



WESTERN AUSTRALIA

# **PARLIAMENTARY DEBATES**

**(HANSARD)**

THIRTY-FOURTH PARLIAMENT  
FOURTH SESSION  
1996

LEGISLATIVE COUNCIL

Wednesday, 18 September 1996

## Legislative Council

Wednesday, 18 September 1996

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

### PETITION - REFERENDUM ON SELF-GOVERNMENT

Hon P.R. Lightfoot presented the following petition bearing the signatures of 220 persons -

To the Honourable the President and members of the Legislative Council in Parliament assembled.

We, the undersigned ask that a referendum be held to determine whether it is the wish of the people of Western Australia that the State of Western Australia become totally self governing by withdrawing from the Federal Government of Australia.

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

[See paper No 613.]

### MOTION - URGENCY

*Performance of WorkSafe WA*

**THE PRESIDENT** (Hon Clive Griffiths): I have received the following letter -

Dear Mr President

At today's sitting, it is my intention to move under SO 72 that the House at its rising adjourn until 9.00 am on 25 December for the purpose of discussing grave concerns over the performance of WorkSafe WA in protecting the safety of workers in the construction and demolition industry.

Yours sincerely

Alannah MacTiernan MLC  
Member for East Metropolitan Region

In order to discuss this matter, it will be necessary for at least four members to indicate their support by rising in their places.

[At least four members rose in their places.]

**HON A.J.G. MacTIERNAN** (East Metropolitan) [2.38 pm]: I move -

That the House at its rising adjourn until 9.00 am on 25 December.

On 6 March a young man, Mark Allen, aged 23 fell to his death on a demolition site.

Hon Max Evans: What date?

Hon A.J.G. MacTIERNAN: It was 6 September.

Hon Max Evans: I wanted to get the date right -

Hon A.J.G. MacTIERNAN: This is a serious matter.

Hon E.J. Charlton: Yes it is.

Hon P.R. Lightfoot: That is why he wanted to get the date right.

The PRESIDENT: Order!

Hon A.J.G. MacTIERNAN: I thought this tragic loss of life saddened both sides of the House and I hope that is the case, because it was a serious incident.

Hon E.J. Charlton: Did you get the date right?

Hon A.J.G. MacTIERNAN: Will the Minister shut up! I am becoming angry. This is outrageous! We are talking about the death of a young man, and all the Minister can do is talk about the date.

Hon E.J. Charlton: You didn't say that.

Hon Mark Nevill: Go and talk to the ABC and bad mouth people. That is more your form!

The PRESIDENT: Order!

Hon A.J.G. MacTIERNAN: I regret the conduct of the Minister for Transport, but it is the standard conduct which we have learnt to expect from this man who should have remained at the Tammin pub and not done this House the disservice of bringing his antics from that place to this.

This event has been very painful for members on this side of the House who knew Mark. I remember when I first met him. I was enthralled with this young man who possessed a combination of passion, intelligence, insight and practical common sense - all of which indicated that he was a man who, in future, would be a great leader of the working people and of the union movement. Mark's death was made more tragic by the fact that he was attempting to care for the safety of other workers - men even younger than he. I understand the workers were 18, 19 and perhaps 21 and, in Mark's view, were being required to work in very unsafe conditions. In his efforts to assist those workers it appears he may have been the victim of those unsafe conditions.

I raise this case as the latest in a long line of deaths in the construction and demolition industry. Indeed, we have witnessed a dramatic increase in the incidence of fatalities in that industry. Before I move away from the issue of Mark's death towards more general issues, I must voice my concern and that of his family, friends, workmates and union colleagues about the insensitive and precipitous comments made on television by the chief executive officer of WorkSafe, Neil Bartholomaeus. His statement was to the effect that, if Mark had been wearing a safety harness, he would not have died. At best, the comment was insensitive, and, at worst, it undermined the confidence of working people in the leadership of WorkSafe WA. He had no basis for his statement. The investigation did not commence until the next day. It was unable to commence because it was adjudged by WorkSafe that it would be unsafe to attempt to access the roof from the ground, such was the state of the site. They had to wait until Sunday when Western Power could make available a cherry picker. Moreover, as Mark's workmates knew, even if he had been wearing a harness there was nothing to which he could attach it.

In the limited time available I intend to draw attention to the more general issue of WorkSafe protecting workers in the industry. It should be noted that Mark's death was the third on a demolition site in four years; it was the second in the past year. The first death occurred in 1992, and led to a variety of recommendations by the coroner. As I understand it, none of the recommendations has been implemented. One recommendation was to consider the introduction of licences for demolition operators. As I understand it, last year the matter was considered by a demolition industry subcommittee of the regulation review committee under the aegis of WorkSafe. It was supported by WorkSafe personnel, unions and the demolition industry. However, the Chamber of Commerce and Industry representative on the subcommittee vetoed that action. I understand also that the Government backed the CCI's stance. Therefore, currently there is no requirement for licences and no proving of capacity by demolition operators.

I turn now to the increasing number of fatalities in the construction industry generally. The numbers have increased since the introduction of the new regime and since statistics have been comprehensively collected. Between 1987 and 1992 the average number of deaths in the construction industry was 3.2 per annum. Between 1992 and 1996 the figure doubled, with the number of fatalities currently running at around 6.1 per annum. The doubling of the number of fatalities in the construction industry is of particular concern, considering that the construction industry is now operating nowhere near the level it was during that first period. For the first four years between 1987 and 1992 we experienced an enormous boom in the construction industry. Since then the level of activity has dropped markedly but the number of deaths has increased dramatically. That is cause for great concern. That is in part attributable to an increasing reluctance on the part of the Department of Occupational Health, Safety and Welfare to undertake site inspections. There has been a diversion of resources in the department away from the active duties of inspection into matters such as the presentation of awards and the preparation of videos. Of course, awards and videos on training are all very well but ultimately the system will not work unless we are prepared to have a rigorous system of inspection. The answers we receive to questions over time, and the public statements made by the Commissioner of WorkSafe, indicate that the attitude of WorkSafe has been that it has fewer people actively engaged in field inspections. In particular, very little is done by way of random inspections.

We know from the public statements by Mr Bartholomaeus when the occupational health and safety legislation was being changed that he thinks random inspections are a waste of time. I put to you, Mr President, that without random inspections we will have no hope of making the industry lift its game. This practice has been borne out by practical experience. People on site say that WorkSafe inspectors are considered as rare as the dodo, particularly on house construction sites. I have spoken to subcontractors who have been in the industry for years. They say they have never seen a DOHSWA inspector on site. As an illustration of that, in 1994 I brought to the attention of DOHSWA a civil case where a work practice had been declared by the Supreme Court to be unsafe. The work practice

concerned roofing carpentry and the methodology used by those carpenters. I took the matter to DOHSWA pointing out that a problem existed, and that the practice had been declared unsafe by the Supreme Court. I said that we needed a system which the builders would be prepared to allow subcontractors to put in place. DOHSWA said it had no idea that there was a problem; it had not heard of the problem where accidents were occurring because of use of substandard pine in roofing timbers. In response to those concerns, the department undertook a survey which discovered that 90 per cent of all roofing teams indicated that one or more members of the team had experienced an incident or an accident on one or more occasions when working on pine ceiling joists. It is incredible that 90 per cent of the particular work force is experiencing a massive safety problem in the construction industry but DOHSWA had not heard about it until it was drawn to its attention because of a civil court action. If there had been any level of inspection, DOHSWA would have been aware of these sorts of problems; however, its inspectors are not going out onto site. They are relying on a system of preventive care. It is simply not working and the facts show that. It is not sufficient to rely on people in the workplace to take preventive action.

Hon J.A. Scott: That issue was raised in this House during debate on the occupational safety and health legislation.

Hon A.J.G. MacTIERNAN: That is right. We can talk about the changes to the occupational health and safety legislation that have made matters worse. I raise also a situation with Dave Hellyer, a field officer with the West Australian Group Training Scheme Inc which supervises young apprentices. Last year he undertook a campaign because he was so alarmed that he was putting young men and women onto work sites that were fundamentally unsafe. He travelled from Rockingham to Wanneroo to look at the standards of sites. He compiled a dossier of 200 photographs of gross breaches of safety regulations. He took these photographs to senior inspectors. They are all photographs involving persons working on the job. Some of them are spectacular. One photograph shows a man jumping some 4 metres from one level of a site to another. Mr Hellyer took these pictures to DOHSWA. DOHSWA said, "Nice pictures", but no action was taken. One case was so bad that he made complaints on three separate occasions; however, he got nowhere.

Once again he was forced to go to the Western Australian Building and Construction Industry Task Force and have it put pressure on DOHSWA to look at these complaints. He then received a general letter from Mr Bartholomaeus saying that WorkSafe was considering implementing a new system of on the spot fines for employers who did not comply with regulations and that they would be rigorously implemented and he would contact Mr Hellyer and tell him about the results. That was a year ago; Mr Hellyer has not heard a word since. No-one I have spoken to in the industry has heard of this practice being put into place - certainly not the DOHSWA inspectors.

Finally, I draw attention to the way demolition licences are handled and, in particular, to the demolition licence referred to today. The demolition operator is required to put in place a demolition survey, which is then submitted to the department for assessment. In the case involving Mark Allen's death a detailed survey plan was submitted to DOHSWA. It was checked by DOHSWA and marked off as satisfactory. The City of Perth was advised and a demolition licence was then issued. Unfortunately, no endeavour was made by DOHSWA to go to the site, when the site was operational, and to check that the extensive measures that it was claimed would be put in place were in place. It is ludicrous that the system is completely based on paper work and does not involve at its very core the inspection of these sites. Without those inspections, particularly random inspections, this problem will get worse.

**HON MAX EVANS** (North Metropolitan - Minister for Finance) [2.53 pm]: To put things in perspective I indicate that the Government is very upset at this death on a demolition site and does not seek to make any mileage out of it. The Government is upset about any death of a worker. This call for an independent inquiry into the construction and demolition industry is a distasteful politicisation of the death on 6 September of Mark Allen, a union organiser employed by the Builders Labourers, Painters and Plasterers Union.

Four deaths have occurred in the demolition industry since 1988. They were a 28 year old labourer, Raymond Timmons, on 8 November 1988; Travis Hazeldon on 12 June 1991; Phillip Turner on 18 October 1995; and Mark Allen on 6 September 1996. On the afternoon of Mark Allen's death, the WorkSafe Western Australia Commissioner advised the Secretary of the Builders Labourers, Painters and Plasterers Union that WorkSafe would not comment on the circumstances of the death until inquiries had been completed. The commissioner understood he had a similar agreement from the secretary of the union. Nothing was stated about what had happened. Within hours, the secretary of the union was on ABC radio blaming the death on the Government, and now the Opposition has picked up the line of the union.

WorkSafe Western Australia's preference was to complete the inquiry and produce a public report for all parties to consider. That process would have been completed approximately four weeks following the death of Mark Allen. The union and the Opposition have now forced the issue by seeking an inquiry with terms of reference that impugn WorkSafe Western Australia's inspection and enforcement approach. By forcing the issue, the union and the Opposition are forcing WorkSafe Western Australia and the Government to raise publicly sensitivities about this

accident which would be far better left for a reasonable period out of respect for the Allen family. Members opposite would understand what I am talking about.

The basic facts associated with Mr Allen's tragic death are that, as a visitor to the site, he went onto a fragile roof, which was under demolition, and within seconds of arriving on the roof he fell through the roof lining material to his death. Mr Allen did not have the authority of the contractor to go onto the roof. Although Mr Allen had discussions with the contractor on the ground, he had not sought the contractor's authority to go onto the roof. A fragile roof under demolition is an extremely hazardous location. To go onto such a roof without an understanding of the work platform and without fall-arrest equipment is lethal. Mr Allen fell to his death within seconds of arriving on the roof. In contrast, several workers had been undertaking demolition work on the roof for several weeks without any fall being reported to WorkSafe.

This is a sad tragedy involving a man who, as the Opposition said, was obviously a zealous, keen unionist trying to do his job, but without commonsense about these matters. After being in the game for so long he should have been better educated about not taking these risks. He was acting in the call of duty for his union; however, he should not have taken those risks. It is very sad that he met his death.

Mr Allen was an employee of the Builders' Labourers, Painters and Plasterers Union. Two duties of care under the Occupational Safety and Health Act are highly relevant to his death. The first is the duty of care of employees under section 20 of the Act to take reasonable care to ensure their own safety and health at work. The second is the duty of employers under section 19(1)(b) of the Act to provide such information and instruction to and training and supervision of employees as is necessary to enable them to perform their work in such a manner that they are not exposed to hazards. Where was his employer - the union? Why did it not ensure that he was properly trained for this job and alerted to all the risks?

Hon Tom Helm: How do you know he wasn't?

Hon MAX EVANS: If he was, he should have known better. Why did he go up without the gear?

Hon A.J.G. MacTiernan: This is not what we are debating.

Hon Tom Helm: Get to the point.

Hon MAX EVANS: The Opposition wants to bring this into the open.

Hon A.J.G. MacTiernan: We have not raised the particularities of this case.

