit to Darryl Schorer from the Department of Local Government, who has been working on this Bill for a very long time. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Mr Strickland) in the Chair; Mr Omodei (Minister for Local Government) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Application for the grant or renewal of a licence -

Mr MARLBOROUGH: It is not appropriate that this legislation is being guillotined. As I indicated to the Minister yesterday, it has been a long time coming; that has been to the

detriment not only of the caravan park industry, but also the tourism industry. Although we have indicated our support in principle for the Bill, it is too important a Bill from the tourism point of view to be pushed through this Chamber in this way. In saying that, I am also aware that the industry would like to see the Bill enacted as soon as possible.

We have a number of concerns about the way councils will be able to police, assess, and penalise park owners and about the appropriate protection given to users of the caravan parks, particularly, as I indicated to the Minister yesterday, the ability of councils to search vehicles and to stop and apprehend people.

Clause 7 deals with application for the grant or renewal of a licence, and subclause (1) states that -

> An application for the grant or renewal of a licence for a facility is to be -
>
> (a) made to the local government in the appropriate prescribed form;
>
> (b) accompanied by the appropriate fee prescribed; and
>
> (c) accompanied by any information that the local government reasonably requires for a proper consideration of the application.

I do not see the need for paragraph (c). All of the information that is required by the local government in order to approve an application should be provided in the appropriate prescribed form. Why should the local government require any information in addition to that provided on that form, and what additional information could be required? One of the things that business complains about all the time is the red tape in having to fill out numerous forms when making applications. These new licensing procedures for local government should ensure that all of the information required is provided on the appropriate prescribed form.

Mr OMODEI: It will be very similar to the current situation. The information which the local government requires will depend upon the particular case, such as the type of licence and the locality. We are trying to get as much into the regulations as we can, but the form will try to catch everything, without being too extensive.

Mr MARLBOROUGH: I am not sure that tells me anything other than what I have just read. If I owned a caravan park in which I had invested a lot of money, either on my own or with a group of investors, any form that I had to fill in to satisfy the local government that I should continue to be the owner of that caravan park should contain all of the appropriate information that was required and there should be no need for that form to be accompanied by any other information.

Subclause (2) states -

> An applicant is to provide the local government with any further information that the local government by notice in writing requires the applicant to provide in respect of an application.

That appears to say exactly the same thing as subclause (1)(c), except that the information is to be asked for in writing. Why is subclause (2) necessary?

Mr Omodei: That subclause is no different from what applies in other subsidiary legislation. For example, the information required to be provided in an application for a licence to conduct an extractive industry would vary according to the nature of that extractive industry. I tend to agree with the member for Peel that subclauses (1)(c) and (2) are very similar.

Mr MARLBOROUGH: The Government may need to look at that matter. The note I put next to that subclause is "Why?" We seem to be getting the owners of caravan parks into an amazing paper war in just these two subclauses, because after an applicant has made an application to the local government in the appropriate prescribed form, and has provided any information that the local government reasonably requires, the local government may then ask him in writing for further information. Having done all of that, subclause (3) states that -

> An applicant must, if required to do so by the local government, verify by statutory declaration any information contained in, or given in connection with, an application.

That is very heavy-handed. Why would an applicant set out to deceive the local government when he was trying to set up a legitimate business?

Mr Omodei: There are some people who do not always act according to law. If we were dealing with the ownership or boundaries of a caravan park, for example, it would be important to verify the information, and that is why we require a statutory declaration.

Mr MARLBOROUGH: Even at the beginning of this Bill, we see a fairly heavy-handed approach being taken by the Government in dealing with small business people who are trying to set up or continue to operate a caravan park. I could see the need for a statutory declaration only if an applicant did not have to fill out all of these forms indicating who he was, the size of his caravan park, what power was on it, how many lots he had, how he was going to service them, and whether he had complied with the health provisions. I think it is reasonable that the forms require that all of that information be provided, but to then demand in some instances a statutory declaration is, I believe, unnecessary. We then get into the complicated area of who would provide the statutory declaration if it was, for example, a proprietary limited company.

Mr Omodei: The applicant would make the statutory declaration. A statutory declaration is not a complex issue.

Mr MARLBOROUGH: I am not saying it is a complex issue. I am saying that already massive paperwork is involved. Conservative Governments have historically stood up in Parliament and said that one of the things that happens with government, particularly when a Labor Government is in power, is that we bog down the system with excessive paperwork and tie people up in red tape when they are trying to deal with the bank to borrow money to set up a small business or when they are paying interest on money which they have borrowed so that they can continue to operate a business. In this case, that paperwork is duplicated not on one occasion but on a number of occasions, when it should all be on the original form.

Mr OMODEI: I agree with the member for Peel's point about the similarities between subclauses (1)(c) and (2). There must be a reason that the draftsman put in those provisions that is not obvious at the moment. With regard to subclause (3), it is important that in the case of boundaries, for example, we get the right information. Local governments do not give approval lightly for caravan parks and camping grounds because those areas are usually in their town planning scheme, and the boundaries, particularly when those caravan parks or camping grounds are adjacent to public land or a national park, need to be set out succinctly. Those boundaries should be accurate, and one is better off getting it exactly right up-front, rather than having litigation down the track, whether that is between private parties or with a government utility.

Mr MARLBOROUGH: This clause is about not simply an application for the creation of a caravan park, but also the renewal of a caravan park licence. In the hands of local government this process does not differentiate between the original application and an application for renewal. It could be an ongoing process where all sorts of paperwork is required. It would apply to a change not only of business manager or owner, but also of councillors. For example, newly elected councillors in a country town may have a different view to their predecessors of how a caravan park should be run, and each new council could request a mountain of paperwork. It must be in the best interests of government to facilitate the creation of well run businesses by reducing the cost and the paperwork. Legislators should keep in mind that a real cost is attached to industry in filling out this paperwork. We should protect the community, and the Minister has already agreed that it appears that subclause (2) is unnecessary. I am suggesting that subclause (3) is not necessary either as it should be part of the original form.

Subclauses (6) and (7) provide for local government to refuse to renew a licence and to give notice of that in writing, but there does not appear to be an appeal process.

Mr Omodei: Clause 27 provides that clauses (7), (10), (12) and (21) are subject to appeal to the Minister.

Mr MARLBOROUGH: I thank the Minister for pointing that out. That removes some of my concerns, but not all, about the process by which local government may make a decision that the person is not a suitable person to hold a licence. The Bill does not specify the level of government which will decide that. Will it be decided by an officer of the council or a full meeting of the council?

Mr OMODEI: This Bill does not give local government the power to delegate to an officer of the council, so the decision on the suitability of a licence holder must be made by the council or a committee with council powers.

Clause put and passed.

Clause 8 put and passed.

Clause 9: Renewal after expiry -

Mr MARLBOROUGH: I am amazed that, on the one hand, the Bill will allow a business which has inadvertently failed to apply on the appropriate date a further 28 days to apply, but, on the other hand, if the business applies within that 28 days, it will be penalised. The Government recognises this is not a serious breach, and the evidence of that is the provision of a further 28 days in which to fix the matter. I can understand the Government wanting to prescribe a penalty, but if it says "may prescribe" it does not mean anything. Regulations either do something or they do not. The wording of the subclause is not good. Why does the Minister seek to penalise industry? We realise there can be problems from time to time with caravan parks in the outer metropolitan area. In caravan parks in the Pilbara, the owner may be held up applying for this renewal, owing to floods or wash-outs which can occur regularly across the major highways, let alone in the backblocks, or the owner may be visiting relatives interstate. A 28 day limit is applied, but why is the word "may" used in relation to a penalty? This is a very heavy-handed approach to a very important industry. The tourism industry is extremely important, so why do we want to penalise members of that industry for such a small misdemeanour?

The clause does not state what the penalty will be. Will it be $10, $100 or $1 000? If the Minister agrees with my argument perhaps he will remove the penalty. A monetary penalty is not appropriate in this circumstance. Let us consider the wording and how it relates to the right of business people who may wish to appeal against a decision. For 365 days of the year these business people work to put in place the best conditions for the users of the caravan park. That is how they gain their income. If the users leave the caravan site unhappy about the facilities or the way they have been treated, by word of mouth the caravan park will be driven into oblivion because no-one will bother to go there. These business people spend their time making sure that the caravan park is an excellent site, that it is safe for children, and that it has the right balance between permanent and non-permanent residents. They put in all that effort, but because they may be 28 days late in applying for a renewal of their licence, they may face a penalty; but we do not know the amount of that penalty. The subclause should be deleted. Such a misdemeanour does not deserve a fine. The Minister should be able to use some other method to handle the situation.

Mr OMODEI: This is a procedural matter relating to the renewal of licences. The wording is that the regulations may prescribe. I refer the member to clause 28 which relates to regulations. Normally the word "may" is used in regulations. We may or may not prescribe a fee. I expect that if someone wants a licence renewed for a caravan park worth $2m or $3m, that person would apply for a renewal before the cutoff date. They would not want to be liable to pay any penalty. At the same time, if we prescribe regulations, they will lie on the Table of this Chamber and be subject to disallowance by the Parliament. We are trying to encourage people to renew their licences within 28 days. It would not be good business to wait until the expiry of that time to apply for a renewal of a licence. This is a procedural matter rather than a question of safety. The

clause provides a discretion for the Minister to be able to prescribe an additional fee payable by way of penalty if the renewal of a licence is not paid by the due date.

Mr MARLBOROUGH: The penalty is inappropriate. I hope that between now and the setting of regulations the Minister may decide not to impose this penalty.

Mr Omodei: You just used the word.

Mr MARLBOROUGH: I used it deliberately. The Minister has indicated that it is appropriate to use it when referring to regulations. The Minister has explained that he may or may not prescribe a fee. I suggest he may do it. If I owned a caravan park, it would not be simply a matter of filling out a form. I would be aware that I could be penalised for not filling out the form correctly. I could be penalised by severe fines and I could be asked to fill out a statutory declaration as well as the other forms. I would know that when I went through that process, local government would require me to pay some amount of money.

I imagine that amount, in many instances, would be substantial. The council will require rates to be paid and in return it will provide services, roads, rubbish pick-ups, and so on. I do not simply walk into a council and seek a renewal. When I make an application it is on the basis that I will pay a fair amount of money. If a person is to be penalised for late application for renewal of a licence, perhaps the penalty should be a positive one. That is, if the person pays his renewal fee on time he will receive a 10 per cent discount rather than facing a penalty for being late.

Mr Omodei: If a person owns a licence worth a lot of money, do you really think local government will give him a cheque for paying the renewal on time?

Mr MARLBOROUGH: Yes.

Mr Omodei: No wonder you have the build of Father Christmas. All that is missing is the white beard.

Mr MARLBOROUGH: Discounts are not unusual. The Kwinana Council offers its ratepayers a discount on rates if they are paid by a certain date. I recall that at one stage the Fremantle City Council offered to put ratepayers' receipts in a barrel to give them a chance to win a trip overseas, if they paid their rates by a certain date.

Dr Watson: Canning Council still does that.

Mr Omodei: What do they do after the 35 days, or after 30 June?

Mr MARLBOROUGH: Councils may have the ability to take people to court. We are talking about a situation where a business has a vested interest to get things done properly and on time. Associated with that is a large amount of money for the renewal of a licence. The Minister should consider the deletion of the penalty because it will simply injure businesses. It will not increase the good cooperation between business and industry. It is not as if anyone is breaking a major health requirement or endangering someone's life by not renewing a licence on time. It could be the case that they are just running late. If these businesses were six months late and had been approached numerous times by a council it could be a reason for the council to consider whether that business should have a licence. I have no difficulty with that, but to allow a 28 day margin and then say that people will be penalised after that time simply is not appropriate.

I suggest that between now and when the regulations are set the Minister may see fit to delete subclause (3) because it is an unfair and inappropriate penalty for owners of caravan parks whose main interest is to make such a park the best in Western Australia, and to provide the appropriate facilities so that users will become the best ambassadors for the park and will spread the word around Australia. People will come back, and make it a viable business that will be much in demand.

Mr OMODEI: That section is included in the Bill to allow for regulations to be made for a penalty if necessary. When we discuss the regulations I will be taking on board the advice of the caravan parks and camping grounds advisory committee. That committee

will comprise people from the caravan industry, consumers, government departments and all and sundry. I do not see it as too onerous a position and it has not been raised by the industry to date.