Hon MAX EVANS: The Opposition raised this matter and generalised on the issue.

Hon Tom Helm: Be general then.

Hon MAX EVANS: It is a sad situation today that the Opposition has forced the Government to state that it is apparent that Mr Allen, in going onto a roof which was under demolition, did not take reasonable care to ensure his own safety and health at work.

#### *Point of Order*

Hon TOM HELM: The Opposition has not tried to apportion blame. We are being misrepresented. The speaker has said that we are asking for an inquiry. I did not hear Hon Alannah MacTiernan ask for an inquiry. We certainly have made no specific claims about these incidents.

The PRESIDENT: Order! Hon Tom Helm knows very well that is not a point of order.

Hon Tom Helm: Can the Minister misrepresent people?

The PRESIDENT: Standing orders contain a provision for an honourable member who believes he has been misrepresented to take account of that. That is not to be done now. Members must read the standing orders which will tell them when they can do it.

#### *Debate Resumed*

Hon MAX EVANS: As I said to Hon Eric Charlton yesterday when a question was raised in the House, it was leading up to today's subject. The Opposition ran the same subject in the other place and is looking for an inquiry. We cannot say that it is simply coincidental. The Opposition brought the subject on because of that issue.

WorkSafe Western Australia is interviewing officials of the union to which Mark Allen belonged with regard to the discharge of the employer's duty of care towards Mr Allen for the provision of information, instruction, training and supervision so that as an employee he was able to perform his work in a manner which did not expose him to hazards.

Results of these investigations will be available when the investigation report is released in a few weeks. WorkSafe Western Australia is also inspecting all aspects of safety associated with the demolition site at which Mr Allen died. That will also be reported upon in the investigation report to be released in approximately three weeks. That does not apply only to Mr Allen but to all the employees on the site. That point was made today.

The Government has set a high priority on the prevention of work related injury, disease and deaths since it was elected in 1993. Two deaths have occurred on demolition sites and more deaths have occurred on construction sites. Members may well find that construction has increased during the period. There was more construction during the 1980s than there is now. However, there has been a big increase since 1991. Safety results have improved dramatically. Since June 1993 lost time injury and disease frequency rates have fallen by 28 per cent and there has been a 28 per cent reduction in the rate of fatalities, with 25 fatalities in 1992-93 compared with 18 in 1995-96. The Government has established a strategic direction through its WorkSafe WA 2000 vision and plan. The WorkSafe WA 2000 vision aims to achieve a further 50 per cent reduction in injury, disease and fatality rates over the period 1995 to 2000. The "ThinkSafe WorkSafe" campaign presently running on television and billboards is the biggest work safety campaign ever run in the State.

Hon A.J.G. MacTiernan: The problem is that it is all promotion.

Hon MAX EVANS: It all comes back to awareness and alertness and making people think about the whole subject. That is so important. There were 107 breaches of the Occupational Safety and Health Act and regulations prosecuted in 1995-96 compared with 80 in 1992-93. Members opposite will probably say that there have been fewer inspections. That is not the case because inspectors have been going out and keeping people up to date with the regulations.

Specific initiatives by the Government for the construction industry since 1993 are the priority emphasis upon prevention of fatalities associated with falls and electricity, the introduction of regulations and a code of practice for the prevention of falls, and the introduction of a national certification system for scaffolders, riggers and trained operators, which has led to a 50 per cent increase in certification of workers. Performance in the construction industry has improved. There has been a 22 per cent reduction in lost time injury and disease frequency rates in the construction industry between 1992-93 and 1995-96.

Hon A.J.G. MacTiernan: What about deaths?

Hon MAX EVANS: I have already quoted those figures. There has been a 37 per cent reduction in fatalities between 1992-93, when there were eight, and 1995-96, when there were five. The Government is very proud of its record in the WorkSafe area. It is sad that the Opposition has brought forward this matter concerning the death of Mark Allen. The matter should have been allowed to develop quietly into an investigation to gather all the facts for his family and workmates. However, the Opposition brought it up in this way, and that is why it is coming out in this way.

**HON TOM HELM** (Mining and Pastoral) [3.04 pm]: I am pretty sad that it has come to the point where we have a government apologist speaking parrot-like and reading from a piece of paper which bears no relation to the matters before us in this motion. I did not know Mark Allen but I am a friend of his mother. This House will be aware that Mark Allen's mother, Eileen, will never see her son again. We have never said and we would not dare say who was to blame for his death. That would be despicable. I do not care what happens in another place. We are not dealing with something which occurred in another place. Mark Allen's death has prompted us to bring forward the debate we had on the Bill. The Bill prompted the drawing up of regulations, and we have been waiting for regulations for occupational health and safety for a long time. I understand from a rumour at the Trades and Labor Council that the regulations may be gazetted on 1 October. However, we have at the moment inadequate regulations, although we have a whole raft of them coming in.

Obviously the government members share our grief at the death of a young person. This has nothing to do with trying to sheet home blame to him, his union, the Government, his employer or anybody else. The fact is that he is dead. We are using his death to highlight what we believe to be one of the reasons for accidents taking place in the construction and demolition industries. Not many people in this Chamber have worked on a demolition site or construction site. Those who have, if given the choice, would rather work on a construction site, because a demolition site must surely be one of the most dangerous of workplaces. As a rigger, I dreaded it. I used to love my job, but when it came to demolition it was a different experience altogether. People in that position are unsure of what is happening and have to rely heavily on their fellow workers in a life or death situation. We are suggesting that, rightly or wrongly, good or bad, Mark Allen was one of those union organisers who every day went and did what should be done by a Department of Occupational Health, Safety and Welfare inspector. We used to be able to say, if we had some concerns about a particular job or site, that we could express those concerns to DOHSWA and it would either send down an inspector or be aware of the problem and give some advice on it. It might have told us to walk off the job or take a particular action to make it safer. We had confidence that someone would be there or

the department would give advice on the matter. That confidence has gone. It is no good saying that we have the same number of inspectors and increased prosecutions or that lost time injuries have gone down. People can make statistics mean exactly what they want them to.

We are using this motion to acknowledge Mark Allen's death and to try to demonstrate through Mark's death that we are not up to speed in maintaining the steady progress that was taking place in reducing injuries and deaths in construction and demolition work. The smart remarks and the Glen Jakovich advertisements are all saying that we have a joint responsibility. We have to be confident that everyone is pulling his weight. Not everyone is doing his bit in the industry. Sloppiness happens in every industry. We can address that lack of training. There is also a lack of enforcement and a lack of inspectors to see that progress happens and licensing takes place appropriately. Events are leading towards a general fear in the industry that matters are getting worse, not better. Of course we must talk to the unions which represent the workers on the site. Members need only half a brain to understand that the way in which we do business in this place is through cooperation, not obstruction. We do not fight each other all the time. We share many common goals. This has been demonstrated with finance. The photographs Hon Alannah MacTiernan produced illustrate that people are doing quite stupid things. It certainly took the last Government some time to understand what was needed to make workplaces safe. The way to make enterprise more productive is to see that safety is taken care of in the way we are suggesting. It is not a matter of saying that we can blame someone and sit down and forget about it: It is something that needs to be worked on consistently.

I had a phone call last week from a person who manufactures handrails. He has a substantial business, he trades overseas and in the Eastern States, he is a responsible person and he is making a quid, but he has some major concerns. I do not know how many members know that a rigger or scaffolder working above two or three metres must have safety rails, balconies or scaffolding.

We are led to believe that we will have self-regulation. The rules that people should be aware of and learn from will no longer apply in certain areas. Given the fact that self-regulation and a reduction in inspectors will lead to more accidents and deaths, we must push home the message as much as we can that we have joint responsibility. The duty of care to each other, our employers and fellow workers must flow through. The whole point is that it is not flowing through. We need to go back down the track that we were following to a large extent previously; that is, saying that safety is everyone's responsibility.

If an inspector were available, if it were possible to give advice over the phone, perhaps Mark Allen would not have been there. We get a glib response from the Minister about Mr Allen's not wearing a harness or whatever. It does not really matter, because there may be nowhere for a harness to be clipped or in some cases the wearing of a harness could contribute to accidents. I know about that. In addition, one does not expect to go onto a site and immediately have some specialist training about safety features. The aim is to make the site as safe as possible, recognising that there will be inherent dangers that no-one can counter. We on this side are not looking to punish anyone. Hon Alannah MacTiernan quoted David Hellier as saying that we have a comprehensive responsibility to ensure that those sites are safe, not for workers of Mark's age but for workers of every age, responsibility and trade.

**HON MARK NEVILL** (Mining and Pastoral) [3.12 pm]: The motion is about our grave concerns about the performance of WorkSafe WA in protecting the safety of workers in the construction and demolition industry. It is something to which I am quite pleased to be able to speak.

As the Minister said, four deaths have occurred in the demolition industry since 1986-87. The industry figures show that demolition and construction trades are usually linked, and there have been over 40 deaths since 1986-87 in the combined category. It may seem strange to members, but it is almost twice as dangerous to work in the construction and demolition industry in this State as it is to work underground in the mining industry. Something is wrong.

When one looks at the WorkSafe annual report one sees that, in the last three financial years for which we have figures, the number of inspectors in the regulatory service area has dropped from 146 in 1992-93, to 136 in 1993-94, and to 129 in 1994-95. The report further outlines the rosy picture. In the last two reporting years, the number of investigations has increased dramatically from about 2 700 to nearly 3 200. A smaller number of officers are doing more inspections and more prosecutions, and more resources have been allocated to this regulatory area. One table refers to investigation efficiency indicators. We all know that there are lies, lies and damn statistics.

When one tries to make some objective measurement of the construction industry, the results do not reflect the claims in the DOHSWA report. In terms of industry frequency rates, workers in the construction area are far more prone to injury than those in the mining area. We must remember that in recent years the construction industry has had a greater component of subcontractors. There is now less reporting of injuries in those areas, as was demonstrated by Hon Alannah MacTiernan's comments about roof carpenters - DOHSWA was not aware that 90 per cent of accidents were not reported. Therefore, the dangers and risks are being understated in the figures because of underreporting.

We all know that there is a lack of training in the building and construction industry. The situation has not improved; the performance in the building and construction industry has lagged behind the mining industry for about 10 years. Inspectors must get out on jobs to enforce the regulations; they must do the inspections. It is one thing to have big television promotion campaigns; it is another to have prevention programs and so on. They are very important; they are essential. However, at the end of the day, we must still have people inspecting the sites. Safety performance in the building and construction industry shows that we must have more inspections and greater supervision.

It is obvious that it is a dangerous area in which to work. It is also obvious that not enough is being done and that the number of inspectors has been cut. There have been claims about more inspections and more effective methods, but they are not reflected in the figures. The construction and demolition industry has massive ground to make up to achieve the same level of safety as the mining industry. When people talk to me about DOHSWA's taking over the mining industry, I always refer them to its results in the building and construction industry. That is a major weakness in DOHSWA's push to take over that area. Not enough has been done.

This motion is very valid; there is nothing frivolous about it. It is an important motion. If members opposite do not realise that safety performance in the building and construction industry is inadequate they are not looking objectively at the information available.

**HON A.J.G. MacTIERNAN** (East Metropolitan) [3.20 pm]: It was suggested in Hon Max Evans' address that something in what I said imputed blame for Mark Allen's death. I understand that the Minister's address was prepared beforehand and not composed after I had made my statement, which may have led the Minister to inaccuracy. However, it is important for me to make it absolutely clear, and I went to great pains in the way in which I expressed my concerns, that I was not making any determination on the cause of the death of Mark Allen. As I said, I thought it was highly inappropriate that Mr Bartholomaeus sought to do so before the investigation was complete, so I would hardly compound his error by doing likewise. Mark Allen's death was raised, first, out of respect to his family and, second, because in the eyes of his family and friends it illustrates the great problems that exist.

**HON J.A. SCOTT** (South Metropolitan) [3.21]: I too am concerned about the seemingly increasing number of people killed at workplaces in Western Australia, in particular, in the demolition industry. Although I advocate departments such as WorkSafe playing an educative role - that is very important - they must employ sufficient officers to check on the operations of companies that might be termed cowboy operators. We know they operate at all levels in many industries.

One of my concerns is that, given the types of employment contracts that are now in existence and the change in working conditions with many more people working on a casual rather than a permanent basis, we are losing the capacity for teams to be built up within those dangerous industries.

Hon A.J.G. MacTiernan: That is a good point.

Hon J.A. SCOTT: Teams that know how to work together and look after each other are a factor in any industrial situation. I know that well, having worked in those situations. One concern about WorkSafe's and the Government's thrust is that it places more emphasis on the shocking incidents where people are killed through injury than on instances where people are dying as a result of the inhalation of chemicals on sites. All work sites use a huge range of products which are dangerous to people. WorkSafe is not tackling this problem in the correct way. If it were, government departments would regulate the products they use on their sites. For instance, Homeswest uses the Building Management Authority's specifications for the chemicals it uses. However, it has no specification for the safe handling of those chemicals. Isocyanides which are sprayed on buildings and walls so people can clean off graffiti more easily, and the product that is used to clean off graffiti are dangerous substances. I have seen examples on Homeswest sites where people without masks are spraying this stuff willy-nilly. People without masks spray it on bus shelters when others are walking by. These chemicals are deadly if too much has been inhaled.