Clause put and passed.

Clause 10: Prohibition notice -

Mr D.L. SMITH: The Minister in his second reading speech said -

> The previous Government agreed with the recommendations and approved the drafting of a new Act. Although promises were made to progress drafting, the legislation was never given a priority to permit this to occur. This Government gave an election commitment to implement the proposed Act and regulations and accordingly gave it the priority it deserved. The first part of that commitment has been achieved today by the introduction of the Caravan Parks and Camping Grounds Bill.

This Minister has had local government as his portfolio for approximately four months longer than I was the Minister for Local Government. The legislation had been approved for drafting while I was Minister; yet after two years and four months we still do not have a Caravan Park and Camping Grounds Bill that is satisfactory for the industry.

Clause 10 refers to something called a prohibition notice which can be based on contraventions of the Act; contravention of the conditions imposed on the licence; or any other matter which may be prescribed for the purposes of this subsection; in other words by regulation or by notice. Under clause 7 the local government is given carte blanche to apply whatever conditions on the licence it considers fit and without constraint. Once the notice in this clause is issued, part of the notice must state that the licence holder is entitled to appeal to the Minister. I note that by implication under clause 27, a person aggrieved under clause 7 in relation to the conditions that may be imposed on the licence is also entitled to appeal about that matter. Under this clause there is a requirement for notice of the right of appeal to be given, but under clause 7 there is no requirement for the notice of the right of appeal to be given as part of the licence refusal or as part of the imposition of the conditions set under clause 7. That is an inconsistency. Surely in a Bill that has taken so long to draft, if notice of the right of appeal is to be given in one clause, it should be given in all the clauses out of which a right of appeal might arise. Not to have done so is an indication of inadequate drafting and inadequate checking of the Bill after drafting. That is only the beginning of my concern.

Nowhere in relation to clause 10 or in relation to the right of appeal under clause 31 is there any indication about whether an appeal to a Minister operates as a stay of the so-called prohibition notice; that is, although a prohibition notice is served and there is a notice of right of appeal, which is effected under clause 31, there is no indication whether that notice of appeal operates as a stay. That is important under this clause because of the consequences of these prohibition notices. The caravan park or licence holder is required to display the prohibition notice at the office or at the camping ground. There is a penalty of $2 000 for not doing so. In addition, after the prohibition notice is served, he is not entitled to admit any new occupiers to the facility or collect any rents, hiring or other similar charges from existing occupiers. If he does, there is a penalty. The prohibition against admitting new occupiers effectively means he cannot take any new tenants from then on.

Secondly, whether they are in arrears in relation to their rents, hiring or other similar charges, the licence holder cannot collect any of that money due in that period. If the prohibition notice operates immediately and the appeal does not operate as a stay, a licence holder's ability to collect rent or arrears from existing tenants will be dependent on how quickly the appeal is determined. This whole notion of prohibition notices is rather peculiar and dangerous drafting because it provides that the prohibition notice may relate to anything imposed on the licence. The local authority is not constrained in the conditions it can impose on the issue of the licence. This legislation contains no guide as to the breadth of the conditions that may be imposed. It might be to mow the lawn

regularly, for instance, and to keep the place neat and tidy. Instead of having a breach notice-type system, this legislation deals with a heavy-handed prohibition notice system. I thought that because the livelihood of people were involved, and because the tourism industry and the local community were involved, the approach in this case might have been that if a person were contravening the legislation, the conditions, or any other matter prescribed by the regulation, the first step would be for that person to receive a notice similar to those provided for under the residential tenancies legislation - in this case it would be the landlord - stating that it was alleged that he was in breach under these conditions and was required to remedy it within 28 days.

One would expect that if there were a continuing failure to comply with the notice, some further action might be taken. However, that is not the approach this legislation has adopted. This legislation adopts the approach that the prohibition notice can be issued immediately with those dreadful consequences. If we were dealing not with a simple breach of the licence or the regulation, but something which went to health, safety and otherwise, I would have expected that this kind of approach might be appropriate in some cases. However, it is poor drafting when the basis of these prohibition notices could not just be some contravention of the legislation, but could constitute any breach of the conditions imposed by the licence and any other matter that may be described for the purposes of this subclause. That leaves in the hands of the Minister, the department and the board what they might include in the regulations in future. It might be something quite simple that the regulations might prescribe for the purposes of this clause. We as a Parliament will have no control over the sorts of matters that might be prescribed for the purposes of this clause under clause 10(1)(c).

If this is the best the Government can do after the length of time it took under the previous Government for this legislation to get approval for drafting, and in the two years and four months since the Minister for Local Government has held that office, he should not take the credit he gave himself in the second reading speech or necessarily make the criticisms of the previous Government he sought to make in that speech. He may have some good explanation. I said earlier today in another speech in a second reading debate that one of the problems when members go into opposition or shift out of the shadow Cabinet is that to some extent they become out of touch because they are preoccupied with looking after their constituents.

Mr Omodei: You are not trying to lull us into a false sense of security, are you?

Mr D.L. SMITH: No, I am just saying that it may be that I am misreading clause 10 and that there is a perfectly adequate answer to that. My overall concern is that despite the length of time it has taken to bring this legislation before Parliament, not only in clause 10, but in a number of the other clauses with which I could deal if I wanted to delay the Chamber -

Mr Tubby: Delay the Chamber! You can't help yourself.

Mr D.L. SMITH: This is the first clause I have spoken to - and we are on clause 10. When I read through the legislation in its totality I am concerned about the extent to which matters are left to regulation; the extent to which things are left to the discretion of the local authority; the extent to which powers are conferred on the local authority in a number of areas; and that the Bill does not clarify whether the appeals operate from the moment they are lodged or whether people must await the decision of the Minister on the appeal before they can resume operation or resume taking tenants.

Mr OMODEI: The member raised an interesting point in relation to the question of prohibition notices. If the Minister were to receive a trivial appeal on a prohibition notice, he would deal in a strict fashion with the local government authority in matters of a financial nature and which could affect the viability of that business.

Mr D.L. Smith: Why not issue a notice of noncompliance and give the licence holder time to remedy the breach before this happens?

Mr OMODEI: The member has already said that this Bill has been around for some time and has been amended only marginally since its drafting a long time ago. In that time the

industry has had more than ample opportunity to look at the Bill and it has no problem with this clause. The Government will check the member's concerns. If clause 28(2)(h) which provides a procedure for appeals is not adequate, as the member believes, the Government will amend the Bill in the other place. I will need to check that. It may mean that if there is not a provision for an appeals procedure under that clause, an amendment may need to be made for it to provide a procedure for appeals and other matters so the procedures are appropriate and a licence holder is not out of pocket.

I am advised that we do not need an Act to give a notice of noncompliance. That could be done anyway. I understand what the member is saying about the prohibition notices and the possibility of a licence holder losing money in the interim period while the appeal is being held. At the moment the Government has not heard any concerns from people in or associated with the caravan and camping industry that echo any of the concerns the member for Mitchell has raised.

Mr D.L. SMITH: The amendments required go beyond just the question of the appeal operation. The Minister should look at whether there should be two steps in this process: Firstly, where there is a notice of noncompliance and a requirement that the person remedy that noncompliance; and secondly, that the prohibition notice should follow a notice of noncompliance and failure to comply with such notice.

Clause put and passed.

Clause 11 put and passed.

Clause 12: Cancellation of a licence -

Mr MARLBOROUGH: I am concerned that the thrust of this legislation imposes very severe penalties on the owners of caravan parks. The Opposition did not speak to clause 11 because the member for Mitchell addressed in clause 10 its concerns about the reasons for issuing a prohibition notice. It should be issued only on specific grounds where the health or safety of individuals is at risk. The wording of the Bill indicates that any breach of the regulations can lead to a prohibition notice being served on a caravan park. The wording of the clause must be specific. The Environmental Protection Authority, with its powers, cannot at a day's notice notify an industry along the Kwinana strip that it must immediately close unless it can be properly demonstrate that the breach of conditions presents a real danger to the workers and the community.

I am concerned that a committee of a local authority can actually make a decision that certain conditions of a licence have been contravened. This committee can issue a notice in writing to a licence holder that it proposes to cancel his licence. It is not the appropriate body to do that.

I refer the Minister to subclause (3) which clearly indicates that a person who is given notice that he is breaching the condition of his licence can have that notice served by a committee of a local authority. That person can, within 14 days of the notice being served on him, make representations in writing to the local authority about the matter. The local authority cannot cancel the licence without considering any representations received within that period. For example, if I received a cancellation notice served on me by a local authority committee -

Mr Omodei: That committee would have delegated powers.

Mr MARLBOROUGH: I agree, and that is what concerns me as well. Having received the cancellation notice I will have 14 days in which to make representations in writing to the local authority.

I suggest to the Minister that if a caravan park operator drew to the local authority's attention that his business was about to be closed by one of its committees which had delegated authority to serve the cancellation notice, the final decision on whether to continue the cancellation notice would be determined by the full council. I would be amazed if a local authority went ahead with the cancellation of the licence purely on the basis of the committee's decision. I am sure it would go before the full council.

Mr Omodei: That is what would happen.

Mr MARLBOROUGH: Some safety provisions should be included in the Bill. I agree that a local authority should have the power to make a decision to issue a cancellation notice if it believes a severe breach of the licence has occurred. A severe breach would be something that would affect the health and safety of people or the environment and these things should be categorised in the Bill and the regulations. If I were the owner of a caravan park I would feel much happier if the final decision had to be made by the full council. Caravan parks can be worth hundreds of thousands of dollars and generate income not only for the owner, but also for the local community.

The Opposition is concerned with the process by which the Government intends to penalise caravan park owners. I reiterate that I do not feel comfortable with a committee of a local authority making a decision to close down a business. The authority for making the decision should lie with the full council in the first instance.

Mr OMODEI: The member for Peel continues to talk about the committee of a local authority making the decision. I would be misleading the Committee if I did not say that local authorities had the power to delegate authority to its committees. Since time immemorial, that has occurred. Council committees can do almost anything except impose rates. Something as important as a caravan licence which involves hundreds of thousands of dollars worth of assets most likely would be dealt with by the full council. During the debate I said it would be possible for a council to delegate powers to its committees and members keep referring to a committee having the ultimate power to make decisions. I expect the full council to deal with the cancellation of a licence. The question of the cancellation of a licence is an important issue, but it is not a deficiency in the legislation as it is drafted. Clause 27 contains an appeal provision.

Clause put and passed.

Clause 13: Duties of the licence holder -

Mr MARLBOROUGH: This clause deals not with a business being penalised, but with a caravan park owner having to deal with a bureaucracy which holds things up and prevents him making decisions about improving the park.

The intent of this clause is to have a responsible person on site. Does the clause achieve what the Minister expects it to? The clause states that the person licensed to operate a facility must ensure that a manager or other responsible person must reside in or near the facility. What is meant by "near the facility"? Does it mean a 10 minute drive from the facility? The clause states that the owner must ensure that a manager or other responsible person must be accessible at all times in case of an emergency. Does that mean the person must be on site at all times, or that he must be accessible by telephone? The clause also states that an owner must ensure that a manager or other responsible person must be at the office of the caravan park during normal office hours. It appears that under the workplace agreement legislation the term "office hours" no longer has any standing. That legislation refers to seven days a week, 24 hours a day with no annual leave and no penalty rates for people working on the weekend. How will normal business hours be prescribed? What does the clause mean in terms of where people will be located?

Mr OMODEI: This is made purely to ensure that some responsible person is accessible at all times. One would expect the owner of a caravan park, who could be liable if someone were injured in that park, to either be present himself or to employ a manager or other responsible person to be on the premises. Of course, that person could reside in or near the facility, perhaps in an adjacent manager's residence, but under normal circumstances a responsible person would be at the caravan park at all times. It is not realistic to suggest that does not occur, bearing in mind the responsibility such a person would have in an emergency, accident or any other matter requiring immediate attention. To my knowledge, in most cases someone is on duty at these caravan parks 24 hours a day. I do not think this clause of the Bill is unreasonable.

Clause put and passed.

Clause 14 put and passed.

Clause 15: Local government may operate a facility in its district without a licence -

Mr MARLBOROUGH: Is local government exempt from the licensing requirement on the basis of cost or because it will not be required to meet the same standards as other caravan park owners? Once again my concern is that two standards will exist. The Minister indicated earlier that a number of local government facilities around the State were not up to scratch, and I do not think we should legitimise that process. We should lift the standard of all caravan parks. Where the Bill allows the Minister to provide an exemption from the regulations - whether it involves the State Government or local government - the industry would feel more secure if applications for those exemptions were considered by the advisory committee, for it to make a recommendation to the Minister. At present the Bill provides for the Minister to make those decisions in isolation.

Mr OMODEI: The legislation does not provide for a local authority caravan park to be licensed. However, it must operate the park as if it were licensed and comply with the legislation, including the work notices. I responded to the member for Peel in the second reading debate, indicating there had been criticism of local government owned caravan parks because double standards had existed in the past when councils had applied some rules to privately owned caravan parks and different rules to their own. This Bill clearly sets out that local government caravan parks must be inspected and must comply with the legislation, including the work and health notices, etc. To suggest that local government should apply a fee to itself -

Mr Marlborough: I was not suggesting that. I asked the Minister for clarification on the licensing. I wanted to know whether the fact that they did not pay meant they were exempt from certain regulations.

Mr OMODEI: I have answered that. They do not pay a licence fee but they must comply with all the requirements of the legislation.

Clause put and passed.

Clauses 16 and 17 put and passed.

Clause 18: Powers of entry -

Mr KOBELKE: I draw to the attention of the Minister the potential for abuse of the power provided to that authorised person. The first part of the clause suggests that such a person would not have the power to enter and inspect a residence, but that is not the case. Subclause (2) provides that entry can be made when reasonable notice is given. That reasonable notice is defined as 24 hours. Therefore, people could abuse their power in the right to enter other people's homes.

Mr Omodei: That power is included on purpose in case of emergency.

Mr KOBELKE: That is covered under another clause. Paragraph (d) clearly states that an authorised person may stop, enter, inspect or detain any vehicle in a caravan park or camping ground. That vehicle could be a mobile home. Therefore, the entry could be totally intrusive and inappropriate. I acknowledge the need for these powers and for good management, but there is potential for abuse. It is likely that any action in this area must be through the courts, but the type of people who use and live in caravan parks and camping grounds are likely to have limited access to the courts. This must be monitored to ensure these provisions are correctly applied. That is dealt with in the clause under which a caravan parks and camping grounds advisory committee is established. I trust these provisions will work well if the committee plays an effective role. There are some deficiencies in the clause. Although the powers of that committee are broad, to assist the Minister - I approve of that - the membership has not been specified and neither has a quorum. I endorse open-ended powers for that committee to advise, which is important for the functioning of provisions in clauses 18 and 19.

Mr Omodei: The Interpretation Act covers the question of a quorum of the committee.

Mr KOBELKE: What will that be?

Mr Omodei: It is 50 per cent.

The DEPUTY CHAIRMAN (Mr Day): It is now 5.30 pm and the time has arrived for completion of all remaining stages of this business. Under the sessional order, every question necessary to complete the business must be put without further debate or amendment. The question now is that clause 18 stand as printed.

Question put and passed.

The DEPUTY CHAIRMAN: The question now is that the amendment standing on the notice paper in the name of the Minister to the various parts of this Bill be agreed; secondly, that the remaining clauses 19 to 24 as amended, schedules 1 and 2 as amended and the title of the Bill be agreed; and, thirdly, that I do now leave the Chair and report the Bill with amendments.

Question put and passed.

Amendments agreed to under the foregoing resolution were as follows -

Clause 23

Page 21, lines 24 to 26 - To delete subclause (9) and substitute the following -

(9) The amount of any modified penalty paid pursuant to an infringement notice must, subject to subsection (8), be dealt with as if it were a fine imposed by a court as a penalty for an offence.

Schedule 2, item 7.

Page 36, lines 21 to 36 - To delete column 2 of item 7 and substitute the following -

Insert after section 123 the following section -

" **Caravan and camping areas not to be subdivided**

123A. (1) Land in respect of which -

(a) a licence is held under the *Caravan Parks and Camping Grounds Act 1995*; or

(b) it is proposed to establish a caravan park or a camping ground,

is not to be subdivided or re-subdivided under this Act where that subdivision or re-subdivision would result in there being a caravan park on more than one lot, a camping ground on more than one lot or a caravan park and camping ground on more than one lot.

(2) Despite subsection (1), land referred to in subsection (1)(a) may be re-subdivided where that re-subdivision would not result in the land being re-subdivided into more lots used or proposed to be used as, or as part of, a caravan park or camping ground.

(3) In this section "**caravan park**" and "**camping ground**" have the same meaning as they have for the purposes of the *Caravan Parks and Camping Grounds Act 1995*. "

Report

The DEPUTY SPEAKER: As the time has previously expired in Committee for completion of all remaining stages of this business, I am required under the sessional order to put every question necessary to complete the business without further debate or amendment. The question is that the report be adopted.

Question put and passed.

Third Reading

Question put and passed.

Bill read a third time and transmitted to the Council.

House adjourned at 5.34 pm

QUESTIONS ON NOTICE

WORK CAMPS - LAVERTON, CAMP KURLI MURRI
Detention Centres Under Section 119, Young Offenders Act

60. Ms WARNOCK to the Attorney General:

(1) What arrangements have been made for the training of staff for a detention centre provided for under section 119 of the Young Offenders Act?

(2) Have regulations been made providing for the establishment and operation of detention centres provided for under section 119 of the Act?

(3) When are such detention centres planned to be operational?

(4) Have detention centre visitors been appointed as provided by section 166 of the Act?

(5) What criteria are used for determining eligibility for appointment as a detention centre visitor?

(6) What security arrangements and physical security measures are to be used to maintain security at the proposed detention centre at Laverton?

Mrs EDWARDES replied:

[Amended reply.]

(1) Staff presently at the centre are appointed in an acting capacity only. These staff have been drawn from both the juvenile and adult systems and have already had considerable experience. In addition, they were given a further two weeks' intensive training to prepare for the work camp. This training included topics such as policy and procedures for the work camp, enabling legislation, supervision of detainees, conflict resolution, managing critical incidents, managing adolescents' rehabilitation, senior first aid, WA Fire Brigade, and counselling and communication skills.

(2) The necessary regulations were gazetted on 3 March 1995.

(3) At present there is only one detention centre as provided for under section 119 of the Young Offenders Act. Camp Kurli Murri was opened on 17 March 1995.

(4) The appointment of detention centre visitors is currently being undertaken.

(5) It is proposed to appoint four visitors for each detention centre and the work camp. Two of the detention centre visitors for each centre will be of Aboriginal descent. Aboriginal visitors will be nominated by the Aboriginal and Torres Strait Islander Commission and the local member of Parliament will be approached to nominate the other visitors. It is expected that visitors will be mature individuals with an interest in juvenile justice.

(6) Security of detainees at Camp Kurli Murri will be maintained by direct staff supervision.

DISABILITY SERVICES - GRYZB, HELEN; FORTUNE, JOHN, POSITIONS

571. Dr WATSON to the Minister for Disability Services:

(1) Have Helen Gryzb and John Fortune left the Minister's office?

(2) Have Ms Gryzb and Mr Fortune been given new appointments elsewhere?

(3) For both Ms Gryzb and Mr Fortune, what were -

(a) their positions;

(b) their salaries in the Minister's office?

(4) In each case, what are their positions and salaries now?

Mr MINSON replied:

(1)-(2) Yes.

(3) Ms H. Grzyb -
(a) Principal Private Secretary;
(b) level 9.
Mr J. Fortune -
(a) Review Coordinator;
(b) level 9.

(4) (a) Ms Grzyb continues to receive a level 9 salary range in her employment as a consultant in the Ministry of the Premier and Cabinet.

(b) Mr Fortune is being paid a level 8 salary range as a principal policy officer in the Ministry of the Premier and Cabinet.

JUSTICE, MINISTRY OF - STAVELEY, PHILIP, PRISON OFFICER, CHARGES

920. Mr BROWN to the Minister assisting the Minister for Justice:

(1) Was Prison Officer Mr Philip Staveley charged with one or more offences under the Prisons Act 1981 or Prisons Regulations in September or October 1994?

(2) How many charges were laid against Officer Staveley?

(3) What was the nature of each charge?

(4) When was each charge heard?

(5) What was the decision of the presiding officer in relation to each charge?

(6) What date did the presiding officer make a decision on the charges?

(7) Was Officer Staveley permitted to return to work immediately after the charges were determined?

(8) If not, why not?

(9) Has Officer Staveley been allowed to return to work?

(10) Why has Officer Staveley not been allowed to return to work?

(11) Has he been paid while on suspension?

(12) What is the total amount he has been paid while on suspension?

(13) Have any other charges been laid against him?

(14) If so, on what date were those charges laid?

(15) Has he been allowed to return to work?

(16) What date was Officer Staveley allowed to return to work?

(17) Why was there a delay between the date of the charges being heard and determined by the presiding officer and the date when Officer Staveley was permitted to return to work?

(18) Was Officer Staveley suspended on full pay between the date the charges were heard and determined by the presiding officer and the date he was allowed to resume work?

(19) How much was Officer Staveley paid for the period mentioned in (18) above?

(20) Is it normal for there to be a three month or more delay before charges determined by presiding officers are confirmed or otherwise?

(21) Was this an unusual case?

(22) What were the features of this case that made it unusual?

Mr MINSON replied:

(1) Yes.

(2) Two.

(3) (a) No 8 of 1994 - 2 July 1994 committed an act of misconduct contrary to section 98(1)(d) of the Prisons Act.

(b) No 9 of 1994 - 30 June 1994 committed an act of misconduct contrary to section 98(1)(d) of the Prisons Act.

(4) 3 November 1994.

(5) No 8/1994 - not guilty. No 9/1994 - guilty. Fined $250.

(6) 3 November 1994.

(7) No.

(8) Validation of charges process under section 106 of the Prisons Act.

(9) Yes - suspension was lifted on 17 February 1995.

(10) Not applicable.

(11) Yes.

(12) $17 434.20.

(13) No.

(14)-(16) Not applicable.

(17) Process of validation and obtaining transcripts.

(18) No.

(19) See (12).

(20) Each case differs depending on facts and surrounding circumstances.

(21) Yes.

(22) Range of ongoing complaints to a variety of forums, both oral and written, from Officer Staveley.

JUSTICE, MINISTRY OF - STAVELEY, DEBRA, PRISON OFFICER CHARGES

921. Mr BROWN to the Minister assisting the Minister for Justice:

(1) Was Prison Officer Ms Debra Staveley charged with one or more offences under the Prisons Act 1981 or Prisons Regulations in September or October 1994?

(2) How many charges were laid against Officer Staveley?

(3) What was the nature of each charge?

(4) When was each charge heard?

(5) What was the decision of the presiding officer in relation to each charge?

(6) What date did the presiding officer make a decision on the charges?

(7) Was Officer Staveley permitted to return to work immediately after the charges were determined?

(8) If not, why not?

(9) Has Officer Staveley been allowed to return to work?

(10) Why has Officer Staveley not been allowed to return to work?

(11) Has she been paid while on suspension?

(12) What is the total amount she has been paid while on suspension?

(13) Have any other charges been laid against her?

(14) If so, on what date were those charges laid?

(15) Has she been allowed to return to work?

(16) What date was Officer Staveley allowed to return to work?

(17) Why was there a delay between the date of the charges being heard and determined by the presiding officer and the date when Officer Staveley was permitted to return to work?

(18) Was Officer Staveley suspended on full pay between the date the charges were heard and determined by the presiding officer and the date she was allowed to resume work?

(19) How much was Officer Staveley paid for the period mentioned in (18) above?

(20) Is it normal for there to be a three month or more delay before charges determined by presiding officers are confirmed or otherwise?

(21) Was this an unusual case?

(22) What were the features of this case that made it unusual?

Mr MINSON replied:

(1) Yes.

(2) Five.

(3) (a) No 3 of 1994 - committed an act of misconduct contrary to section 98(1)(d) of the Prisons Act.

(b) No 4 of 1994 - committed an act of misconduct contrary to section 98(1)(d) of the Prisons Act.

(c) No 5 of 1994 - was careless in performance of duties contrary to section 98(1)(c) of the Prisons Act.