During the debate on the occupational safety and health legislation in this place I tried to raise the Government's interest in this matter. Hon Peter Foss pooh-poohed my comments and said, basically, that I was an idiot for thinking that was as important as the physical injuries from falls and other accidents. An article in *The West Australian* of 12 June stated -

New South Wales Workcover Authority chemical management coordinator Usha St George said hazardous substances were used daily on construction sites and workers were often unaware they were dangerous.

"Workers are putting themselves at risk by undervaluing what they are working with," Dr St George said.

"We tend to focus on the acute, severe and fatal accidents in the construction industry but not the slow killers. Where did asbestos come from, after all?"

"It is really sad that people are working away with these substances and they are misinformed."

The article continues -

A recent survey of 12 construction sites by Workcover revealed that neither employers nor employees rated chemical hazards as important.

The survey team concluded that if workers read about the chemicals they handled they would be surprised and shocked.

. . . Dr St George's comments were backed up by a recent Federal industrial relations study which showed about 2200 people died each year in Australia as a result of chemical exposure, mainly following cancer.

Research by a Sydney University team, commissioned to examine the extent of ill health from chemical exposure, showed that the death toll in Australian workplaces was nearly six times as high when deaths due to occupational exposure to chemicals were taken into account.

For a start, I hope that we will see a cultural change within government. Government departments do not seem to recognise those facts. If the Government does not set an example, who will? Given the changing conditions in the workplace, more and more people in the community are undertaking work for which they are not properly trained. We need a heavy education program on the use of these chemicals in the workplace. WorkSafe officers should make constant checks on workplaces. They should be qualified to point out to people on building sites and other workplaces that alternative chemicals can be used which are quite benign to the people working in those industries. It is a terrible shame - that is an understatement - that six times as many people die from chemical inhalation as from physical injuries. We should be doing something about that and very fast. The problem is that in many instances these sorts of injuries do not appear until many years later. Often people are not compensated because it is difficult to prove the cause of the injuries. I am pretty sure I contracted industrial asthma as a result of working with certain paints.

[The motion lapsed, pursuant to Standing Order No 72.]

## **REVENUE LAWS AMENDMENT (ASSESSMENT) BILL (No 2)**

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon Max Evans (Minister for Finance), read a first time.

### *Second Reading*

**HON MAX EVANS** (North Metropolitan - Minister for Finance) [3.31 pm]: I move -

That the Bill be now read a second time.

This Bill seeks to implement two taxation relief measures announced as part of this year's Budget and to put in place a number of other improvements to the equity and efficiency of the taxation arrangements of the State. In particular, amendments are proposed to the -

Business Franchise (Tobacco) Act 1975;  
Debits Tax Assessment Act 1990;  
Land Tax Assessment Act 1976; and  
Stamp Act 1921.

The measures contained in the Bill are expected to provide taxation relief at a cost to revenue in 1996-97 of \$7.6m. However, with the reduced compliance costs for business and greater protection to the revenue expected to flow from these measures, it is expected that the benefit to the State of these initiatives will greatly exceed this figure. As was done earlier this year, members will note that the legislation takes the form of a revenue laws amendment Bill rather than requiring four separate amending Bills. While I intend in this speech only to outline broadly the measures proposed by this Bill, an explanatory memorandum has been prepared to accompany the Bill to provide members with much more detail concerning each of the proposed amendments.

The Bill is structured in five parts. Part 1 contains preliminary provisions including the commencement dates of the measures proposed. Part 2 of the Bill seeks to amend the Business Franchise (Tobacco) Act to enable a greater degree of regulation by the Commissioner of State Taxation in respect of the sale of tobacco in Western Australia. As members will be aware, the Act provides for licence arrangements to control the sale of this dangerous substance. This is done by requiring tobacco sold within the State to be sold subject to a licence issued by the commissioner, or to be sold where it has been purchased from a person who has had a licence issued to them by the commissioner. These licensing arrangements provide a mechanism to control and regulate the extent of tobacco wholesaling and retailing within the State. Persons who are issued with a licence are required as a condition of that licence to pay a licence fee calculated in part on the value of tobacco they have sold in the month preceding the month in which they

apply for a licence. Subject to certain conditions, a licence is then issued which enables a person to sell tobacco in the following month.

The amendments proposed in the Bill seek to increase the rigour the commissioner can apply in ascertaining the fitness of applicants who wish to obtain a licence to sell tobacco in the State. This is considered necessary to ensure that persons selling tobacco in the State are considered to be fit and proper persons to hold a licence, and to ensure that they are not merely fly by night operators who are likely to sell tobacco without meeting the regulatory standards required of such persons by the legislation. Notably, an expectation is held by revenue and health authorities in other jurisdictions that such persons are likely to seek to move their operations to other States, if those States have less stringent regulatory requirements in the legislation. Although this measure will affect all applicants for licences, it should not impact on existing licence holders who are considered already to meet such standards, but rather is directed more at ensuring the suitability of future licence applicants.

The Bill also seeks to provide a better mechanism whereby the Government can ensure that the price of the tobacco sold is not unduly reduced as a result of discounting wars by tobacco merchants. Currently the price of tobacco is impacted upon by the licence fee which is passed on by the wholesalers and which has a significant influence on the price paid by the tobacco consumer. This price is considered to act as a deterrent to the consumption of tobacco, especially among younger persons. As discounting practices impact upon the value of tobacco sold by a merchant, this in turn reduces the licence fee they are required to pay for a future licence. This then enables the discounted price to be even further reduced. The Bill proposes to allow the Minister to determine the value of tobacco sold for the purposes of the licence fee by way of an instrument made and gazetted. While no gazettal is currently envisaged, should significant price discounting of tobacco occur in the future, this mechanism will offer some protection to ensure that tobacco prices are not unduly reduced. Notably, similar value determination mechanisms already exist in a number of other jurisdictions and the mechanism proposed in this Bill is based on those. Finally, it is proposed to tighten up the record keeping requirements of licensees to enable the commissioner to monitor more readily the extent of sales and consumption of tobacco in this State.

Part 3 of the Bill seeks to amend section 4 of the Debits Tax Assessment Act. This section is an antiavoidance provision which seeks to prevent the aggregation of multiple debits into a single debit to reduce a tax liability. This opportunity arises because the tax scale operates on a sliding scale which is capped at a maximum liability of \$2 when a debit of \$10 000 or more is made. The Bill seeks to provide a mechanism to remove doubt surrounding the treatment of payroll payments, where a single wages debit made to an employer's account results in multiple credits to employees' accounts. Although it has not been administered as such, concern has been expressed that section 4 of the Act could be used to apply tax as if multiple debits were being made. Such a treatment could significantly increase the debits tax liability associated with the debit and hence employers' payroll costs. The proposed amendment will enable a prescription to be made to clarify that section 4 of the Act will not apply in respect of payroll debits made by employers for credit to employees' accounts.

Part 4 of the Bill seeks to amend the Land Tax Assessment Act. The Bill proposes to implement the concessionary land tax measure announced as part of the 1996-97 Budget and will have an expected annual cost to revenue of \$2.6m. The amendment will provide a 50 per cent concession from the land tax otherwise payable in respect of land in the metropolitan region which is used for genuine primary production purposes, but which fails to qualify for a full exemption due to the owner's inability to meet the income test associated with that exemption. Furthermore, in certain circumstances, should the land which is granted either a primary production exemption or concession be subsequently subdivided, it will be taxed retrospectively for a maximum period of five years. Such retrospective taxation will not apply where the land remains zoned rural after subdivision, provided the lot after subdivision is 2.0234 hectares or greater in size. Moreover, retrospective assessment will not apply prior to the 1996-97 year of assessment. This retrospectivity is similar to that which currently applies to certain land which is granted a residential exemption and is subsequently subdivided.

Part 5 of the Bill seeks to amend the Stamp Act. A number of amendments to this Act are proposed. The most important of these is the stamp duty relief for corporate reconstructions, which was announced as part of the 1996-97 Budget. Corporate reconstructions generally involve the transfer of property between commonly owned companies. If one lifts the "corporate veil", there is little or no change in the underlying ownership of the property in such circumstances. However, in many cases the stamp duty required to be paid on such transfers can be a major barrier to the reconstruction proceeding. The objective of the corporate reconstruction scheme contained in these amendments is to remove the stamp duty impediment to the achievement of a more efficient ongoing structure for a company group. The relief is intended, subject to certain conditions, to allow -

- a corporation or group of companies to incorporate a holding company and transfer assets from certain subsidiaries to it;

- a corporation to incorporate a new subsidiary and transfer assets to the new subsidiary;

the movement of assets between associated companies provided the companies were associated for three years; or

where the three year test is not satisfied, the movement of assets between associated companies where the companies were associated at the time the transferor acquired the assets.

Companies must have a common shareholding and voting control of 90 per cent or more to be viewed as "associated" for the purposes of this exemption. To discourage the use of these provisions for the purpose of asset stripping, the companies must generally meet a three year pretransfer association test and remain associated for five years after the date of the instrument or transaction to which the exemption applies. Failure to meet the post-transfer association test will void the exemption and trigger clawback of the duty, plus a penalty component.

Consistent with an earlier commitment, nearly 50 organisations and individuals were provided with a copy of this part of the draft legislation and were given the opportunity to comment. A number of the concerns raised during the consultation process have been accommodated in the Bill. However, a number of other industry proposals, particularly concerning the scope of the relief being given and the limitations imposed by the various conditions which must be met, were not implemented. Nonetheless, a possibility exists that more flexibility could be incorporated into the scheme once its immediate effect and operation have been objectively assessed. Accordingly, the Government intends that a review of these provisions will be undertaken in two years in consultation with industry to ascertain where improvements can be made.

This measure is an important initiative which will assist companies to improve the efficiency of their operations, with a consequent benefit to the state economy. Although difficult to quantify, it is estimated that the associated cost to revenue will be \$5m in 1996-97 and each year thereafter. An amount of stamp duty greater than this is expected to be exempted each year under the new arrangements. However, it should be recognised that a large proportion of these transactions would not proceed in the absence of this relief. Accordingly, those transactions will be given relief with no real cost to the revenue. Moreover, in the longer term it is expected that the cost of this initiative will be further reduced by adjustments made to the State's commonwealth grants as a result of the grants commission process.

A further five changes to the Stamp Act are proposed in the Bill. The first of these seeks to clarify the treatment of transfers of units in public superannuation trusts. Due to changes in Corporations Law brought about by the introduction of the Commonwealth's Superannuation Industry (Supervision) Act, the transfer of units in some public superannuation trusts is now subject to the private unit trust provisions of the Stamp Act and purchasers of these units are being required to pay duty at a rate significantly higher than intended. The proposed amendments will ensure that the lower marketable security duty rate is paid on the trading of such units.

The second measure seeks to ensure that double duty does not apply where shares in Western Australian incorporated companies are traded on a foreign stock exchange. A number of Western Australian incorporated companies have recently sought to expand their access to capital by listing on overseas stock exchanges. Regardless of the overseas listing, transfer of shares in these companies remains subject to Western Australian stamp duty. This can lead to an imposition of double duty where a similar charge is levied on the transfer of those shares in the place where the overseas exchange is located. The Bill seeks to provide relief in these circumstances by enabling certain exchanges to be prescribed, such that shares in Western Australian companies listed on those exchanges will not be subject to stamp duty in this State when traded on those exchanges. The only exchange intended to be prescribed at this time is the London Stock Exchange, as shares traded on it are subject to a stamp duty at a rate of 50 pence per £100.

The third measure seeks to exempt the transfer of a parcel of marketable securities made to a trustee in return for the issue of units in a prescribed "index-matching" trust by that trustee. This type of trust invests in a portfolio of marketable securities weighted to match a particular stock exchange index; for example, the All Ordinaries Index. These unit trusts offer new investment opportunities for investors who wish to invest or manage risk in certain sectors of the Australian equities market.

The fourth measure seeks to ensure that duty is paid on the trading of a new type of a marketable security recently introduced when the Commonwealth Government sold its remaining stake holding in the Commonwealth Bank by public share offer. That offer was structured to allow payment for the shares to be made in two instalments. Such payment was facilitated by the introduction of an "instalment receipt". Instalment receipts commenced trading on the Australian Stock Exchange on 15 July 1996. The amendments proposed seek to ensure that where these instalment receipts are traded, they are subject to stamp duty in the same manner that would have applied had the shares underlying the receipt been traded. This measure is proposed to have retrospective operation to ensure that duty is collected on all such transfers made since 15 July 1996.

The fifth measure seeks to enable the electronic settlement of foreign securities which are listed on the Australian Stock Exchange to take place via the clearing house electronic subregister system - CHESS. Electronic settlement

of foreign securities is currently prohibited in most circumstances because the laws in the relevant countries do not recognise electronic marketable security transfers. To overcome this problem, the Australian Stock Exchange is introducing a new security known as CHESSE units in foreign securities, or CUFS for short. The amendment proposed will provide relief for the transfer of a foreign security to or from a specified trustee, if the transfer is made in connection with the issue or redemption of a CUFS. Where a CUFS is transferred to effect the settlement of a foreign security, the transfer of the CUFS will be exempted under an existing provision of the Act. However, duty will be levied on the transfer of any CUFS made in lieu of a transfer of the underlying foreign security.