(d) No 6 of 1994 - committed an act of misconduct contrary to section 98(1)(d) of the Prisons Act.

(e) No 7 of 1994 - committed an act of misconduct contrary to section 98(1)(d) of the Prisons Act.

(4) 1 November 1994 to 3 November 1994.

(5) 3/94 Not guilty
4/94 Not guilty
5/94 Guilty - fined $100
6/94 Guilty - fined $250
7/94 Not guilty.

(6) 3 November 1994.

(7) No.

(8) Validation process necessary by the chief executive officer under section 106 of the Prisons Act.

(9) Yes.

(10) Not applicable.

(11) Yes.

(12) $16 446.87.

(13) No.

(14)-(16)
Not applicable.

(17) Process of validation necessary under section 106 of the Prisons Act including obtaining transcript.

(18) No.

(19) See (12).

(20) Each case differs depending upon the facts and surrounding circumstances.

(21) Yes.

(22) Range of ongoing complaints to a variety of forums, both oral and written, from Officer Staveley.

SGIC - THIRD PARTY INSURANCE FUND
$50 Levy

1188. Dr GALLOP to the Deputy Premier:

(1) Have National Party Ministers spoken and voted in Cabinet to abolish the $50 third party insurance levy?

(2) Can the Deputy Premier and Leader of the National Party confirm that National Party Ministers have opposed the levy in Cabinet but have been thwarted by the Premier's determination to extract more revenue from Western Australian families?

Mr COWAN replied:

(1)-(2)
Cabinet agreed in early 1993 to a $50 increase in the third party insurance premium. The increase was necessary to ensure the SGIC could meet all third party claims liability, administration costs and repay over a seven year period debts incurred by the SGIC on its WA Inc financial dealings. Recent amendments to the Motor Vehicle Third Party Insurance Act have had the effect of reducing third party insurance claims liability. Although the WA Inc debt remains and must be repaid, it is expected that the Government will have greater flexibility when determining third party insurance premiums in future. The member should be aware that a coalition Cabinet operates on the basis of consensus and no vote is taken.

WESTERN PACIFIC CONSULTING GROUP PTY LTD - GOVERNMENT CONTRACT

1236. Mrs HENDERSON to the Minister for Services:

(1) With reference to the contract let to Western Pacific Consultants to provide competitive tendering contracts, training and curriculum development during the period August 1994 - November 1994, who was this training provided for?

(2) For whom is the curriculum to be developed?

(3) How many persons have undergone training in this program?

Mr MINSON replied:

(1) The training targets public sector managers, involved in overseeing or directly managing implementation of the Government's contracting for services initiative.

(2) The curriculum has been developed for use by state government agencies.

(3) Approximately 30 individuals have undergone training under a pilot course with MetroBus, prior to finalisation of the curriculum.

ICM PUBLIC RELATIONS CONSULTANTS - GOVERNMENT CONTRACT

1237. Mrs HENDERSON to the Minister for Services:

(1) With reference to the $20 077 contract let to ICM Public Relations during the period July 1994 - December 1994 for competitive tendering contracts policy and research, what specific aspects of CTC policy did ICM provide advice on?

(2) As a public relations company, was the main purpose of the contract with ICM to provide public relations services?

(3) If yes, what were the services provided?

Mr MINSON replied:

(1) ICM Public Relations consultants was contracted by the Public Sector Management Office to provide advice and assistance in communicating CTC policy to public sector agencies.

(2) No.

(3) Not applicable.

PATIENT ASSISTED TRAVEL SCHEME - PAYMENTS, 6230 POSTCODE; SOUTH WEST REGION

1301. Mr D.L. SMITH to the Minister for Health:

(1) In each of the periods -

(a) 1991-92;

(b) 1992-93;

(c) 1993-94;

(d) 1994-30 April 1995 -

(i) what was the number of people with a 6230 postcode who were assisted under the patient assisted travel scheme;

(ii) what was the total value of assistance provided;

(iii) how many recipients of PATS payments had Social Security health cards;

(iv) what does the Minister project the numbers of patients and total value of payments to be in each of 1995-96 and 1996-97?

(2) For each of the above years and period -

(a) what was the total number of people assisted under the PATS in the south west region;

(b) what was the total value of that assistance;

(c) how many recipients had Social Security health cards;

(d) what does the Minister expect the number of patients assisted and the total value of payments to be in 1995-96 and 1996-97?

Mr KIERATH replied:

(1)

	(i)	(ii)	(iii)
(a)	1 071	$85 823.25	1 022
(b)	1 423	$125 299.42	1 404
(c)	1 944	$157 342.59	1 846
(d)	1 497	$117 223.80	1 488

Note: February 1992 and March 1995 numbers unavailable.

(iv) Number of patients assisted is projected to be approximately 1 900

and value of payments is estimated to be approximately $50 000 for 1995-96 and 1996-97.

(2) (a)

1991-92	approx 8 500
1992-93	approx 13 700
1993-94	approx 12 183
1994-30 April 95	approx 12 500 for whole financial year.

(b)

1991-92	approx $525 000
1992-93	approx $590 000
1993-94	approx $631 500
1994-95	approx $720 000 for whole financial year.

(c) Approximately 85 per cent of recipients across all financial years.

(d) Patients assisted are projected to be approximately 9 000 and value of payments is estimated to be approximately $360 000 for 1995-96 and 1996-97.

CALM - MEAGHER, DR TIM, CONSULTANCY; MARINE CONSERVATION AND MANAGEMENT ISSUES

1526. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) What were the marine conservation and management issues which were addressed by Dr T. Meagher and his company for the Department of Conservation and Land Management in 1994?

(2) What was the total cost of this consultancy in 1994?

(3) What proportion did each contribute to fees paid for this consultancy?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1),(3) Dr Meagher advised the Executive Director of the Department of Conservation and Land Management on a range of conservation and management issues related to the marine and estuarine environment. These issues and the proportion of time spent were as follows: The report of the marine parks and reserves selection working group, 10 per cent; management of marine reserves, 10 per cent; Shark Bay, 17 per cent; Ningaloo marine park, 5 per cent; the commonwealth-state agreement on the Shark Bay World Heritage area, and other matters relating to international treaties affecting marine and estuarine management, 45 per cent; and advice on a range of marine management and water quality items, 13 per cent.

(2) $38 066.

CALM - LEGAL FEES EXPENDITURE

1529. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) How much has been spent by the Department of Conservation and Land Management on legal fees during -

(a) 1 July 1993 - 30 June 1994; and

(b) 1 July 1994 to 15 March 1995?

(2) How much of that sum has been spent on services provided by the public sector legal service and how much on private sector lawyers?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1)-(2)	Public sector	Private sector	Total
(a)	$157 881	$60 295	$218 176
(b)	$100 771	$49 751	$150 522

SALINITY - PLANT BREEDING RESEARCH

1609. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) Is research currently being conducted to breed plants that are adapted for use in saline environments?

(2) Who is conducting this research?

(3) Have any specially bred plants been planted anywhere to combat salinity?

(4) Where have they been planted and what species have been used?

(5) How effective have they been?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1) Yes.

(2) The WA Department of Agriculture has a large program to select and improve grazing plants for use on saline land. CALM has been associated with various programs to develop tree species for use on saline land. Other participants in this work are CSIRO, Murdoch University, University of Western Australia, Alcoa of Australia and the Department of Agriculture.

(3) Yes.

(4) Selections of eucalyptus camaldulensis, the red river gum, have been mass propagated by laboratory cloning and are sold commercially. They have been widely planted in trials and general farm tree plantings. Some early selections of salt tolerant eucalyptus globulus, bluegum, have been planted in a trial being conducted by CSIRO and CALM in the Wellington catchment area.

(5) Some river gum clones have performed very well and would be more widely used but cost is limiting sales.

SOIL CONSERVATION - DESERT AREAS, RESEARCH

1611. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) What research is being conducted into soil conservation for desert areas?

(2) Who is conducting this research?

(3) Have any recommendations been put forward, and if so, what are they?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1) Here desert areas of Western Australia are considered to have a median annual rainfall of less than 300 mm, thus including localities such as Kalgoorlie, Meekatharra, Carnarvon, Port Hedland, Wiluna and Giles. Land use in this area includes pastoral, mining, nature reserves and national parks. Major soil conservation issues associated with pastoral management include wind and water erosion, often caused by overgrazing by domestic and feral animals. Where soils in these areas are saline it is possibly due to their natural condition, rather than being induced by management. Pastoral management is overseen by the Department of Agriculture.

Additional issues are related to mining, with the revegetation and stabilisation of mine sites and mine residues and the restoration of survey tracks. This is primarily the responsibility of the Department of Minerals and Energy Western Australia, although CALM has undertaken a small amount of research in this area. Current research into soil conservation issues for this region includes -

Item	Land use	Organisation
Resource inventory surveys (soils, geomorphology, vegetation)	Pastoral	Dept of Agriculture
Soil regeneration techniques for arid shrublands	Pastoral	Dept of Agriculture
Control of feral animals	Pastoral/ national parks	APB/Dept of Agriculture/CALM
Restoration of native vegetation following mining	Mining	Various companies in junction with Curtin University, (School of Enironmental Biology)
Restoration of mining tracks and survey lines	National parks	CRA/CALM/ CSIRO Plant Industry

Research being conducted for the semi-arid farming areas of WA may be relevant to this question:

Item	Organisation
Wind erosion and dust control	Department of Agriculture
Relationship of wind erosion to soil conditions	University of WA

A consortium of Japanese universities and companies has expressed interest in establishing a research project into soil conservation issues in the Kalgoorlie area, in cooperation with Professor Gilkes of the University of Western Australia. The consortium visited Western Australia in May 1993, and has recently obtained funding from the Japanese environment agency.

(2) See above.

(3) Recommendations are project specific, and contained in an array of Department of Agriculture technical bulletins and consultants' reports.

FERAL ANIMALS - ERADICATION, HUMANE METHODS RESEARCH

1613. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) Has funding been approved for a research program to develop humane methods for eradicating feral animals, and if so, how much has been approved?

(2) Who will be conducting this research?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1) Yes. CALM allocated $330 347 including salaries in 1994-95 and will allocate a similar amount in 1995-96 to humane and effective control of fox populations through development of a method to induce sterility in wild populations.

(2) The research being undertaken by CALM is a component of the research by a cooperative research centre for biological control of vertebrate pest populations. Other contributors to the fox project in Western Australia include the Western Australian Agriculture Protection Board, the Australian Nature Conservation Agency and the CRC. Other partners in the CRC are working on developing methods using the same concept to control rabbits and mice.

FORESTS AND FORESTRY - SUSTAINABLE MANAGEMENT
Logging Industry, Competition

1619. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) What is the Minister's definition of "sustainable management" of forests and logging of forests?

(2) Which developing nations is the Minister encouraging to adopt sustainable management practices?

(3) Does the Minister support long term access of timber companies to forest areas?

(4) How is the Minister encouraging competition within the logging industry?

Mr MINSON replied:

The Minister for the Environment has provided the following answer -

(1) To manage the native forests of the south west of Western Australia, so that they provide the values required by society while sustaining indefinitely their biological and social values.

(2) All nations, regardless of their development status, are encouraged to adopt sustainable management practices. It is incumbent on Western Australia to ensure that this State does not unnecessarily add to the pressure on the resources of those nations.

(3) Yes.

(4) Open competitive tendering forms the basis for harvesting contracts between timber harvesting companies and the Department of Conservation and Land Management for log timber harvested from land managed by CALM.

CALM - FUEL REDUCTION BURNING POLICY

1621. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) When was an independent assessment into the Department of Conservation and Land Management's fuel reduction burning policy carried out?

(2) What were the findings of this assessment?

(3) Who carried the assessment out?

(4) Was the report tabled in Parliament?

(5) What was the cost of the assessment?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1) The report conducting a review of the Department of Conservation and Land Management's prescribed burning policy and practices and wildfire threat analysis was submitted to the Minister for the Environment in March 1994.

(2) A copy of the report and recommendations will be forwarded to the member.

(3) The panel members were Hon A.A. Lewis (Chairman), Mr Philip Cheney (CSIRO), and Dr David Bell (University of Western Australia).

(4) The report was tabled in the Legislative Council on 9 August 1994 (paper No 191).

(5) $130 578.13 plus CALM staff salaries.

FORESTS AND FORESTRY - ECOSYSTEMS RESEARCH

1625. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) What research has been conducted since the term of office on extending the current knowledge on forest ecosystems?

(2) Who has conducted this research?

(3) What has been the cost of the research?

(4) What recommendations have been put forward and which of these have been implemented?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1) Research on native forest ecosystems is summarised in the table below. As it is unclear what is meant by "since the term of office" all current research with costings for the fiscal year 1994-95 is listed.

(2) This research is being conducted by the staff and students shown in the table below.

(3) The cost of this research, including salaries and overheads, is show in the table below.

Title of research	Researcher	Total cost 1994-95 $
Control of jarrah leafminer	Dr I. Abbott, CALM	18 171
Effects of fire on jarrah forest flora	Dr N. Burrows, CALM	81 210
Effects of timber harvesting on jarrah forest vegetation and soils	Dr N. Burrows, CALM	72 625
Monitoring jarrah forest fauna (Perup)	Dr P. Christensen, CALM	29 711
Growth of jarrah on dieback sites	Dr S. Crombie, CALM	15 059
Control of *armillaria* in karri forests	Dr E. Davison, CALM	14 881
Wood borers and gum leaf skeletonizer in southern forests	Dr J. Farr, CALM	92 100
Effects of timber harvesting on small vertebrates and invertebrates in jarrah forests	Dr G. Friend, CALM	124 168
Effects of timber harvesting on medium size mammals in jarrah forests	Mr K. Morris, CALM	111 732
Formation of hollows in jarrah and marri trees	Mr K. Whitford, CALM	97 510
Effects of timber harvesting on birds of the jarrah forest	Mr M. Craig, PhD student, UWA	12 350
The ecology of the brush-tailed phascogale	Ms S. Rhind, PhD student, Murdoch	unknown
Jarrah silviculture research	Dr G. Stoneman, CALM	103 350
Karri regrowth silviculture	Mr L. McCaw, CALM	27 560
Establishment and growth of karri in relation to soil characteristics	Mr L. McCaw, CALM	144 500

Dieback site hazard rating in northern jarrah forests	Dr B. Shearer, CALM	2 500
The ecology of brown boronia (*boronia megastigma)*	Mr D. Ward, CALM	87 774

(4) All of the research listed in the table above is ongoing and no conclusions have yet resulted from this work; therefore, no recommendations have been put forward during 1994-95.

TREES - BREEDING AND PLANTING PROGRAMS

1628. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) Have tree breeding and tree planting programs expanded since the beginning of the current term of office?

(2) If not, why not?

(3) Which government and private bodies are involved in tree breeding programs?

(4) What breeds of trees are being developed and what are the specific properties that are being encouraged?

(5) What is the current budget allocated to tree breeding?

Mr MINSON replied:

The Minister for the Environment has provided the following answer -

(1) Yes, reafforestation undertaken by CALM has increased. In 1994 about 3 000 hectares of land was reforested and this year 6 700 ha of land will be reforested.

(2) Not applicable.

(3) The Department of Conservation and Land Management and Murdoch University. Through its membership of the Southern Tree Breeding Association (pine program), CALM collaborates with CSIRO, other state government agencies and major private companies. In Western Australia private companies, Bunnings Tree Farms and Alcoa, have carried out tree breeding activities.

(4) CALM undertakes breeding programs for all its commercial species with the aim of enhancing characteristics of importance. These include ecological tolerance, wood quality factors, growth rates and density factors.

(5) The budget allocated to tree breeding during this financial year is $418 965.

FORESTS AND FORESTRY - ; NEW PLANTATIONS; REAFFORESTATION

1629. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) Have any new forests been planted on Crown land in the last two years, and if so, where?

(2) Have any areas of crown land been zoned for new forest plantations, and if so, where are these areas?

(3) What is the current budget allocation into reafforestation?

Mr MINSON replied:

The Minister for the Environment has provided the following answer -

(1) New plantations have been established on cleared agricultural land and land in the Collie area held in fee simple by agencies of the Crown.

(2) No.

(3) The business units within CALM charged with afforestation have a budget allocation of $31 152 000.

CALM - LOGGING PRICES REVIEW

1631. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) Has a review into the structuring of logging prices been conducted in the last two years, and if so, who carried it out?

(2) If not, why not?

(3) What is the Minister doing to actively encourage the production of sawn timber for lower grade resources?

(4) Has this transition actually occurred, and if so, how is it measured?

Mr MINSON replied:

The Minister for the Environment has provided the following answer -

(1) No.

(2) A comprehensive review of hardwood log royalties and softwood stumpages was completed in early 1993.

(3) A system of grading hardwood sawlogs into first, second and third grade logs is in place. To offset the difficulties in processing and to encourage greater utilisation of low grade logs into sawn timber rather than process these logs, including marri, into woodchips or leave them in the forest, a relatively low royalty is charged for third grade logs. Open competitive tenders for the sale of sawlogs from lower grade log resources have previously resulted in a series of sale contracts. This practice has continued with a recent open tender resulting in 700 tonnes per annum of low grade feature sawlogs being contracted to various sections of the craftwood industry under long term contracts of up to nine years.

(4) Yes. The quantity of log timber sold by log grade is measured and recorded in cubic metres or tonnes.

WOOD UTILISATION RESEARCH CENTRE, HARVEY - GOVERNMENT SUPPORT

1634. Dr EDWARDS Minister representing the Minister for the Environment:

(1) What support is provided by the Minister to the Wood Utilisation Research Centre at Harvey?

(2) Which private sector groups are involved with the research centre?

(3) What is the purpose of their involvement?

Mr MINSON replied:

The Minister for the Environment has provided the following answer -

(1) Consolidated fund budget provided to the Wood Utilisation Research Centre for 1994-95 was $666 000.

(2) The Executive Director of the Forest Industries Federation (WA) Inc, the peak body representing the forest industries, is a member of the Wood Utilisation Research Centre policy panel.

(3) To ensure that research projects undertaken at the centre are relevant and address common industry problems.

CALM - SHARPE FOREST BLOCK, ROADING OPERATIONS, NIGHT WORK

1676. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) With reference to roading operations at the Sharpe forest block, have the workers worked through the night?

(2) If so, why is this the case?

Mr MINSON replied:

The Minister for the Environment has provided the following answer -

(1) To make up for lost time the contractor constructing the road carried out operations on two occasions during the night.

(2) Road works are seasonal and cannot be carried out under winter conditions. Road work in Sharpe block had to be completed before anticipated heavy rains. The work had been disrupted by protesters, some of whom disregarded temporary control areas gazetted in the interests of public safety.

NATIONAL PARKS - NATURE RESERVES, MINING APPROVALS

1692. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) How many mining approvals have been granted in the last two years in national parks and nature reserves?

(2) What is the procedure for approval?

(3) How is the damage to the environment assessed and what is the criteria an application must meet?

(4) What guarantees are given to ensure that rehabilitation occurs?

(5) Who is responsible for the cost of rehabilitation?

Mr MINSON replied:

The Minister for the Environment has provided the following answer -

(1) Final approvals for productive mining are given by the Minister for Mines. In the last two years three proposals for productive mining on C class nature reserves have been approved by the Minister for Mines.

(2) Approvals are given in accordance with the Mining Act 1978 and the Environmental Protection Act 1986.

(3) In the case of a proposal for productive mining environmental information is compiled by the proponent for consideration by the Department of Conservation and Land Management and the National Parks and Nature Conservation Authority and referred to the Environmental Protection Authority for assessment.

(4) Conditions are placed on the mining lease by the Minister for Mines and an unconditional performance bond is required in the form of a bank guarantee.

(5) The leaseholder.

HEALTH SERVICES - SPECIALIST MEDICAL SERVICES, PORT HEDLAND, ETC.

1750. Mr GRAHAM to the Minister for Health:

(1) With effect from 1 July 1995, what specialist medical services will be available in the towns of -

(a) Port Hedland;
(b) Tom Price;
(c) Paraburdoo;
(d) Marble Bar;
(e) Nullagine;
(f) Telfer;
(g) Karratha;
(h) Dampier;
(i) Wickham;

(j) Roebourne;
(k) Pannawonica;
(l) Point Samson?

(2) How often is it intended that those specialists visit each town?

(3) On what date will each new service commence in each town?

Mr KIERATH replied:

(1) (a) An allocation of $100 000 will be provided to Port Hedland Regional Hospital for the purchase of specialist equipment. To encourage more specialists to reside in rural areas the Health Department will provide incentives to support the establishment of training posts in country areas. A proposal from the College of Obstetrics and Gynaecology is currently being considered. Port Hedland is one of the targeted sites for this project. Funds will also be used as incentives to encourage metropolitan based services to develop visiting teams to rural centres as well as developing locally based services for these treatments for which people have traditionally travelled to Perth.

(b)-(c) Visiting surgeons will provide a three monthly service to 25 rural communities including consultations and procedures in the local hospital. A feasibility study for services for Tom Price and Paraburdoo is currently being undertaken to determine the appropriateness of this approach. Funds will also be used as incentives to encourage metropolitan based services to develop visiting teams to rural centres as well as developing locally based services for these treatments for which people have traditionally travelled to Perth.

(d)-(f) Services will be developed at Port Hedland.

(g) Services will be developed at Karratha. Funds will also be used as incentives to encourage metropolitan based services to develop visiting teams to rural centres as well as developing locally based services for these treatments for which people have traditionally travelled to Perth.

(h)-(j) Services will be developed at Karratha.

(k) Services will be developed at Port Hedland.

(l) Services will be developed at Karratha.

(2)-(3) Not known at this stage.

HOSPITALS - SENIORS, DISCHARGE SERVICES; POST ACUTE CARE

1831. Mrs ROBERTS to the Minister for Health:

(1) What special services, if any, are provided for the care of seniors following discharge from an acute hospital?

(2) Does existing post acute care -

(a) target the level of need;

(b) respond to consumer need?

(3) What initiatives has the Minister taken or does the Minister intend to take in the area of post acute care?

Mr KIERATH replied:

(1) The following services are available to seniors following discharge from hospital after undergoing acute care -

Services provided under the Home and Community Care program

include short term home nursing, home help, delivered meals, transport and respite care.

Silver Chain Nursing Association, which receives the majority of its funding from HACC, provides home nursing, home help and post-acute continence management services - including home modification, wheel chairs, crutches and kitchen utensils.

Discharging hospitals provide domiciliary nursing, home help and post-acute palliative care services.

Home nursing services are provided by community health nurses.

More specifically, some of the metropolitan hospitals also provide the following services -

Early discharge and home based rehabilitation - including medical, occupational therapy, physiotherapy and social work input - for patients admitted with an acute stroke.

Post-acute care and intense rehabilitation services - including occupational therapy and physiotherapy.

Slow stream rehabilitation services for patients who have suffered strokes and fractures.

Psychogeriatric outpatient services.

In addition to these services community based mental health services are available to people of all ages.

(2) (a) While it is difficult to quantify the existing level of need as patient circumstances vary greatly, ongoing assessments are carried out by trained health professionals to best determine the services required for seniors.

(b) The current range of post-acute services for seniors are tailored to meet the consumer need, as assessed by trained health professionals, for a variety of service types.

(3) At a statewide level identified gaps in the existing post-acute care services for seniors will be targeted under the purchasing process. However, this is subject to the fact that post-acute care is designated as a "no growth" area under current HACC legislation. Thus, additional post-acute care services cannot currently be purchased under HACC but must be provided using other funding sources. Some of the more specific initiatives that will be pursued and/or implemented will include -

A mobile psychogeriatric day hospital in the Wanneroo area.

Increased liaison and linkages between hospitals and GPs at the time of patient discharge from an acute-care facility.

Improved referral practices and better outcomes through proper aged care assessment.

Better linkages between mainstream and community based organisations.

Increased post-acute palliative care.

HOSPITALS - GERALDTON, FREMANTLE, OSBORNE PARK
Privatisation of Services, Consultants' Engagement

1845. Dr CONSTABLE to the Minister for Health:

(1) Have consultants been engaged to investigate the possible privatisation of the maintenance, linen service, catering and gardening services at Geraldton, Fremantle and Osborne Park Hospitals?

(2) If so, which consultants have been engaged and at what cost?

(3) How long is the consultation period?