In summary, the measures contained in this Bill meet the Government's Budget commitments in respect of taxation relief, and also improve the fairness and efficiency of revenue laws for business, the community generally and the revenue. I commend the Bill to the House, and for the information of members I table the associated explanatory memorandum.

[See paper No 614.]

Debate adjourned, on motion by Hon Bob Thomas.

*Sitting suspended from 3.45 to 4.00 pm*

### **BILLS (2) - RETURNED**

1. Criminal Code Amendment Bill  
Bill returned from the Assembly without amendment.
2. Statutory Corporations (Liability of Directors) Bill  
Bill returned from the Assembly with amendments.

### **HOME BUILDING CONTRACTS AMENDMENT BILL**

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon Max Evans (Minister for Finance), read a first time.

*Second Reading*

**HON MAX EVANS** (North Metropolitan - Minister for Finance) [4.05 pm]: I move -

That the Bill be now read a second time.

The Home Building Contracts Amendment Bill amends the Home Building Contracts Act. It provides for the introduction of compulsory home indemnity insurance, which will increase protection against financial loss for consumers who build or buy new homes or renovate their existing home. This is the first of two Bills to be introduced to Parliament this year designed to increase confidence in the building industry and provide additional protection to consumers. The second Bill, the Building Legislation Amendment Bill, will include changes designed to increase the effectiveness and efficiency of the building disputes resolution process and give the Builders Registration Board increased powers to deal with failed and fraudulent builders.

This Bill is consistent with this Government's policy to support the industry's universal application of housing indemnity insurance for all new housing as a safety net to consumer complaints by way of a competitive system through private insurers. Under current voluntary insurance arrangements, less than half of all new dwellings and substantial renovations are covered by home indemnity insurance and potentially a significant number of consumers are at risk. This Bill will protect the customers of builders and purchasers of homes - including owner-built homes - sold within the six year statutory warranty period. Protection will be provided against financial loss as a result of the death, disappearance or insolvency of the builder or owner-builder during the construction period or the statutory warranty period. In order to ensure that industry and consumers have access to a quality service, insurers wishing to operate in the home indemnity insurance market must obtain approval from the Minister of the day and be authorised under the Insurance Act 1973 of the Commonwealth to carry on insurance business.

The 1989 building industry inquiry recommended the introduction of compulsory home indemnity insurance. In fact, the major industry bodies have always stated that without such a measure, the protection to consumers offered by the Home Building Contracts Act was seriously limited. The Government is aware that the major industry bodies have been campaigning for a compulsory indemnity scheme since the Act was introduced in 1992. However, it did not want to introduce such a measure until there was a scheme that would be fully acceptable to all parties, including traders and consumers. Community consultation has been extensive, and there is widespread support from both industry and consumer groups for the proposed scheme. Under these amendments it will be an offence for a builder

to perform residential building work of over \$10 000 in value for another person, or on the builder's own behalf, unless indemnity insurance cover has been obtained. It will also be an offence for a builder to ask for payment prior to the issue of such cover. The Government does not want to impose additional regulation on builders where it cannot be justified in the public interest. Therefore, where building work comprises work such as the construction of swimming pools, spas, pergolas or fences, the builder will be required to obtain indemnity insurance cover only if the work to be carried out is in connection with the construction or renovation of a residential dwelling. Furthermore, a builder will not be required to obtain indemnity insurance cover where the builder performs residential building work under a contract for another builder.

The Bill provides that the insurance policy obtained by a builder will insure the home owner against the risk of loss of a deposit up to a limit of \$13 000, and, if the work is not completed, any direct cost incurred to complete the building work in excess of the original contract price. The insurance also covers the home owner and successors in title against the failure of the builder to rectify faulty or unsatisfactory building work and for six years from the day of practical completion of the dwelling. For example, if a new home is sold after three years and the purchaser detects a problem caused by faulty workmanship, the purchaser will be able to get the defect repaired even if the builder is no longer operating.

Like registered builders, owner-builders remain liable for structural building faults during the statutory warranty period, even if the owner-builder on-sells the property within that period. So an owner-builder who decides to sell the dwelling during the statutory warranty period will have to take out an indemnity policy for the remainder of the warranty period and provide the purchaser with a certificate to that effect. This requirement will apply to building work of over \$10 000 in value. Warranty cover for homes built by registered builders starts on the date of practical completion and handover of the property to the consumer.

With owner-builders there is no such method of identifying completion of the building work. Therefore, in framing the Bill it was agreed that the limitation of liability for owner-builders should date from the issue of the building licence for seven years. This will allow sufficient time for the construction of the dwelling or renovation within the warranty period. Under the Bill an owner-builder will not be able to enter into a contract to sell the dwelling before providing to the purchaser a certificate confirming that indemnity insurance cover has been taken out. In the past, concern has been raised over the increasing number of instances where an old house is relocated and complaints are then made about the quality of parts of the house. The Bill addresses these concerns and requires indemnity insurance cover to be taken out where the building work relates to the placement of a dwelling on land. However, cover will apply only to the siting, stumping and other work in connection with the relocation of the dwelling and to any new building work. Obviously it will not apply to the original fabric of the dwelling itself.

In framing this Bill, the Government has been mindful of the need to keep costs to builders and consumers to a minimum. Policies will have to provide minimum coverage of \$100 000, or the value of the cost of the building work, whichever is the lesser. Consumers will be able to negotiate with insurers for additional coverage if they consider that a higher level of cover is necessary. The Government is also aware that insurance policies do not always provide the intended benefits. For this reason insurers will not be able to avoid liability on the grounds of misrepresentation or non-disclosure by the builder or - in the case of a successor in title - by the original home owner.

Prior to proclamation of the legislation, an effective education campaign will be carried out to advise all home builders and potential owner-builders of their new obligation as well as ensure wide community awareness of the implications of the new legislation. This campaign, for which \$50 000 has been made available to the Ministry of Fair Trading in this year's budget process, will be a joint initiative between industry and government. This is in accordance with the Government's objective of working with industry and encouraging industry bodies to take a greater responsibility for education of industry participants and its customers. It is to its credit that the building industry has accepted this challenge. The provisions contained in this Bill represent the most cost efficient and simple arrangements available at this time. However, there is an important need to monitor the situation and evaluate the effectiveness of the legislation in action. As requested by both industry and consumers, the Bill also provides for a review of the operation and effectiveness of the home indemnity insurance legislation two years after its commencement.

In summary, this Bill addresses a significant gap in consumer protection. Currently home owners without home indemnity insurance stand to suffer significant financial loss when builders fail. Often they are unaware of the fact that their builder has no insurance and find out only when their builder fails. It is to the credit of the building industry that it has strongly supported the introduction of this legislation. I am sure that this measure will indeed lead to increased consumer confidence in the Western Australian home building industry.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

**CENSORSHIP BILL***Assembly's Message*

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

**HAIRDRESSERS REGISTRATION REPEAL BILL***Introduction and First Reading*

Bill introduced, on motion by Hon N.F. Moore (Minister for Employment and Training), and read a first time.

*Second Reading*

**HON N.F. MOORE** (Mining and Pastoral - Minister for Employment and Training) [4.13 pm]: I move -

That the Bill be now read a second time.

In September 1994 the Legislative Council referred a Green Bill for the repeal of the Hairdressers Registration Act 1946 to the Standing Committee on Government Agencies. The standing committee consulted widely about the role and effectiveness of the Hairdressers Registration Board and tabled its report on the Hairdressers Registration Repeal Bill 1994 on Tuesday, 28 November 1995. The report indicated that the standing committee saw no need for the continued existence of the legislation. The findings of the committee are consistent with reviews carried out under the previous Labor Government and the recently released report of the commonwealth-state committee on regulatory reform titled, "A Review of Partially Registered Occupations". This report to heads of Government recommends the dismantling of registration requirements for occupations which are registered under legislation in some States and Territories, but not in others. In today's more complex business environment the legislation is creating inequities.

The Act sets up needless regulatory barriers for hairdressers, not only between Western Australia and other States and Territories, but also within the State. Legislation for the registration of hairdressers is not in place in the majority of other States and Territories and the current Western Australian legislation does not apply to areas above the twenty-sixth parallel or outside an eight kilometre radius of the GPO in Kalgoorlie. The purpose for which the Hairdressers Registration Act was put in place no longer exists. A number of broader and more appropriate legislative instruments are applicable to the operations of hairdressing salons. These include legislation relating to occupational health and safety, public health, fair trading and local government by-laws. Complementary to this legislative control is the state training system which supports the training and vocational qualification of hairdressers.

In its report, the Standing Committee on Government Agencies recommended that the Minister establish a body to advise on matters affecting hairdressing, including training, accreditation, health and safety. In relation to training and accreditation of training programs, the industry has a voice through its representatives on the Retail, Automotive and Associated Services Industry Training Council. Furthermore, the industry has associations that are well placed to make representations to other Ministers on issues such as occupational health and safety and fair trading. Therefore, there are adequate avenues for industry to communicate with government. It is open to the industry to establish a professional body to coordinate activities and institute a code of ethics, conduct and best practices. In repealing the Hairdressers Registration Act this Bill also provides for the abolition of the Hairdressers Registration Board. Clause 6 of this Bill will facilitate the winding up of the board and the establishment of a hairdressing industry account at Treasury. Residual funds, generated from past annual registration fees paid by hairdressers, will be placed in the account and returned to the industry through the provision of training and support for the industry.

In conclusion, the Government is committed to removing unnecessary regulation and financial burden on this sector of small business. The current legislation is inequitable, establishes arbitrary barriers within the industry and does not contribute to enhancing the delivery of hairdressing services. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

**CIVIL AVIATION (CARRIERS' LIABILITY) AMENDMENT BILL***Introduction and First Reading*

Bill introduced, on motion by Hon E.J. Charlton (Minister for Transport), and read a first time.

*Second Reading*

**HON E.J. CHARLTON** (Agricultural - Minister for Transport) [4.16 pm]: I move -

That the Bill be now read a second time.

Over the past two or three years there have been two major air crashes by commuter airlines in which a number of passengers were killed. One was near Scone in New South Wales and the other en route to Lord Howe Island. In each case the airworthiness of the aircraft was a matter of concern. In these circumstances there could have been potential grounds for the insurer of the carriers to void the policy and refuse to compensate the families of the victims of the crashes.

The Commonwealth has legislated to ensure that all commercial operators have the necessary third party liability insurance and that a function of the newly-established Civil Aviation Authority will be to ensure compliance. In addition, the commonwealth legislation will ensure that insurance pertaining to passenger liability does not contain exclusions on safety and voluntary agreements between carriers and passengers that could void liability in the event of a passenger being killed or injured. The commonwealth legislation applies only to operations between States or Territories, and not to wholly intrastate operations. As a consequence, the commonwealth, state and territory Transport Ministers agreed that for the scheme to work on an Australia-wide basis complementary legislation would be required in each State and Territory. This Bill will facilitate those amendments to the State Civil Aviation (Carriers' Liability) Act to provide uniform provisions, Australia-wide, in respect of -

ensuring that it be mandatory for all air carriers to be fully insured to meet the passenger liability limits prescribed, which is currently \$500 000 per passenger; and

ensuring that such insurance policies do not contain exclusion clauses that would permit the insurer to void the policy if the aircraft operated and violated any safety related requirements.

Finally, all States, Territories and the Commonwealth are proposing similar legislation which will be proclaimed on a common date. This Bill will provide the public travelling on commercial aircraft with a greater degree of certainty that compensation will be paid in the event of death or injury in an air crash. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

## ROAD TRAFFIC AMENDMENT (MEASURING EQUIPMENT) BILL

### *Second Reading*

Resumed from 4 September.

**HON N.D. GRIFFITHS** (East Metropolitan) [4.19 pm]: In speaking to this Bill, I note that in the community at large there is a degree of cynicism about the equipment which is, in part, the subject of this Bill. That cynicism is due to a view that this equipment performs a revenue raising function. I am not sure whether that cynicism is well based. It is my view, and I trust it is the view of all those people concerned, that the money raised from the use of such equipment should be allocated to the road trauma trust fund. I do not want to refer to what is contained in another order of the day. However, I think that insofar as we as a Parliament move towards such an allocation of funds, we will first be getting rid of what I trust is unfounded cynicism and, secondly, we will be promoting the interests of road safety.

This is not a very long Bill. I do not propose to detain the House for long in dealing with it. Essentially, it is a Bill which seeks to amend section 98A of the Road Traffic Act by allowing the evidence of civilian operators of speed and distance measuring equipment to be received in the same manner as that of members of the Police Force. It is unfortunate that the Bill has been brought before the House as a result of a decision in a Court of Petty Sessions. A measure such as this should have been brought before the House when it was first mooted to have civilian operators use the equipment. That I think would have been the better course of action. It is a matter of regret that the Bill is a reaction to a court decision rather than, "Here is the Act; this is what it says; we are the Government; we have lots of resources; let us get the law right by putting in place what is required."