(4) What is the total number of employees in each service at each hospital?

Mr KIERATH replied:

(1) Consultants have been engaged to undertake a review of building related activities in the government health sector. The review covers engineering and maintenance services, cleaning, security and grounds maintenance. Separate expressions of interest were recently called for the provision of catering services to hospitals in the metropolitan area. The future provision of laundry services to metropolitan hospitals will be subject to the outcome of the Health Care Linen's position. The consultants engaged on the building related activities review are to determine if these services can be more cost effectively undertaken and advise on what level of private sector involvement would achieve the greatest savings while continuing to provide an equal or better service. Fremantle, Osborne Park and Geraldton hospitals have been selected as representative sites for the consultants to analyse and base their recommendations on.

(2) Consultants, Arthur Andersen were awarded this contract after a competitive tender process. The contract for the review of building related activities is fixed at $130 000.

(3) Eight weeks. A further four week term has been allocated for preparation of pro forma tender specifications and implementation plans for agreed services.

(4)

In-House Operations - FTE

Service	Fremantle	Osborne Park	Geraldton
Maintenance	46	12	15.8
Cleaning	54.83	27.8	20.18
Security	9.6	0	0
Gardening	0	2.6	2
Totals	110.43	42.4	37.98

HOSPITALS - BUNBURY REGIONAL

Telephone Redirection Centre for St John of God Ambulance Centre

2013. Mr D.L. SMITH to the Minister for Health:

(1) Has the Bunbury Regional Hospital operated as a telephone redirection centre for the St John of God Ambulance centre in Bunbury for any period since 1 January 1980?

(2) If yes, what was the period when it provided this service and what hours did it operate?

(3) Is the redirection service still operating?

(4) If no to (3) above, then -

(a) when did it cease to operate;

(b) why did it cease to operate;

(c) who made the decision to terminate the arrangement?

Mr KIERATH replied:

(1) Yes.

(2) 18 May 1990 to 30 September 1994. It operated:

After office hours; when ambulance officers not available at the station; when the ambulance switch person was not at the station; and when the ambulance telephone system was malfunctioning.

(3) No.

(4) (a) 30 September 1994.

(b) Bunbury Regional Hospital generally has a single operator employed after office hours and on weekends except for a one and a half hour period between 4.00 pm to 5.30 pm. This person is responsible for a large and diverse workload:

First inquiry point for all persons entering through the casualty entrance; reception and medical records generation for all admissions; reception and medical records generation for all clients attending emergency department; switchboard operator; paging services operate; directs and receives all allied services after hours call in - for example, theatres, radiology, laboratory and medical services; redirects public to above services and also to outpatients services; responds to emergency situations as appropriate; clerical services provision; and medical records retrieval.

There has been a significant increase in workload for this area over the past two years. As an example, admissions alone for the same 12 months period in 1993-94 and 1994-95 have increased by 9.26 per cent.

(c) Hospital executive made a recommendation to the general manager which was accepted based on the circumstance as outlined.

PSYCHIATRISTS - WORKPLACE AGREEMENTS; ENTERPRISE BARGAINING, AMA NEGOTIATIONS

2016. Mr BROWN to the Minister for Labour Relations:

(1) Did the Minister see an article that appeared on page 29 of the 30 May 1995 edition of *The West Australian* which reported the Australian Medical Association had urged psychiatrists not to sign workplace agreements?

(2) Does the Australian Medical Association want to negotiate an enterprise bargaining agreement for psychiatrists?

(3) Is the Government prepared to enter into an enterprise bargaining agreement with the Australian Medical Association?

(4) Will the Government agree to enter into an enterprise bargaining agreement with the Australian Medical Association?

(5) If not, why not?

(6) Will the Government agree to the rates and conditions in any enterprise bargaining agreement being the same as the Government proposed for the workplace agreement?

(7) If not, why not?

(8) Do the rates offered by the Government to psychiatrists, as reported in *The West Australian*, fall well below the salaries commanded by public psychiatrists in the Eastern States?

(9) Is it true, as claimed by the Australian Medical Association, that psychiatrists who enter into workplace agreements will be excluded from any subsequent award improvement that may be obtained by other medical practitioners?

Mr KIERATH replied:

(1)-(2) Yes.

(3) Yes, it is also prepared to support workplace agreements with the Australian Medical Association.

(4)-(5) Whether or not the Government will enter into any form of agreement naturally depends on the content of that agreement. These matters are the subject of current negotiations with the AMA.

(6) Current negotiations are dealing with a wide range of issues. Accordingly, whatever is agreed will be a package of arrangements. Hence, at this stage it is not possible to guarantee that all of the features contained in the consultant psychiatrists' workplace agreement will be mirrored in an alternative form of agreement, if they are entered into at different times, due to the ongoing negotiations.

(7) At this stage the Government has not agreed to an alternative agreement and the content of any such agreement is also not yet determined. Therefore it is impossible to give a definitive response in such a hypothetical scenario. I understand that the AMA considers the workplace agreement to be inadequate so I cannot see why it would want the conditions of this agreement to be mirrored in an enterprise agreement.

(8) Yes. Base salary award rates for Public Service consultant psychiatrists are lower than those paid in a number of the Eastern States. However, care is needed when comparing remuneration as the packages provided to senior medical practitioners are complex. The Government's workplace agreement for consultant psychiatrists provides very significant increases which should improve our capacity to attract and retain such staff.

(9) Workplace agreements are separate from the award system, hence changes to the award would not affect the workplace agreement during its term.

EL NINO EFFECT - RESEARCH, GOVERNMENT SUPPORT

2029. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) Is the Government supporting research into the El Nino effect?

(2) If so, what support is being provided and to whom?

Mr MINSON replied:

The Minister for the Environment has provided the following response -

(1) Yes.

(2) The internationally respected CSIRO division of atmospheric research is contracted to the Department of Environmental Protection jointly with the Northern Territory and Queensland environment agencies to study over a three year period the northern tropical monsoon and the influence on it of the El Nino-southern oscillation phenomenon, and how those climate effects might respond to greenhouse influenced climate change. The CSIRO will report each July with a final report scheduled in July 1997.

ENVIRONMENT - MINISTERS' CONFERENCE

2031. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) What issues have been discussed at the Environment Ministers' Conference in the last two years?

(2) What is the agenda for this year's conference?

(3) What initiatives have been implemented as a direct result of the conference?

Mr MINSON replied:

The Minister for the Environment has provided the following response -

(1) The Australian and New Zealand Environment and Conservation Council has discussed many issues at its meetings in the last two years. The Minister will send the member the Summary Records of Proceedings of

the council's fifth (22 May 1993), sixth (15 October 1993), seventh (29 April 1994) and eighth (4 November 1994) meetings. The Summary Record of Proceedings for the ninth (28 April 1995) meeting will be confirmed at the council's next meeting due to be held in November 1995, and the Minister will send the member a copy of the agenda for the ninth meeting.

(2) See the answer to (1) in respect of the council's 28 April 1995 meeting. The agenda for the next meeting has not yet been determined.

(3) See the answer to (1). If the member has more specific questions after examining the papers being provided by the Minister, he will be pleased to answer them.

OIL SPILLS, MARINE - AND MARINE DISASTERS, EMERGENCY PROCEDURES

2034. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) What is the emergency procedure for oil spills and marine disasters?

(2) How are local authorities involved in the cleanup operations?

(3) What contact has the Minister had with the national Oil Spill Response Centre?

Mr MINSON replied:

The Minister for the Environment has provided the following response -

(1)-(3) The National Plan to Combat Pollution of the Sea by Oil came into operation in October 1973, and represents a combined effort by Commonwealth, State and Territory Governments, with the assistance of the oil industry, port and local authorities, to provide an integrated response to significant marine oil spills - up to 10 000 tons. The national plan through a levy on international shipping entering Australian waters, funds the equipment and training necessary for the implementation of the national plan. The State and territory Governments have a Committee for Combating Marine Oil Pollution which is responsible for coordinating the operational and environmental response to an oil spill incident. In Western Australia, the State Combat Committee is chaired by the Department of Transport (Maritime division) with representatives from the Commonwealth (Australian Maritime Safety Authority) and the Fremantle Port Authority (representing port and local authorities). In the event of an oil spill the state committee is advised on operational matters by a Technical Advisory Committee with representatives from industry and state departments and agencies especially those that have significant responsibilities in the marine environment - Department of Environmental Protection, Fisheries, CALM, DOME. The TAC liaises with all the relevant local governments throughout an oil spill especially during the post spill clean up operation. For this reason representatives of local governments, particularly coastal shires, are involved in national plan training courses.

The Australian Marine Oil Spills Centre at Geelong was established by the oil industry in 1990 to provide the industry with a capability to assist government in responding to major oil spills around the Australian coast and in adjacent areas in which Australian based companies operate.

PATIENT ASSISTED TRAVEL SCHEME - PERTH-KARRATHA, ANSETT CONTRACT

2035. Mr RIEBELING to the Minister for Health:

(1) Further to question on notice 1282 of 1995, how many patients have travelled from Perth to Karratha over the past 12 months?

(2) Specifically what does the policy state in relation to taking "the best fare of the day"?

(3) Does "the best fare of the day" include any package which may be cheaper, but booked days/weeks in advance?

Mr KIERATH replied:

(1) Patients - 697 Escorts - 135.

(2) The 'Best Fare of the Day' is the lowest cost available at the time of request for the route requested at the times requested. For example, a flight at midnight would be cheaper than flying at noon. In this case there would be a 'best price' for flying at midnight and another 'best price' for flying at noon. This can also be influenced by the number of bookings per flights; for example, empty seats. Ansett is required to always offer the 'Best Fare of the Day'; however, officers booking air travel should always ask if the prices quoted are the 'Best Fare of the Day'. The best fare should also take into consideration lower prices offered by other carriers; for example, Qantas. Officers should also ask if the price for equivalent travel with other carriers has been taken into consideration.

(3) Yes.

FACTOR VIII - FOR HAEMOPHILIACS, STATE FUNDING

2093. Dr GALLOP to the Minister for Health:

(1) What contribution, if any, is the State Government making to the provision of Factor VIII for people with haemophilia?

(2) Has the State Government agreed to match commonwealth government expenditure provided in the 1995-96 Budget?

(3) If not, why not?

Mr KIERATH replied:

(1) The State Government funds the production of plasma derived factor VIII through the Blood Transfusion Service. This funding is shared with the Commonwealth with 60 per cent of the funding coming from the State.

(2)-(3) To the extent that extra commonwealth expenditure will support the production of plasma derived factor VIII, the State will fund the Blood Transfusion Service for extra activity according to the 60:40 formula. However, the provision of recombinant factor VIII which will be particularly for prophylaxis in children with haemophilia, should be conducted through the commonwealth High Cost Drug program as it meets all the criteria for funding under this program.

ENVIRONMENTAL PROTECTION ACT - SECTION 38, PROPOSALS REFERRED AND ASSESSED BY ENVIRONMENTAL PROTECTION AUTHORITY

2096. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) How many proposals were referred to the Environmental Protection Authority under section 38 of the Environmental Protection Act 1986 for each of the following years -

(a) 1992;
(b) 1993;
(c) 1994?

(2) How many of the proposals referred to the above were assessed -

(a) formally;
(b) informally;
(c) not at all?

Mr MINSON replied:

The Minister for the Environment has provided the following response -

(1) The Environmental Protection Authority's records, maintained by the Department of Environmental Protection, are kept on a financial year basis -

(a) 1991-92 689
(b) 1992-93 551
(c) 1993-94 640

(2) The following statistics apply to the categories requested in the question -

Level of Assessment	1991-92	1992-93	1993-94
Formally	74	53	58
Informally	192	158	206
Not at all	131	80	138
Works Approval/Licence	292	260	238

CONTAMINATED SITES - SOUTHERN RIVER ROAD

2118. Dr WATSON to the Minister representing the Minister for Environment:

(1) How much land along the Southern River Road is estimated to be polluted?

(2) With what substances is it polluted?

(3) How serious is the pollution considered to be?

(4) Will the pollution prevent urban development?

(5) How does the Government propose dealing with this contamination?

Mr MINSON replied:

The Minister for the Environment has provided the following response -

(1) The site is contaminated. The extent of contamination outside the site has not been clearly defined. However, additional investigations are being undertaken by the City of Gosnells to address this issue.