The Bill will affect section 98A, which is concerned with distance measuring equipment and speed measuring equipment. That section states in relation to speed measuring equipment -

... evidence may be given by a member of the Police Force in relation to a vehicle and of the speed at which that vehicle was moving as ascertained by the use of the equipment, and that evidence is *prima facie* evidence of the speed at which that vehicle was moving at the time of the use of that equipment in relation to that vehicle.

A similar observation is made about distance measuring equipment. Also evidence by a member of the Police Force that the apparatus is an apparatus approved by the Minister is *prima facie* evidence of that fact.

The Bill will permit evidence from civilian operators to have the same standing as members of the Police Force. It allows for persons other than police officers to be authorised to carry out the work and produce the evidence. The

fact that this evidence is proffered is not the end of the matter. The community should take some comfort from the wording of subsection (5) which says -

Nothing in this section shall be construed as precluding or restricting the introduction of any competent evidence, whether in addition to, or independent of, any evidence for which provision is made by this section, bearing on the question of whether a person was or was not guilty of an offence against this or any other Act or the regulations.

In conclusion, the Bill contains a welcome set of measures which I trust will go some way towards diminishing the road toll. I understand from what I have read and from what I have been told that whatever revenue is forthcoming as a result of this will end up with the road trauma trust fund and in addition to the educative aspects and deterrent aspects from greater use of these items, that will be of great benefit to the people of Western Australia.

**HON KIM CHANCE** (Agricultural) [4.23 pm]: The question I want to ask the Minister relates to the matter that was raised by Hon Nick Griffiths.

Hon E.J. Charlton: We will deal with that next week.

Hon KIM CHANCE: That is the Road Traffic Amendment Bill. I am aware that the second reading speech, which is all I have read of that Bill, states that the revenue gained from speed camera operations will be hypothecated to the road trauma trust fund.

Hon E.J. Charlton: Currently it is one-third.

Hon KIM CHANCE: Will the Attorney General confirm that it is the intention of that legislation to hypothecate all of the earnings from speed camera revenue to the road trauma trust fund?

**HON E.J. CHARLTON** (Agricultural - Minister for Transport) [4.24 pm]: I indicated by interjection to Hon Kim Chance that we will talk about that in a bit more detail next week when we deal with the other Bill, which is a comprehensive Bill about changing the whole initiative of road safety. Currently one-third of the revenue goes to that fund. It is not incorporated in the Bill that we will be debating next week or in this Bill.

Hon Kim Chance: It is in the second reading speech.

Hon E.J. CHARLTON: Yes. It is the Government's intention to do so. We have not finally decided whether it will be done in one step or over a period. However, we want to get the new Road Safety Council up and running and then we will do the funding. There is no sense in putting in funding if the mechanism is not in place. It will be a community based operation. We will get into the detail next week.

**HON PETER FOSS** (East Metropolitan - Attorney General) [4.26 pm]: I thank members for their contribution, particularly the Minister for Transport. I will deal with the question of whether it is revenue raising. I have always believed that it is important to take action on speeding on our roads, with due deference to the other Minister present, who I understand is one of the most improved drivers in the last 12 months. I have believed that for two reasons. First, we are certain that speed is an important factor in road safety. People who do not think it is important are kidding themselves. Secondly, there are objections to speed traps being set in places which it is thought may not be as dangerous as others.

The important thing that people should know is that a disregard for the rules of the road is an important disregard. Hon Nick Griffiths would sympathise with this: The difficulty with people observing the rules of the road is that it is essential that they observe them all because it is an attitude we are dealing with as much as anything else. One of the problems with Western Australian drivers is that they have a very competitive attitude. I have never seen people who are quite so competitive in the way they drive as Western Australians. Part of that is expressed in their attitude to the speed laws. Anybody who remembers their physics from school will know that the amount of end force involved is half mv squared; that is, speed has its effect at the square of the velocity, whereas it is only the direct relationship from that.

Hon Reg Davies: That is assuming we got past primary school, Mr Foss.

Hon PETER FOSS: That is true. I believe that although there is a perception in the public, speed is a very important matter to deal with. The moves that were mooted by the Minister for Transport are excellent to make sure the community understands how important that is. I hope also that the reason this came before the House is not because the police went ahead not caring whether what they did was correct. I understand it was an inadvertence on their part. That is no real excuse. However, it is a preferable mental attitude to not caring. My understanding is that they did not realise, but as soon as they did they put in place other measures to enable the evidence to be given. This is a better

way of doing it rather than the way it was done previously. I thank members for their contribution and commend the Bill to the House.

Question put and passed.

Bill read a second time.

*Committee*

The Deputy Chairman of Committees (Hon W.N. Stretch) in the Chair; Hon Peter Foss (Attorney General) in charge of the Bill.

**Clause 1 put and passed.**

**Clause 2: Commencement -**

Hon N.D. GRIFFITHS: I am very pleased to read the words "This Act comes into operation on the day on which it receives the Royal Assent". I take it from that that everything is ready to go and I am very pleased about that. I like seeing these words in clause 2 and I trust we will see them more often and therefore avoid some of the problems we have had in the more recent past regarding proclamation.

**Clause put and passed.**

**Clauses 3 and 4 put and passed.**

**Title put and passed.**

*Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

Bill read a third time, on motion by Hon Peter Foss (Attorney General), and passed.

**MEDICAL AMENDMENT BILL**

*Second Reading*

Resumed from 4 September.

**HON KIM CHANCE** (Agricultural) [4.33 pm]: The Opposition is pleased to support this unusual Bill. It has three fundamental effects. Two of the three will bring a sense of déjà vu to some members of the House because they go back over ground we trod in October 1994 when we dealt with the Medical Amendment Bill of that year.

Hon N.D. Griffiths: What time of the day was that?

Hon KIM CHANCE: It was very late. I know that because at the top of page 6072 of the 1994 *Hansard* the then Leader of the House, Hon George Cash, moved that the House sit beyond 11.00 pm.

Hon Peter Foss: He moved it very advisedly though.

Hon N.D. Griffiths: That was one of his most popular speeches.

Hon KIM CHANCE: When I copied that from the *Hansard* I was struck with just how many pages of debate followed even the finalisation of the Medical Amendment Bill 1994. I suppose it was late in the year and we had come to expect that. Notwithstanding the lateness of the hour on 26 October 1994, it was a good debate because it gave us the opportunity to explore an issue which is of considerable concern, but not exclusively, to those of us who live in and represent rural and remote electorates. In fact, I noted an excellent contribution by Hon Tom Helm, as usual.

Hon Peter Foss: I thought you were going to say Hon Kim Chance!

Hon KIM CHANCE: As one might expect, I knew something about the effects of the Bill because I had spent a little time on it. It was an interesting Bill. Another fine contribution to that debate was made by Hon Sam Piantadosi on the degree to which the Bill had an effect on medical practitioners licensed to practice exclusively within ethnic communities. It was a good point, although the point he made was somewhat different from that of interest to people in remote areas.

The Bill dealt with the capacity of the State to register in either general or conditional registration, medical practitioners trained in medical schools other than those in Australia. Until that time, a medical practitioner trained in either England or Ireland had virtually automatic right of practice in Western Australia. The need for the Bill was brought about by an agreement made in 1992 which, from memory, was a uniform form of legislation which dealt with mutual recognition of medical practitioners' standards. Western Australia had to act in this way in 1994 because the standard we had set for general registration of medical practitioners was different from and somewhat lower than those in other States. It would have created a difficulty for other States, which would have had their medical standards compromised, in their eyes at least, had we entered into a mutual recognition system with a different set of standards from other States.

At that stage the Opposition was prepared to support the Bill but it expressed a need to be reassured that in doing so we would not be doing anything which might hinder the availability of foreign trained doctors in rural areas. In doing so Hon Tom Helm and I noted the importance of foreign trained doctors to rural Western Australia. At the time I said something like, "For those of us who live in the country, it is such a relief to find a medical practitioner that about the last thing that occurs to us is where that doctor was trained." I pointed to an example in Ravensthorpe where I had recently had a call from a Ravensthorpe shire councillor who said that something like three-quarters of the doctors within a reasonable radius of Ravensthorpe were foreign trained. The two nearest to him were both foreign trained. My recollection is that one was Chinese and one was Indian.

Hon Bob Thomas: The Indian doctor is a great golfer.

Hon KIM CHANCE: I am pleased to hear that, even though it might not be entirely relevant.

I sought some assurances from the then Minister for Health, and now Minister representing the Minister for Health. Without trying to embarrass the Government, it is necessary to look at the changes we are making here in the context of what we did in 1994. I refer to page 6075 of the 1994 *Hansard* where I said -

However, if there are no problems now - as I said, I have not heard of any problem - why are we seeking to introduce changes which could unsettle the current situation?

Hon Peter Foss: I told you.

Hon KIM CHANCE: I know; I will come to that. Why all of a sudden are we dealing with legislation that may pose a threat to our capacity to obtain much needed foreign doctors? I spoke to the Minister for Health about my concerns today. He reassured me that the present situation will not be made worse by this legislation. His view is that the availability of doctors will even be improved as a result of this legislation. I do not think I exaggerated.

Hon Peter Foss: No, that is fine.

I think we came to an agreement at that point that the end result of the legislation would not be limited to the availability of foreign trained doctors in rural areas in any part of Western Australia. It is necessary now to reiterate, albeit briefly, the contrast that was revealed in the context of that debate between the metropolitan situation where I suppose a reasonably cogent argument has been made that there is an oversupply of medical practitioners, in contrast to regional and remote areas nationwide particularly but also in Western Australia, where there is a demonstrable shortage of medical practitioners. When we get into the specialist field that shortage becomes more acute. Hon Peter Foss recognised that problem and pointed to the shortage of psychiatrists in rural areas.

Hon Peter Foss: Psychiatrists generally.

Hon KIM CHANCE: Yes - throughout Australia, but that shortage and the shortage of mental health nurses is very acute in rural Western Australia.

Hon Peter Foss: And that remains the case.

Hon KIM CHANCE: Yes. One of the reasons for the Bill in 1994 was the free market situation which I had postulated in my second reading contribution. If there were an oversupply of doctors in one area and an undersupply in other areas, the free market would sort that out, because a doctor would not remain unemployed in the city while there was a need for his services in the country.

Hon Peter Foss: The argument is that a doctor can always be employed in the city by knocking things out on Medicare. That is the situation in New South Wales and Victoria.

Hon KIM CHANCE: The Minister's interjection has finished off what I was about to say. The Opposition had by then - and before that - recognised the need for the Bill. We felt the need for some assurance that we would not be

doing something in the passage of that Bill which could impact on medical services and medical practitioners' availability in rural areas. That is basically the history of this issue.

The second effect of the Bill as outlined in the second reading speech is that it addresses a situation which was created in the gap which occurred between 1992 legislation - the mutual recognition legislation - and the 1994 legislation. In an ideal world the Medical Amendment Act which was passed in 1994 would have been enacted concurrently with the mutual recognition legislation. Because it was not, there was effectively a two year gap between -

Hon Peter Foss: Ideally we should have passed it in 1992. We had an obligation to pass it - not when our legislation was passed but when their legislation was passed.

Hon KIM CHANCE: That is what I said. We would not have had the two year gap. Unfortunately the world is not an ideal place and these things happen. Unfortunately, in the two years, a number of medical practitioners who had overseas qualifications arrived in Western Australia. That created a real difficulty for those practitioners subsequent to the enactment of the Medical Amendment Act 1994, because many of those practitioners were then deregistered.

Hon Peter Foss: A lot of them did not arrive; they just got registered. It was not a problem for them but for us.

Hon KIM CHANCE: Quite. One of the effects of this Bill is that it enables the granting of general registration to those practitioners whose names were removed owing to the overkill effect of the 1994 legislation. It is fair to say that with 20:20 hindsight, there has been a degree of overkill in the 1994 Act and its impact.

The third impact of the Bill is to enable a granting of registration to practitioners whose registration has been granted only on a regional or auxiliary basis. I take it this includes those practitioners who were licensed to practise only in areas defined as having an unmet need, and that could mean within ethnic communities in a large city or the more apparent meaning within a remote area.

Hon Peter Foss: One was to be a conditional registration. They do 12 months of non-continuing registration, during which if they could meet a need they could be given conditional registration. If they were not needed they would not receive conditional registration.

Hon KIM CHANCE: I understand that one of the effects of this Bill will be that the Medical Board will be empowered to grant general registration to those practitioners who were granted conditional registration, including those practitioners registered on the separate list which was created by schedule 1 of the 1994 Act.

When the Medical Amendment Act 1994 became effective it had caused many of the practitioners who had come in the two year gap period, to be deregistered. However, while they had been deregistered they were permitted to apply for general registration under the criteria established in the Act. The second reading speech acknowledges that those criteria, called experience, were found to be too rigid; so a situation developed which we had contradicted. However, I will not claim credit nor do I seek to embarrass the Government.

Hon Peter Foss interjected.

Hon KIM CHANCE: It would be very easy to be critical of the Government and of the planning system, but although that stands on its own, credit should be given also for the way the health system and the Government have quickly recognised the deficiencies which were created and the fact that they moved immediately to overcome the deficiencies.

Hon Peter Foss: The Government was obliged to deregister the whole lot of them. It was the Government that said it thought it was a bit harsh and that we should have something that was fairer. We then went to the profession. It suggested how it would be handled without impact. It was in the first instance mitigation.

Hon KIM CHANCE: This Bill in effect enables the Medical Board of WA to grant general registration to doctors whose names have been removed as a result of those changes. It sounds fairly complicated. It is indeed a complicated issue. Arguments will always occur among health consumers about whether they are oversupplied or undersupplied with general practitioners. Coming as I do from a rural electorate - not a remote electorate - I still find it difficult to accept the idea that we are oversupplied with doctors, even though I am aware of the arguments that have been put forward. I find it difficult to accept that in a regional city the size of Geraldton, outside of the Aboriginal Medical Service it is still impossible to find a doctor who is prepared to bulk bill.

Hon Peter Foss: I think that says something about the doctors in Geraldton.

Hon KIM CHANCE: It may say something about the doctors in Geraldton, but that is the situation in a normal market - and doctors are businesspeople who compete in a normal market.

Hon Doug Wenn: I bet they will be saying something next week about Mr Foss in Perth.

Hon KIM CHANCE: In such a situation one would expect the market to have some effect. Surely a doctor who is finding it difficult to get work in Perth should be encouraged to go to a place like Geraldton where his or her lifestyle and income could be vastly better.

Hon Peter Foss: Interestingly enough, Western Australia has a better position with regard to country doctors than the Eastern States, even though the Eastern States has the oversupply and Perth does not.

Hon KIM CHANCE: Yes, that is extremely interesting. I know that what the Minister says is correct. It is difficult to identify a single country town in Western Australia which has a chronic shortage of doctors. There certainly is a temporary shortage.

Hon Peter Foss: The Western Australian Centre for Remote and Rural Medicine had a lot to do with that.

Hon KIM CHANCE: The State has been well served by WACRRM and other organisations that have taken an interest in that matter. It is interesting that the Minister mentions the situation in the Eastern States because I was about to mention the situation in Sydney in comparison with that in Geraldton, where it is impossible to find a doctor outside the Aboriginal Medical Service who will bulk bill. In Sydney it is common to observe medical practices that advertise in large black letters outside the door of the practice, near the names of the four or five doctors who work in that practice, the fact that they are 100 per cent bulk billing practices. In more cases than not this occurs in the inner Sydney area. I was encouraged to see that; however, in New South Wales people do not have to go far out of Sydney or the major regional towns before running into a series of towns where there is no doctor at all.

Hon Peter Foss: Queensland is even worse.

Hon KIM CHANCE: Yes. We have a lot to be thankful for in Western Australia. It is fairly easy to identify to whom we should be thankful. I am pleased the Attorney General has identified the work that WACRRM has done. The Opposition is pleased to support the legislation. We acknowledge the speed with which the Government has acted to address a deficiency which was shown up as a result of the 1994 legislation.

**HON PETER FOSS** (East Metropolitan - Attorney General) [4.54 pm]: I thank Hon Kim Chance for setting out the history of this matter and also for supporting the Bill. The situation is as Hon Kim Chance says it; however, the Government's obligation was to remove from registration all those who came in between 1992 and 1994. They were advised from 1992 onwards of the change that would occur, which would have the effect of deregistering them. As Minister for Health I was concerned with the rigorous application of that, partly because I saw it more as a market than a standards point. I agree with Hon Kim Chance in that respect. I thought it was fair that those people who had booked a ticket over here but who had not come here should be deregistered, because if they had not made any attempt to practise here I could not see why they should gain any advantage from it.

I approached the Australian Medical Association to see whether we could work out a compromise to allow those who had genuinely taken up work here, who committed themselves and who were forming an important part of the community, to be able to continue in their registration. If people had not managed to get the qualification by a particular date, they had a problem with being able to get continuing general registration. That was a difficult point. However, the positiveness of that was this way of keeping people in the country.

Arguments have been put about whether conditional registration should be used to keep people in areas of needs. In the Eastern States many doctors from overseas have gone straight to the city where there is an oversupply and we cannot get them out into the country areas. The Western Australian Centre for Remote and Rural Medicine and the Country Medical Foundation have recognised that to get country doctors, we need doctors from the country; that is, people who want to be in the country. Those organisations have been successful in that Western Australia has the highest rate of home grown medical practitioners in the country areas of any State. Those people practise in the country because that is where they want to be. That has been a significant move on their part. That is the better way to get doctors in the country.

The conditional registration provided that if there was a need for doctors in certain areas, they could be given conditional registration. Obviously some are not happy with having conditional registration. Some say that they have been here now for two years and they have made their commitment; therefore, why should they not have general registration such as the others have? I can accept that. Ideally, to get country doctors we need doctors who want to be in the country, not people who are kept there because that is the law and who are sometimes locked up in the country against their will. The way those matters are approached has already been addressed by WACRRM and through other initiatives, such as the support for specialist locums to encourage specialists to go to the country.

I am happy to have this legislation. It was originally worked out by way of compromise. I note that the world did not explode when the State did not carry out its obligations from 1992 exactly as it was required to do, and I do not

think the world will explode by taking it a little further and allowing everybody who has shown a commitment to Western Australia to be able to be registered. To some extent it was a market matter rather than a quality matter. Obviously a quality standard is now set and that standard must be met. However, to draw the line in the way we did between those who arrived and received unconditional registration simply because they arrived at a particular time and those who arrived later had a degree of arbitrariness to it. Passing this legislation will be satisfactory. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

**[Questions without notice taken.]**

*Committee*

Bill passed through Committee without debate, reported without amendment, and the report adopted.

*Third Reading*

Bill read a third time, on motion by Hon Peter Foss (Attorney General), and passed.

**LEGAL PRACTITIONERS AMENDMENT BILL**

*Second Reading*

Resumed from 4 September.

**HON N.D. GRIFFITHS** (East Metropolitan) [5.35 pm]: The Legal Practitioners Amendment Bill has the support of the Australian Labor Party in this House. The Bill amends section 31AA of the Legal Practitioners Act 1893. That section was inserted last year as a result of the Legal Practitioners Amendment Act 1995 becoming law. Section 31AA deals with findings by the Complaints Committee or the Disciplinary Tribunal to the effect that -

a finding may be made that a practitioner has been guilty of illegal conduct on it being shown that the practitioner stands convicted of an offence by or before a court exercising jurisdiction in any place in Australia, an external territory of Australia, or New Zealand, . . .

The purpose of this Bill is to enable findings of illegality made in jurisdictions other than those in Australia and external territories of Australia or New Zealand to be acted on. The timing is of some concern because the question was considered very recently. I note that in his second reading speech the Attorney General advanced the proposition that both the Legal Practice Board and the chairman of the Legal Practitioners Disciplinary Tribunal had requested that this legislation be introduced. However, no reason as such was proffered other than a view as to the operations of foreign jurisdictions vis a vis Australian jurisdictions. That view is fair enough on the face of it. The contrary point of view is that some parts of the world do not have appropriate laws and may not have appropriate processes. Insofar as that exists, when section 31AA is read as a whole it has sufficient safeguards. The finding of illegality for the purposes of discipline on the part of the Disciplinary Tribunal is discretionary, so it is open to the Disciplinary Tribunal not to proceed to make a finding of illegality in a case of sheer oppression. Notwithstanding that, it is appropriate that we be informed of whether instances have occurred of the Disciplinary Tribunal not being able to do the work it is entrusted to do as a result of the current legislation not containing the amendment proposed in this Bill. Alternatively, is it the case that the potential is foreseen, and the Bill is introduced to avoid the potential?

**HON PETER FOSS** (East Metropolitan - Attorney General) [5.40 pm]: The Government acceded to the request for the reasons outlined in the second reading speech. I was responsible for bringing the matter before the House originally, and I confess that at that time my view was that it should not have had the restriction placed on it.

Hon N.D. Griffiths: I remember it. Is that really the reason?

Hon PETER FOSS: No, it is not. Having been a student of the conflict of laws and seen how this attitude to "them foreigners" is found from time to time in English law, I do not have a great deal of sympathy for this notion. As Hon Nick Griffiths pointed out, there is ample room for the tribunal and the board to take into account the fact that other regimes may be repressive; therefore, it does not necessarily mean that a person will immediately suffer the consequences of being convicted in the same way as may have been the case if he or she had been convicted before the board. However, it means that a requirement to prove the case is not involved. If the person wants to point out matters to the system of law, he or she can do so.

I understand that the system posed problems, and that was the basis on which it was sent to me. I acceded to the request so readily because I thought it was a silly limitation in the first instance. My answer is that I understood the situation, but it was not something I felt constrained to investigate at any length as my personal view was that it was

a good move and should not have been done in the first instance. I acceded to it and took it to Cabinet and brought it before Parliament for the reasons outlined in the policy statement found in the second reading speech. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

#### *Committee*

The Deputy Chairman of Committees (Hon Cheryl Davenport) in the Chair; Hon Peter Foss (Attorney General) in charge of the Bill.

**Clause 1 put and passed.**

**Clause 2: Commencement -**

Hon N.D. GRIFFITHS: I congratulate the Government for once again avoiding possible problems with proclamation through the use of the words that "this Act comes into operation on the day that it receives the Royal Assent." I congratulate the Government for learning fast!

Hon PETER FOSS: The reason that the Bill will immediately come into operation is that there is no reason for it not to do so. However, in cases in which other matters must be in place before legislation can be proclaimed, and when an Act requires timing to be taken into consideration, it is dealt with subject to proclamation. It is not a change or a learning process - it is merely a practicality.

**Clause put and passed.**

**Clause 3 put and passed.**

**Title put and passed.**

#### *Report*

Bill reported, without amendment, and the report adopted.

#### *Third Reading*

Bill read a third time, on motion by Hon Peter Foss (Attorney General), and transmitted to the Assembly.

### **CRIMINAL INJURIES COMPENSATION AMENDMENT BILL**

#### *Second Reading*

Resumed from 4 September.

**HON N.D. GRIFFITHS** (East Metropolitan) [5.45 pm]: The Australian Labor Party in this House supports the proposal that the Criminal Injuries Compensation Amendment Bill be read a second time. Some aspects of the Bill bear comment. The Bill covers four general areas of policy, the first and perhaps most timely of which is that it will provide for more people to make assessments of criminal injuries compensation. An enormous backlog exists. The Bill will provide for a chief assessor, an acting chief assessor and other assessors, and this will grandfather the current position of assessor.

The fact that a backlog has been in place for some time, and remains, was brought to the attention of the Government by a number of people, particularly by some of my colleagues in the Labor Party in the other place. I refer specifically to Dr Judyth Watson, the member for Kenwick, and Mr David Smith. I refer to the *Hansard* of 30 April 1996, page 1 183, on which Mr David Smith asked question 363 of the Minister representing the Attorney General. It was a lengthy question. He asked, among other things, whether the Attorney General was aware of the delays being experienced in the processing of criminal injury compensation claims. Members should remember that this question was asked on 30 April 1996. He outlined the situation for 1993, 1994, 1995 and 1996 until 20 March.

The answer to the first question was yes. With respect to those years, Mr David Smith inquired about the applications received, approved, refused and still to be processed. The interesting point about the answer provided is that it shows an accelerating trend in applications still to be processed. It discloses the extent of the backlog. For example, in 1993 the applications received were 1 355, and as at 31 December of that year, 1 313 applications were still to be processed. In 1994, 1 286 applications were received and at an end of that year, 1 873 applications were still to be processed. In 1995, 1 479 applications were received at and end that year 2 554 applications were still to be

processed. As 20 March of this year, 260 applications had been received, and a total of 2 613 applications were still to be processed.

In giving the answer to the member for Mitchell, the representative Minister foreshadowed this Bill. This Bill is a welcome measure and to no small degree it comes before us because my colleagues, particularly the member for Mitchell and the member for Kenwick, were very concerned to raise this issue before the Parliament.

The next aspect of policy concerns clause 8 which deals with section 20. It proposes to increase the prescribed maximum amount from \$15 000 to \$50 000. I will comment further on this aspect during Committee. The maximum amount in the regulations is currently \$50 000. When I looked at the regulations recently, I formed the view that perhaps there was a problem with them. In any event that aspect can be left to the Committee stage. I am not sure whether this area of policy advances the matter much further.

A further area of policy concerns the proposition that there should not be an award to cover that which an applicant for criminal injuries compensation can receive from the health insurance fund. That principle is sound, and one that I support. I do not think the public purse should be concerned with that area within the jurisdiction of criminal injuries compensation.

Hon Peter Foss: Also, more importantly, people should not have that money taken from them.