(2) The major pollutants are heavy metals, particularly lead, and nutrients such as ammonia and phosphorus. There is also evidence of buried steel drums/containers at the site.

(3) The site is the subject of formal environmental impact assessment by the Environmental Protection Authority. The proponent is the City of Gosnells. At present the proponent is investigating details of the extent and nature of the pollution. Until the details are to hand and the EPA has reported, the seriousness of the pollution cannot be accurately assessed.

(4) It is unlikely that the pollution will prevent urban development after remediation. However, restrictions may need to be placed on nearby residents in relation to the use of ground water for drinking purposes.

(5) The City of Gosnells, as proponent, proposes to remediate the site to enable it to be redeveloped. This proposal is still to be assessed by the EPA and the EPA is yet to report to Government. Once the EPA's report has been received, the Government will decide on its course of action.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF - LIQUID WASTE DUMPING, BANNISTER ROAD, CANNING VALE COMPLAINT; ILLEGAL DUMPING PENALTY

2119. Dr WATSON to the Minister representing the Minister for Environment:

(1) Has the Department of Environmental Protection received a complaint about dumping of three to four loads of liquid waste in Bannister Road, Canning Vale near the tip on 20 May 1995?

(2) If so, what has its response been?

(3) Did the DEP test the area on 22 May 1995?

(4) If not, why not?

(5) If so, why did the officers not obtain a statement from the complainant as promised?

(6) Are DEP officers rostered to take soil and other samples on weekends?

(7) If not, why not?

(8) Could such functions be delegated to trained council officers?

(9) What is the penalty for illegal dumping of liquid waste?

Mr MINSON replied:

The Minister for the Environment has provided the following response -

(1) Yes.

(2) I am advised that the matter was referred to the Department of Environmental Protection's emergency response officer who, after questioning the caller, determined that the waste concerned was solid and liquid material from a storm water drain at the Canning Vale market. As the waste material did not pose an environmental threat and two representatives of the City of Canning were already present at the site, no immediate action was taken to attend the site as no emergency existed. Subsequently, a DEP officer who is a professional chemist visited the site and took a sample of the waste which had actually been dumped within the boundaries of the local authority's landfill site.

(3)-(4) Yes, a sample of the waste was taken and identified as being consistent with road sweepings or solid materials from a storm water system. No further samples were taken from the area as the material did not pose a threat to the environment.

(5) A statement was recorded by the emergency officer at the time of taking the call. Once the material was determined not to represent a pollution threat, the incident was treated as a local matter more in the nature of littering and was therefore left with the local authority to pursue, using powers available through by-laws under either the Health Act or the Litter Act. I understand that the local authority is in fact initiating legal proceedings against the company which dumped the waste material.

(6) I am advised the DEP provides a 24 hour "on call" response system for pollution complaints and emergencies. The department has advised that "on call" officers are trained to make judgments as to whether a particular incident requires an immediate response. Where an incident is considered to pose a threat to the environment, an officer will attend immediately.

(7) Not applicable.

(8) Yes, although training would be necessary and staff involved may need a professional qualification. I am advised there has been a reluctance in the past from local government to get involved in the management of hazardous wastes and chemicals and they have generally expressed a preference for DEP to fulfil this role.

(9) The maximum penalty for dumping of liquid waste varies considerably depending on the nature of the offence. Under the Environmental Protection Act the penalty can be as high as $50 000 in some circumstances and in serious cases it can involve imprisonment of offenders as has occurred within the last few months in this State. Under the Health (Liquid Waste) Regulations 1993 the maximum fine is $10 000.

PSYCHOLOGISTS REGISTRATION ACT - AMENDMENT
Psychotherapists and Counsellors Registration

2127. Dr WATSON to the Minister for Health:

(1) Is the Psychologists Registration Act 1976 to be amended?

(2) If so, by what process?

(3) Does the current Act register psychotherapists and counsellors?

(4) If no, would the Minister consider registering such occupations?

(5) If so, through what Statute?

(6) If not, why not?

Mr KIERATH replied:

(1) Yes, a new Bill is proposed that will revise the registration and disciplinary provisions.

(2) After a process of consultation with stakeholders, which is nearing completion.

(3) No.

(4)-(5) There are no proposals to register psychotherapists or counsellors at present.

(6) Because the terms "psychotherapy" and "counselling" cover such an enormous range of activities, for example, those undertaken by ministers of religion, school counsellors and not-for-profit organisations. Any attempt to regulate those areas unnecessarily frustrates the mainly beneficial work undertaken by these people. I appreciate that there are some cases where the public may be exposed to unethical practices by unregulated counsellors. However, there is a duty of the public to exercise caution and wisdom in selecting those people from whom they are prepared to receive counsel and advice.

OIL SPILLS - OCEAN, PORTABLE STORAGE FACILITY RESEARCH

2137. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) What research has been done into the development of a temporary portable storage facility to assist in combating oil spillages to be used at sea?

(2) Who has conducted this research?

(3) How much funding has been directed into this research?

(4) What developments have been made?

Mr MINSON replied:

The Minister for the Environment has provided the following response -

(1)-(4) Oil spillage contingency and research arrangements under the national plan for the combat of pollution of the sea from oil is a responsibility of the Department of Transport. The question should be asked of the Minister for Transport.

QUESTIONS WITHOUT NOTICE

CRICHTON-BROWNE, SENATOR NOEL - ALLEGATIONS AGAINST

287. Mr McGINTY to the Premier:

I refer the Premier to his statement of support for his disgraced political patron, Senator Noel Crichton-Browne, reported in *The West Australian* on 29 March

where the Premier said the Senator had made a huge contribution to the party in a number of different roles and that the Senator had the Premier's full support. These statements were one of the reasons the member for South Perth resigned from the Liberal Party two days later.

(1) Is the Premier concerned about Liberal Party allegations revealed yesterday in this House that his Liberal Party factional mentor, Senator Noel Crichton-Browne, has used threats, abuse and obscenities to the point where a federal member of his own party has gone to the police for protection and advice?

(2) Does Senator Crichton-Browne still have the Premier's full support?

Mr COURT replied:

(1)-(2) I did not think the Leader of the Opposition would be silly enough to ask a question like that.

Mr McGinty: Do you support him?

Mr COURT: Of course I support him; I support all members of the Liberal Party.

Mr McGinty: What about the ones going to the police for protection against him?

Mr COURT: The member for Nollamara said in this Parliament yesterday -

Mr Taylor: Do you support Allan Rocher?

Mr COURT: Yes, I do support Allan Rocher. He is the Liberal member for Curtin, and as long as he is a Liberal member he gets my full support. This is a pretty serious matter. In the Parliament yesterday the question asked by the member for Nollamara was -

(1) What action does the Minister intend to take following the Federal Police interview conducted with the Premier's political mentor Senator Crichton-Browne in Perth last Friday in relation to a very serious criminal allegation that Senator Crichton-Browne had made threatening and obscene telephone calls to a federal Liberal politician in Perth and Canberra, including death threats?

(2) Is it also true that the Liberal member is now under police protection?

(3) If the Minister claims he is unaware of these serious matters, will he ensure that the allegations against Senator Crichton-Browne are immediately investigated by the police and appropriate action taken?

I thought the dunce's hat had changed from the member for Peel to the member for Nollamara. Now it has gone to the Leader of the Opposition. Members opposite come into this Parliament and make unfounded allegations.

Mr McGinty: It was a member of the Liberal Party who made those allegations.

The SPEAKER: Order!

Mr COURT: The Opposition has spoken of death threats -

Mr McGinty interjected.

The SPEAKER: Order! I formally call to order the Leader of the Opposition.

Mr COURT: Is the Leader of the Opposition now saying Senator Noel Crichton-Browne threatened someone's life?

Mr McGinty: I am saying Liberal Party members have told us that is the case.

Mr Cowan: Nonsense; they haven't told you anything.

Mr McGinty: Where is the dunce's hat sitting now?

The SPEAKER: Order! That is intolerable; we cannot have interjections of such a nature. The question was asked by the Leader of the Opposition and the Premier should be given an opportunity to be heard in relative silence when replying to the question.

Mr COURT: Nothing is more cowardly than coming in here and using parliamentary privilege to make unfounded allegations. Yesterday after the allegations were made the member for Nollamara ran outside, held his press conference, and said, "This is what has taken place." The Federal Police put out a statement saying that no allegations had been made against Senator Chrichton-Browne and no investigations undertaken.

Mr Kobelke: They did not. What I said in here on the record yesterday has not been contradicted by the police statement.

Mr COURT: The member said there was an allegation and death threats and telephone calls. The police have said there are not. Not even the Federal Police have received an allegation. They put out a statement saying that was the case. The Commissioner of Police advises -

(1) The state police are unaware of any interview between the Australian Federal Police and Senator Noel Crichton-Browne relating to complaints made against Mr Crichton-Browne.

(2) The state police responded to a security appraisal request from a federal member of Parliament on 15 May 1995.

(3) A standard security appraisal of the member's private residence was made.

(4) The request was made after the member received two unidentified telephone calls, one of which was of a minor threatening nature.

(5) The federal member specifically requested no police action be taken other than a security appraisal.

I ask the Leader of the Opposition, whether he will go outside this Parliament and say that Senator Noel Crichton-Browne has been making threatening telephone calls.

Mr McGinty: I will be happy to say I have received reports from Liberal Party members that make exactly those allegations.

Mr Shave: You are worse than your grubby little friend over there.

Withdrawal of Remark

The SPEAKER: Order! I call on the member for Melville to withdraw that remark.

Mr SHAVE: I withdraw.

Questions without Notice Resumed

Several members interjected.

The SPEAKER: Order! It is very difficult when a lot of members in this place decline to take notice of my calls for order and then expect me to become their apostle when I have called for a remark to be withdrawn. I have had an inappropriate remark withdrawn. If this level of interjection keeps up, this question time will not last too long.

Mr COURT: The cowardly Leader of the Opposition will not go outside and make those allegations. Let us look at what the Federal Police had to say. A statement they put out said that Senator Crichton-Browne had raised certain matters with the Australian Federal Police. The matters raised by Senator Crichton-Browne are being examined by the Australian Federal Police. The Australian Federal Police have received no specific allegations about Senator

Crichton-Browne and, therefore, have no reason to interview him. Allegations have been made that complaints have been made against him, but it turns out that he has made a complaint against somebody else. The actual situation is the complete reversal of what is claimed.

Several members interjected.

The SPEAKER: Order! The member for Peel.

Mr Marlborough: Let us have the name of the person.

The SPEAKER: Order!

Mr COURT: The member missed my earlier comment.

Mr Marlborough interjected.

The SPEAKER: Order! I formally call to order the member for Peel.

Mr COURT: No allegations were made against Senator Crichton-Browne to the state police or Federal Police. The Leader of the Opposition has the nerve to come into this Parliament and use parliamentary privilege to push completely unfounded allegations.

Mr Marlborough interjected.

The SPEAKER: Order! The member for Peel.

Mr COURT: We have a pretty desperate Leader of the Opposition. The members for Peel and Nollamara have been down in the political sewer for some time. The member for Nollamara was caught out yesterday; he got his story wrong. Now this desperate Leader of the Opposition is continuing to push those unfounded allegations.

STATE SCHOOL TEACHERS UNION - EXPULSION OF MEMBERS SIGNING WORKPLACE AGREEMENTS

288. Mr McNEE to the Minister for Labour Relations:

What action might the Minister take on the decision by the State School Teachers Union's state council that it would expel from the union any member who signed a workplace agreement?

Mr KIERATH replied:

When the Government drafted the workplace agreements legislation it deliberately wanted to ensure that workplace agreements would be voluntary; that is, that employers could not force employees into a workplace agreement, but equally, that employees could not be forced not to enter into one. For the benefit of members opposite I will quote the relevant part of the Workplace Agreements Act -

> A person must not by threats or intimidation persuade or attempt to persuade another person to enter into, or not enter into -
>
> (d) an agreement under this Act;

Obviously the action by the union contravenes that specific provision. The union is attempting to coerce its members into playing its political games. What is the union afraid of? Does it think that teachers cannot think for themselves and make up their own minds? The union tells the teachers that whatever they do, they should not sign a workplace agreement - even if it is better for them - because the union knows what is best. If it says that, it is admitting that it is not really interested in quality of education or in a better pay deal for teachers. It is running a silly, ideological game. It is not trying to chase what is best for teachers. I point out to members opposite who have been involved in some of those games that they should desist from that. I have asked the Department of Productivity and Labour Relations whether these actions by the teachers' union are in breach of the Workplace Agreements Act. Perhaps the Leader of the Opposition, instead

of making snide remarks as he so often does in this place, should use his influence in the trade union movement to ensure the union abides by the law.