Hon N.D. GRIFFITHS: I quite agree. Next, the Bill proposes to remove from the operation of the criminal injuries compensation legislation claims arising as a result of motor vehicle accidents, save for certain areas quarantined in the Bill. Its relevance is that activities, such as careless driving - for the most part, forms of negligent driving - are more appropriately dealt with under motor vehicle third party insurance. In that context I note the motor vehicle third party insurance regime changed in 1994 and was made retrospective to July 1993. The extent of coverage of motor vehicle third party insurance is an important issue. It is not something with which we are at issue when considering this Bill. There are differences between the views of those on this side of the House and those on the other about this issue. However, there is no difference on the point of principle; that is, when people are injured in motor vehicle accidents, in the normal course of events they should be dealt with under motor vehicle third party insurance not criminal injuries compensation.

Many of these people are merely guilty of an act of careless driving and it is most unreasonable that they should be open to pay under this legislation. They are not insured. Although under the Criminal Injuries Compensation Act there is a discretion as to whether the Government pays - it usually does - the Crown can seek to recover from the person who committed the offence. It is inappropriate that the commonplace motor vehicle collision should be part and parcel of a criminal injuries compensation regime. The quarantining provided by the Government seems to be appropriate. There is a question of retrospectivity which can be dealt with at a later stage. In conclusion, the Australian Labor Party supports the proposition that this Bill be second read.

Question put and passed.

Bill read a second time.

#### *Committee*

The Deputy Chairman of Committees (Hon Derrick Tomlinson) in the Chair; Hon Peter Foss (Attorney General) in charge of the Bill.

#### **Clause 1: Short title -**

Hon N.D. GRIFFITHS: I will canvass those clauses which I wish to deal with during Committee. I propose to make brief observations on clauses 2, 8 and 9. There is a difficulty in the wording in that part of clause 9 that deals with new section 24A, and I have raised it with the Attorney General. I am giving it some consideration, and I trust he is. In my view the wording goes further than it should to cover the evil which is sought to be remedied. However, I will not go into the detail of that at this stage. I point out that I have an amendment on the Notice Paper that deals with the question of retrospectivity in the second part of clause 9.

#### **Clause put and passed.**

#### **Clause 2: Commencement -**

Hon N.D. GRIFFITHS: What I will say about this clause can almost be taken as read. I will paraphrase some comments made about some Bills earlier today. I am delighted that this Act will come into operation on the day on which it receives royal assent. I note the comments made by the Attorney General about an order of the day that we dealt with last Thursday. In those circumstances, I wonder whether all of these good people who are to be appointed pursuant to clause 6 are ready to go.

**Clause put and passed.**

**Clauses 3 to 7 put and passed.**

**Clause 8: Section 20 amended -**

Hon N.D. GRIFFITHS: Section 20(1) currently reads -

For the purposes of paragraph (a) of section 19(1), the prescribed maximum amount is \$15 000, or such other sum as may be prescribed for the purposes of that paragraph by regulations.

Regulation 12(1) of the Criminal Injuries Compensation Regulations 1985 states -

Subject to subregulation (2), for the purposes of paragraph (a) of section 19(1) of the Act the prescribed amount is . . .

\$50 000 in respect of any injury or loss suffered in consequence of an offence or an alleged offence committed on or after 1 July 1991.

*Sitting suspended from 6.00 to 7.30 pm*

Hon N.D. GRIFFITHS: I have referred to regulation 12(1)(b), and in that context it is appropriate to refer to section 17 of the Act, which provides that the limitation period shall be three years, although if the assessor thinks it is just to do so, he can grant leave to a person to make an application after the expiration of that period. I know there is a nicety about having something in the Statute, but what will clause 8 add to the current state of the law? If there will be no change, why have this clause? If there will be a change, what will be its ramifications? This change was not mentioned in the second reading speech.

Hon PETER FOSS: This clause is intended to have no effect whatsoever other than to put into the Act rather than the regulations what is currently the law. I think most people like to see things in Acts rather than in regulations. Obviously, that figure could fall behind again if the Act lifted it further. I know that any lawyer involved would check the regulations to find out whether the figure was higher, but obviously from time to time people look at Acts because they do not have lawyers and they do not know what the regulations are. The purpose of the clause was to bring the Act up to date with the regulations while the Bill was going through the Chamber. However, having looked at it more closely, I think it might have a more significant effect than that, because it is clear that regulations cannot have retrospective effect, and obviously an Act will not have retrospective effect without its being expressed to have retrospective effect, but what is retrospective and what is prospective is sometimes quite interesting. For instance, it may have prospective effect because it applies to decisions that are made from today on, but the decisions from today on may be on things that happened previously. Therefore, I have some concern about this clause. I think it was intended to add nothing other than greater information, but I suspect it may add legal obfuscation and argument. Rather than add nothing to the Act, I indicate that I will vote against this clause.

Hon N.D. GRIFFITHS: I do not wish to engage in any legal obfuscation; therefore, I will make no further comments on this clause.

**Clause put and negatived.**

**Clause 9: Sections 24A and 24B inserted -**

Hon N.D. GRIFFITHS: The heading of proposed section 24A is "No award where, but for this Act, there may be entitlement to compensation from health insurance fund". Its purpose, as the Attorney General pointed out, is primarily to prevent health insurance funds from clawing back what people receive by way of criminal injuries compensation, and also to prevent people from having to make what I think are unnecessary applications for criminal injuries compensation. That may be adding to this ever increasing backlog, and I would be interested to know whether there are any statistics on to what extent it has added to the backlog. Those statistics may not be readily available at the moment, and that matter can be addressed in due course. This part of the clause does not really address the evil that it seeks to overcome. I agree with what the clause seeks to do, as enunciated in the second reading speech, and I agree with the proposition as stated in the heading, but I am concerned that it goes further than that. The words "The Chief Assessor shall not make an award to an applicant for compensation in respect of an injury or loss" can apply, I suggest, to an award at large with respect to that injury or loss. There are no words which sufficiently quarantine that part of the award which is relevant to what we are seeking to do in respect of this perceived misbehaviour on the part of health insurance funds. I have thought about a form of words, but I do not want to deal with this clause on the run.

Hon Peter Foss: I am happy with your suggestion and I will postpone the clause to give the matter due consideration. I will listen to your arguments now and take them into account.

Hon N.D. GRIFFITHS: I will put forward a shorthand suggestion, without giving a word for word amendment. The assessor makes an assessment and from that assessment is discounted that which is to be quarantined; namely, that which relates to the health insurance fund component. What is left becomes the award. That may not be the best way to do it. I am obliged to the Attorney General for his comments and I hope he will consider the points I have raised.

Before the Attorney General moves to postpone the clause I will make my observation in general terms in respect of the second area of concern. Under the circumstances it would not be appropriate for me now to move the amendment to this clause which I have on the Supplementary Notice Paper at this stage. There may very well be another amendment dealing with an earlier part of the clause after further consideration has been given to it, subject to the Committee agreeing to postpone it. As indicated by the wording of the amendment I have placed on the Supplementary Notice Paper, my concern is about the question of retrospectivity. New section 24B reads, in part -

(3) Subject to subsection (4), this section is deemed to have come into operation on 1 July 1993.

(4) Subsection (3) does not apply in relation to awards made before the commencement of section 9 of the *Criminal Injuries Compensation Amendment Act 1996*.

The category of persons who have already had awards made to them will not be affected by the retrospectivity clause. Another category of persons may, for all intents and purposes, be in the same position as those who have had awards made, but, through no fault of their own, their applications have not progressed. A further category of persons will be those people who find themselves in a position where their injuries have not stabilised to the extent that they do not wish to bring an application before the assessor until they are ready for an assessment to be made. It is proposed under this Bill to change the rules. It offends a principle of opposition to retrospectivity which members on both sides of the Chamber have strong views about. The functioning of criminal injuries compensation in the first instance is that when an award is made it comes out of the public purse. It is better for payments to be made out of the public purse, as is the case at this stage, than for this Chamber and the Parliament as a whole to contradict the strongly held views which members on both sides of the Chamber have about retrospectivity.

I have endeavoured to briefly state some of the difficulties of treating differently people in the same circumstances if this clause is passed. It is a clear offence against opposition to retrospectivity. It is not a matter on which I should dwell at length. I am not a person who is prone to quote the speeches of members on the other side of the House. I prefer to use my own words and at this point I am putting the broad arguments on the table for consideration by the Attorney General. I note that he has foreshadowed the postponement of clause 9, subject to the wishes of the Committee.

Hon PETER FOSS: I agree with the member that we should look again at proposed section 24A and I will take into account the suggestions he made. It is a difficult issue and I will explain to the Chamber what has happened. The intent of the Act was quite clear through section 22. It states that -

Where in the opinion of the Assessor, a person who has applied for compensation in respect of injury or loss -

(b) . . . may be entitled to payment under any contract for insurance for such injury or loss,

the Assessor may require the applicant to take proceedings to obtain the compensation, damages or payment and may defer the application pending the determination of such proceedings.

Obviously the intent of that section is that it would not be assessed until the person had gone to the insurance company and received the insurance payment. It would then be deducted from the award that was granted. It was merely to provide compensation over and above what was available from insurance.

A particular hospital benefit fund changed its rules so that there was no entitlement to be reimbursed where a person had an entitlement to criminal injuries compensation. It became a stand-off which could not be continued because the assessor adjourned it on the basis that there might be compensation. The person then claimed insurance and was told he was not entitled to it. The problem then was that, under the terms of the way they operated, if the person went back to the assessor and got his criminal injuries compensation, he would claim it by way of subrogation. What was intended to benefit the victim, ended up benefiting the hospital benefit fund. Plainly, that was not the intent of the legislation and nor should it be. The difficulty is how to frame this legislation. Firstly, the law of insurance is a Federal Government area and it would be difficult to move directly to affect the law of subrogation.

I am still concerned that, even though we hand over the money, we should prevent them saying they are entitled to it by way of subrogation. The issue can be addressed because it can be said that what is being paid over expressly does not include moneys which are capable of being recovered from the insurance company. It is very hard to say one has a right to subrogation when one has not been paid. However, we must treat that compensation as being made up of discernible parts as opposed to an in globo amount which is calculated by reference to certain things. The intent

of the legislation is that a person is not entitled to claim, but after some time he is told he is entitled to claim. We will look at this clause again. It is a clause which should be postponed.

The member is also concerned about proposed section 24B. I sympathise with the objection raised by Hon Nick Griffiths, but the situation is particular because were we to deal with this in such a way as to pay these amounts, we would encourage claims that have not been made and which nobody thought had been made. We know that some lawyers are now advertising as a service to their clients to make criminal injuries compensation applications for motor vehicle injuries. Once we paid one of those, it would open the door to a misuse of this. At present most people think it does not apply to motor vehicle accidents and quite rightly. I think we would then have the unfortunate effect of openly inviting people to make those applications.

Hon N.D. Griffiths interjected.

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): Order! The honourable member is aware of the standing orders relating to interjections. If he does interject, the Hansard reporter would like to hear what he has to say.

Hon PETER FOSS: That still does not solve the problem. The intent was always for that to be changed to that date and it would be inappropriate to do that. However, it has never been the case that it was intended to cover motor vehicle injuries. More importantly, motor vehicle insurance has never covered indemnifying for criminal injuries compensation because it is not of a character which is indemnified under the Act. It would be wrong to change that Act in order to pick up a liability that was never intended to be covered by that Act. It would be wrong in principle also. Somebody has been very clever in thinking of the idea.

Hon N.D. Griffiths: I thought it was obvious three years ago.

Hon PETER FOSS: I wish the member had mentioned it. It is one of those cases in which I do not think we are defeating an expectation. The community expectation is otherwise and it is appropriate in this instance to have retrospectivity.

**Further consideration of the clause postponed, on motion by Hon Peter Foss (Attorney General).**

**Clauses 10 to 12 put and passed.**

Progress reported and leave given to sit again.

## **CHATEL SECURITIES AMENDMENT BILL**

### *Second Reading*

Resumed from 4 September.

**HON A.J.G. MacTIERNAN** (East Metropolitan) [7.55 pm]: This Bill amends the Chattel Securities Act. If ever we needed yet another example of the fact that it is the Labor Party that has been able to most successfully implement microeconomic reform in economic areas, the 1987 Act is one of those. Prior to the introduction of the Chattel Securities Act, the legal profession and its clients were lumbered with the very cumbersome and archaic bills of sale system. Having done my articles before this legislation was enacted, I remember the very torturous duty that one would be given as an articulated clerk of going to the bills of sale registry and spending many hours listening to the conversations of the young outside clerks about who did what outside Pinnochios on the Friday night before and spending many torturous and laborious hours at the clerk's expense going through the bills of sale records trying to determine whether the motor vehicle which formed part of a security package was subject to some encumbrance. The Labor Party was able to renovate the system quite dramatically with the Chattel Securities Act and introduced the system known as REVS - the Register of Encumbered Vehicles - which is a computerised registration system whereby financial encumbrances held by various financiers over licensed motor vehicles and farm machinery are kept in a readily accessible form. REVS has been accessible by telephone; that is, one can ring the Ministry of Fair Trading to find out whether the vehicle that one wishes to deal in has been subject to some encumbrance which would affect one's enjoyment of title if one chose to purchase or hypothecate on that item of machinery. Because the system is computerised and because it is recorded in an easy way, largely through registration numbers, it has been accessed by phone thereby saving many costly hours of searching by law firms and others. It has also made it a lot easier for consumers to conduct their own inquiries. I understand we are now moving into the next generation where this material will be made available on line to financial institutions.