PEPPERMINT GROVE SHIRE COUNCIL - STOP WORK ORDER, 1 HARVEY STREET

289. Mr KOBELKE to the Premier:

I refer to the extraordinary admission by the Minister for Local Government on Tuesday in answer to a question on notice that he had no reason for overturning the stop work order on the house being built in Peppermint Grove by a company controlled by Liberal Party donor Len Buckeridge, and that he was aware that the builder was continuing work on the house in contravention of the stop work order.

(1) Does the Premier agree that overturning a stop work order on a building being constructed by a major Liberal Party donor without having any reason to do so will appear to the public to be a case of official corruption?

(2) Does the Premier support the actions of the Minister who, in his decision to uphold the appeal, has condoned the illegal continuation of construction in contravention of the stop work order?

Mr COURT replied:

(1)-(2) I did not think the member for Nollamara would have the nerve to show his face today. There is one thing which can be guaranteed about the member for Nollamara - he will never apologise. I point out that there are two houses: One in Peppermint Grove and the other in Mosman Park.

Mr Kobelke: I am asking you about the one in Peppermint Grove.

Mr COURT: Yes. One is on the river and the other is somewhere else. I have been advised by the Minister for Local Government that the Local Government Act empowers the Minister to uphold or dismiss appeals against a stop work order. In determining to uphold the appeal the Minister had regard for the appellant's submission of appeal, the Peppermint Grove Shire Council's submission, and a detailed report and assessment by the Department of Local Government.

Mr Kobelke: When I asked the question, you answered that he had no reason for doing it.

Mr COURT: If the member for Nollamara wants more information on that, I suggest he ask the Minister for Local Government.

Several members interjected.

Withdrawal of Remark

Mr COWAN: I distinctly heard the member for Armadale make an unparliamentary comment. I ask her to withdraw it.

Mr Catania: What did she say?

The SPEAKER: It is generally preferable that the comments are not repeated because they are unparliamentary. If the member for Armadale used unparliamentary language, I ask her to withdraw.

Mrs HALLAHAN: I withdraw the unparliamentary comment, Mr Speaker.

Questions without Notice Resumed

COMMUNITY DEVELOPMENT, DEPARTMENT FOR - BUDGET ALLOCATIONS

290. Mrs PARKER to the Minister for Community Development:

I have given the Minister some notice of this question. Last Friday, it was my pleasure to open the new premises of the Foothills Information Referral Centre.

At this function I was asked - it was the day after the Budget was presented - for detail, not of the infrastructure developments in the Department for Community Development's budget, but for detail of the funding allocation for service provisions.

(1) Will the Minister provide me with details of budget allocations made for certain areas within the Community Development portfolio?

Mrs Hallahan: Preambles for dorothy dixers do not have to be this long.

Mrs PARKER: People have asked me for this information and it would be good if the Hansard reporter could hear me.

The SPEAKER: Order!

Mrs PARKER: To continue -

(2) Will the Minister explain how this level of funding compares with previous funding provisions?

The SPEAKER: Order! I thank members for providing advice on this matter. The preamble to that question was excessive. Traditionally, this Parliament has not allowed excessive preambles. Other Parliaments allow very long preambles; sometimes they take five minutes. If that were allowed here, not many questions would be asked.

Mr NICHOLLS replied:

(1)-(2) I know the member is genuine about wanting to know the information and in representing her constituents. The question relates to Budget allocations and resources. Without being too long about it, I would like to give the House some information about allocations for key areas in the Department for Community Development's budget. The Budget provision for 1995-96 for non-government funding - that is, funding to agencies to provide services in the community - is $43 702. It is an increase of 25.38 per cent on the 1992-93 Budget, the last Budget of the previous Government, and an increase of 7.8 per cent on the 1993-94 Budget. The family and community support allocation has increased from $53.719m in 1992-93 to $67.334m in this year's Budget, an increase of 24.79 per cent. There has been an increase of 24.8 per cent in the allocation for the care and protection of children since 1992-93. Members opposite might not care too much about the answer. However, in the last two years under this Government and in the future, this Government has shown its clear commitment to the social issues affecting families and children in our community. I trust the member will communicate that information to her constituents. I also hope members opposite get behind this Government in its efforts to help families in this community.

EDUCATION DEPARTMENT - REMOTE TEACHING SERVICE WORKPLACE AGREEMENTS

291. Mrs HENDERSON to the Minister for Labour Relations:

I refer to the Minister for Education's policy statement which has been sent to regional superintendents and relayed to teachers at remote schools telling them that if a majority of teachers at a school wishes to gain a pay rise from a collective agreement, all teachers need to be party to that agreement.

(1) Does the Minister agree that this instruction directly contradicts clauses 9 and 30 of the Workplace Agreements Act which say that a workplace agreement may be entered into between an employer and all or some of his employees and that no party can be coerced by threats or intimidation to enter the collective agreement?

(2) Will he take steps to advise his colleague, the Minister for Education, that this form of coercion is not permitted under the legislation.

The SPEAKER: Order! That question asks for an opinion and perhaps the member may be able to adjust it so that it does not. I ask the member whether she can do that instantly.

Mrs HENDERSON: Yes. Has the Minister seen the document and does he agree that it instructs teachers that all teachers at a remote school must enter into workplace agreements for any of them to gain benefits of that agreement and that that is contrary to the Act?

Mr KIERATH replied:

I have not seen that document.

Mrs Hallahan: What will you do now that you have been told about it?

Mr KIERATH: As soon as I have finished here I will make inquiries about the document to ascertain whether the member correctly quoted from it. I said in answer to an earlier question that it is illegal to force a person into an agreement or to coerce someone not to enter into an agreement. Is that not interesting?

Mrs Henderson: Your Government is doing that every day of the week.

Mr KIERATH: If the document is as the member suggests, I will be more than happy to convey a message to the Minister for Education. However, I doubt whether the member's version of that document is an accurate portrayal of it. If it is, I will be more that happy to point out to the Education Department that that sort of action is totally inappropriate. The very principle of workplace agreements is that they are voluntary and it is up to the individual to choose whether he wants one and he should not have his employer force him into it or the unions force him not to go into it. That is the difference. The Government will abide by the law. If the department has sent out a document in the form the member suggests, I will have it corrected. The challenge comes back to the Opposition: Is it prepared to direct its supporters, including the trade union movement, to abide by the law?

Several members interjected.

Mr KIERATH: The member for Thornlie has not answered the question. Quite obviously, the Labor Party is not prepared to abide by the law. I reassure the House that members on this side of the House are always prepared to abide by the law.

REFUGEES - PLACES ALLOCATION

292. Mr BOARD to the Minister for Multicultural and Ethnic Affairs:

Given that this is National Refugee Week and the Ministerial Council on Immigration and Multicultural Affairs discussed the refugee situation in Perth last week, can the Minister inform the House about Australia's response to the refugee intake?

Mr OMODEI replied:

I thank the member for some notice of this question. A very successful ministerial council meeting was conducted in Perth last Friday and it was chaired by Hon Nick Bolkus. The meeting was well attended and it was very productive. The refugee situation at the Curtin Air Base in the north west was discussed and some commitments on that issue were made by the federal Minister. I am advised that there are an estimated 23 million refugees in the world today, with 7 million in Africa and 6 million in Europe. Accordingly, Australia's humanitarian program will be maintained at 13 000 places, comprising 4 000 for refugees, 5 200 for the special humanitarian program and 3 800 for the special assistance categories. The highest priority will continue to be people from the Balkans and the Middle East. Five hundred places have been allocated for the Women at Risk program. As it is expected that a percentage of these people will settle in Western Australia, the Western Australian Government will continue to support the efforts

of the community groups which highlight the plight of refugees. The Government commends the work of the Refugee Council of Western Australia and has contributed financially to the cost of running Refugee Week in this State.

EDUCATION - GOOD START PROGRAM

293. Mrs HALLAHAN to the Premier:

I refer to the Government's ill-fated "Late Start" program for the early years of education announced this week and ask -

(1) Given the enormous growth in retention rates in our schools over the last decade and the importance of improving the quality of education and training received by our children, why has the Government decided to increase the age at which our children start school, which will result in students being able to leave school after only nine years of education compared with 10 years under the current system?

(2) The Premier said in his Budget speech that the State is projected to grow at 4.25 per cent over the coming year. If that is true, why should Western Australians have to see something as important as their children's education cut when the Government should be acting to improve and increase educational opportunities for all children?

Mr COURT replied:

(1)-(2) What a smart alec comment - "Late Start"! The member for Armadale obviously does not understand the program, which has the broad support of all of the experts, academics and the like in the education profession. For the first time, this program will give all children in this State, not just selected ones, the opportunity to have a proper education before they start their formal education; something which members opposite could not deliver. I suggest that before the member starts running around building up a bit of a scare campaign, she should try to understand what the program is all about.

KANGAROOS - ON ISLAND CAUSED BY DAWESVILLE CHANNEL, MANAGEMENT PLAN

294. Mr MARSHALL to the Minister representing the Minister for the Environment:

The completion of the Dawesville Channel has seen the land between Halls Head Bridge in Mandurah and the Port Bouvard Bridge become an island, restricting the movement of kangaroos. A culling program has been suggested, but Falcon residents are concerned for the animals' safety. Does the Minister see a need for a management strategy to provide a safe haven for these kangaroos?

Mr MINSON replied:

I thank the member for the question and some notice of it. I recall that when I was Minister for the Environment, the member for Murray approached me about this matter because when the bridge was put there it was obvious that kangaroos would not use it because it was so busy! The Minister is aware that the population of western greys is under pressure, as was forecast when the Cut went through. I understand that the Mandurah City Council, Town and Country Bank and the Department of Conservation and Land Management have recently had discussions and that Town and Country has agreed to prepare, in conjunction with an environmental consultant, a management plan for the kangaroo population. It is obvious that not all of the kangaroos will remain on that island.

Mr Taylor: Are you going to shoot them?

Mr MINSON: No; we will probably ship some of them out. It is obvious that we will not be able to support the entire population, but an area of land will be set

aside that is large enough always to maintain a viable population of western greys on that island. It is unrealistic to expect that the land not be developed at all, and I understand that there is general acceptance of that in the area.

PATIENT ASSISTED TRAVEL SCHEME - TRANSPORT SERVICE, MANDURAH-PERTH; PINJARRA SERVICE

295. Dr GALLOP to the Minister for Health:

I refer to documents tabled by the Minister yesterday which indicate that funds "saved" from the application of the new and harsh guidelines for the patient assisted travel scheme will go to the Australian Red Cross to enable it to provide a taxi service from Mandurah to Perth. Will the Minister guarantee a similar service for the people of Pinjarra, York, Wundowie, Toodyay, Northam, Gingin and Beverley, all of whom can no longer apply for PATS money; and, if not, why not?

Mr KIERATH replied:

The member for Victoria Park has got his facts wrong again. The Peel Health Authority provides a transport service to Perth. It manages health services for the whole region, whether it is general health or specialist care; it is its duty to provide that assistance. In this case the Peel Health Authority decided to provide a transport service for Mandurah residents to Perth. Mandurah has a large demand for health services, which is why the Government will build a new hospital in Mandurah. That is something that members opposite did not manage to provide. These transport arrangements will be part of an interim arrangement until that new hospital is built. The transport service is provided on a 12 month basis, because we do not expect it to be a permanent arrangement. The arrangement will be in place only until the Government can provide the best possible health service in Mandurah.

Dr Gallop: What about Pinjarra?

Mr KIERATH: When the new hospital is built in Mandurah, the residents of Pinjarra will have access to it. If the member for Victoria Park wanted a better health service for Mandurah, he would support the Government's decision on this new hospital, but he carps about this continually, and that will do nothing for that new hospital. When we complete the hospital the people will thank us for it. They will not thank the member for Victoria Park for his negative, knocking, spoiling game.