This amendment Bill recognises that this is an excellent system and it seeks to provide for some improved efficiencies in accessing the information. At the moment, if one wants written confirmation that there is or there is not an encumbrance on a vehicle, it is necessary to request a certificate. A telephone inquiry by anyone can be accessed free of charge. It costs \$8 for a business dealer and \$10 for a consumer to obtain a certificate. Some might say that

seems a bit unfair. However, there are certain economies of scale in providing the certificates to dealers. Because of the cost of these certificates, we are finding that dealers are generally accessing telephone inquiries. Therefore, the proposal here is to offer to professional interests another cheaper form of confirmation of searching; that is, a monthly statement in which the answers to all telephone inquiries will be recorded. That will cost \$4 per entry. That will effectively half the cost for business dealers and make them more likely to access that system rather than the telephone system.

It is anticipated that at the same time telephone inquiries will remain free of charge to non-business dealers. Quite rightly, the business dealers will pay for the information they access, whereas consumers will continue to have the benefit of free telephone advice but will pay at the current rate if they want written confirmation. It seems to be a sensible development. I understand that it will be revenue neutral. In fact it has been suggested that as such a large proportion of dealers rely on telephone advice as opposed to written advice it is possible a small gain in revenue to the ministry will result.

A second provision is included in the legislation which relates to -

Hon Max Evans: To various information.

Hon A.J.G. MacTIERNAN: At the moment no charge is made where a person who has an encumbrance against a vehicle seeks to change the details of that encumbrance. As the Minister said in his second reading speech, the majority of those changes were made necessary because of errors in the original application. That is not to say that the other applications are the result of errors made by the department, but of changes in the circumstances; for example, change of the owner of the vehicle, the nature of the interest that is covered or the extent of the sum against which the vehicle is security. This basically provides that where, for one reason or another, but not due to any mistake on the part of the ministry, the details on the encumbrance need to be changed, a small fee will be levied against the financier. That is entirely appropriate. It is one of the areas of user-pays that is supportable because at the end of the day we are dealing with a commercial operation and with institutions which by and large are well placed to ensure that they can fund that levy. As the Minister said in his second reading speech, it may also cause these financial institutions to take more care when processing the information in the first place, thereby relieving the ministry of a considerable burden in making those variations which result from error in the first instance. I support this Government's endeavours to finetune the excellent system introduced under the Labor Administration and I support the Bill.

**HON MAX EVANS** (North Metropolitan - Minister for Finance) [8.03 pm]: It is a historic day when Hon Alannah MacTiernan and I are in agreement!

Hon A.J.G. MacTiernan: There have been a few.

Hon MAX EVANS: The original Act is dated 1895. I commended Hon Joe Berinson for introducing the Bill which provided for the establishment of the register of encumbered vehicles, for the same reasons Hon Alannah MacTiernan gave today. It gives a degree of certainty. A few hiccups occurred in the early days in developing the computer system. It is now running very well. It is a great thing because as we all know many unfortunate situations occurred in the early days. The consumer, the ordinary person, who is not familiar with these areas could have taken over a car which had securities over it, etc. That has been overcome. It is a good thing that the system will soon be online and accessible through a 0052 number which is paid for by the second. That way the consumer will pay something for it. It is hoped that the dealers will acknowledge that they are dealers and pay \$4 to get invoiced at the end of the month. They should accept that as part of the deal because the system is a cost to the Government. Some extra revenue may result.

The Minister plans to advertise more to alert people to the fact that REVS exists for their protection.

Hon A.J.G. MacTiernan: I suggest advertisements be placed in the for sale columns in the newspapers.

Hon MAX EVANS: Yes. A relation of mine from England was here recently buying a vehicle to take around Australia. I tried to tell him to check REVS, but he knew better. I hope he has the right vehicle. It is a good thing and I gather it is working well now. As did Hon Alannah MacTiernan, I commended Hon Joe Berinson for introducing the earlier legislation which this Bill refines. I commend the Bill to the House.

Question put and passed.

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

## **ROAD TRAFFIC AMENDMENT BILL**

*Second Reading*

Resumed from 4 September.

**HON KIM CHANCE** (Agricultural) [8.06 pm]: This seems to be an evening of rapport between the Government and the Opposition.

Hon N.F. Moore: We are not sure who is getting it wrong!

Hon KIM CHANCE: Legislation is coming through at an alarming rate and being generally welcomed by Opposition members. That is the case with this Bill. It is probably more a coincidence than anything else.

Hon B.K. Donaldson: What is the coincidence?

Hon KIM CHANCE: One of the common comments by Opposition spokesmen about the Bills which have appeared tonight is that they had their genesis some time ago. That is also partly the case with this Bill. Nonetheless, it is necessary for me to acknowledge the work the Government has done in this area. Although the Opposition may not have proposed this exact change I can only say that, given the seriousness of road traffic trauma suffered in Western Australia, the Opposition hopes that the Government has got it right with this and that it is able to achieve the aims to which it and we aspire.

The Bill is described in the second reading speech as "introducing new and drastic initiatives to address licensing on the one hand and road safety on the other". I am not sure that I would have used the word "drastic" but it is certainly a fundamental shift in the way the responsibility for road safety will be administered. Last year the responsibility for the licensing function was transferred from the police licensing and services branch to the Department of Transport. That change was the precursor for what is enabled within this Bill. The essence of the Bill is to transfer not just the licensing component but the responsibility for the - I am trying to find the right word - administration of road safety to the Department of Transport from the Police Department. It is necessary to find the right word there because there is no difference in the authority that will enforce the road traffic laws, it is simply the administration which will change. Therefore, we have the introduction of two levels in the road safety area - policy construction and administration by the Department of Transport; in a form I will describe later in relation to the Road Safety Council - and the separate enforcement issues which will still be carried out by the police in the current manner.

It is necessary to make that clear from the beginning, because in the second reading speech reference is made to situations in other States. Many members may cast their minds back to an earlier attempt by a former State Government to civilianise the enforcement of road safety. That was when the responsibility for road traffic law enforcement was transferred to a civilian authority, the Road Traffic Authority. While we could probably still debate the merits of that case, the only issue of lasting good which came out of the civilianisation of road traffic enforcement was that finally road traffic law enforcement came under a single authority. Until that stage, in some jurisdictions we had police traffic control and in others we had local government control. My experience was that in jurisdictions where local government control existed over traffic, it created some illogical outcomes with inconsistency in traffic law enforcement. It was not a very effective system because, as a young driver at the time, all I had to do was to determine where the traffic patrolman was, and I was free to do whatever I liked, as long as I could keep him behind me. With the cars that police officers had in those days, that was not difficult. With the implementation of the Road Traffic Authority that became a thing of the past, and we finally had a unified system of traffic law enforcement. Ultimately as the RTA was replaced by the Police Service, as a state-wide traffic control authority, we had the best of all worlds. We had a Police Service which covered traffic control as well.

The reason I believe that is the best possible outcome is that by the time the RTA had been around for some time it became apparent - perhaps it should have been apparent before the change - there was a strong link between mobility, vehicles and crime. It seemed ridiculous at the time to have a Police Force charged with enforcing criminal law but which was not empowered directly to enforce traffic law. When the crimes being committed relied on people transporting themselves to and from the scene of the crime, it created a farcical situation. That was never more evident than in the livestock transport industry where a sheep carrier, for example, could be stopped by a Road Traffic Authority officer for speeding but the officer was not empowered nor would have agreed to look at the consignment note carried by the truck driver. That was at a time of high sheep prices and sheep stealing was rife. I remember the Farmers Union asking the RTA to do that, but it flatly refused. It was stated that it was a law enforcement function and they were not law enforcement officers outside the Road Traffic Act.

It was necessary to mention that so that members can be clear that we are not making a fundamental change to who will carry out law enforcement. This Bill enables a change in the administration and, more importantly, the policy determination role in road traffic safety. The fundamental change is that there will be a shift from the existing Traffic Board to the Road Safety Council. It is not simply a change in name. The Road Safety Council will draw widely from the community. I was very pleased to note that a road user representative will be a key member of the Road

Safety Council, as will a representative of the Western Australian Municipal Association. That is also important from the point of view of traffic enforcement in country areas, without leaving aside the important issue of traffic control, since this is a policy body, in the metropolitan area. We are not simply talking about law enforcement. In recent years local government authorities in the metropolitan area have been extremely active and interested in the way traffic flow through their municipalities is designed. Sometimes their solutions have not suited the solutions which were acceptable to the wider community. The Minister is very aware of the preference of some local government authorities for speed humps, which, while they may serve the interests of the local government authority perfectly, can create problems for other road users - not the least of which are the emergency services which must negotiate speed humps through suburban areas. The speed humps and other traffic calming measures cause significant problems for emergency vehicles such as ambulances and fire-fighting vehicles. I am very pleased that the WA Municipal Association will be a key part of that policy construction board - the Road Safety Council - because issues can arise between the broader community and the needs and interests of individual local authorities which must have some expression and means of working through those problems.

The other issue to which I will briefly refer is the road traffic trust fund. We have already touched on this subject tonight during debate on the Road Traffic Amendment (Measuring Equipment) Bill. It was entirely inappropriate to raise that issue in the context of that debate, just as it was entirely inappropriate to talk about the use of Multanovas devices. It is appropriate now, but the issue that was raised in the context of that Bill was whether the revenue from speed camera devices, Multanovas, would be hypothecated in its entirety to the road trauma trust fund. As I understand the Minister's explanation when he contributed to the debate on that earlier Bill tonight, the decision that has not been finally made is how the scheduling of progress towards full hypothecation will occur. I take it from the Minister that the desire of the Government is to reach 100 per cent hypothecation.

It must be noted for people reading this debate outside the context of the debate on the other Bill that currently only one-third of revenue raised through charges from prosecutions based on the use of Multanovas ends up in the road trauma trust fund. At any level over one-third we can be happier than we are now. However, the Opposition's strong view on this matter is that, if we cannot have 100 per cent hypothecation now, the sooner we reach that level, the happier we will be. That is not the Opposition's view in isolation. I believe it is very much the view of the motoring public. Multanovas are far from the most popular device that has been used. I suppose that points only to their effectiveness as a means of reminding people that speed must be kept within reasonable limits.

In defence of some motorists who from time to time feel somewhat put upon by the use of devices like this, there are times when Multanovas are not used in a manner that is conducive to good relations between law enforcement authorities and motorists. There must be goodwill between the two. As soon as the law enforcement authorities and the law enforcement planners - they will now be two different levels of government agency - develop a "them and us" attitude, the cooperation that is needed to achieve the aims of this Bill is lost. This Bill rightly sets out to achieve a reduction in what is a tragic level of road trauma in Western Australia. Achieving that aim will not be assisted by the creation of a "them and us" attitude. It will be assisted by a cooperative attitude between authorities and motorists.

The kinds of situations of which motorists are extremely critical include placing a Multanova just inside a new speed zone where the speed may reduce without a step from 110 kms an hour to 80 kms an hour. If a Multanova is placed 20 or 30 metres inside the 80 km zone, it will inevitably pick up many speeders. However, I wonder whether doing that is doing the job it is designed to do. If it is placed 200 or 300 metres into the 80 km zone, that is fine. An 80 km zone is every part of that road that follows the placement of the sign - from 1 centimetre to any distance until the new sign. We have no right under law to exceed 80 kms from that point onwards. That is unquestionably law, but does it make commonsense to target motorists within those first few metres? I for one get angry if that happens to me, and I can understand that other motorists would also get angry.

That 80 km speed sign is deliberately placed a long way forward of the target area. An example that comes to mind is Clackline between Perth and Northam, approaching from the west. The 80 km sign is hundreds of metres from the first of the four or five houses that are on the main street in Clackline. There is a good reason to bring the speed down to 80 kms: There is not only a town there, but also a bridge entry which has a significant road accident history. However, rather than putting the 80 km sign at the first house where the 80 km limit should be observed, it is put hundreds of metres further up the road with the clear intention that people will take some time to slow down to that speed, particularly as there is no bracket speed limit as cars approach Clackline: It goes straight from 110 kms to 80 kms without warning. If the Government uses Multanovas in that town a couple of hundred metres away from the first speed sign, everyone will cop it. However, it is difficult to achieve any level of cooperation if people see these devices as nothing more than revenue raisers.

That is the continual comment one gets about the placement of Multanovas. People do not seem to mind if they are picked up on a mobile radar or any other device in what might be a marginal situation such as that I described,

because by its nature mobile radar must pick up the car where it intercepts it. There is no choice by the operator in that. However, the siting of a Multanova is such a calculated action that people are sensitive. I hope the transport planners will take that on board. Other than that, the Opposition will be pleased to see the hypothecation of those funds to the road trauma trust fund. The second reading speech states that it would appear appropriate that those who put road safety at risk contribute to the cost of its improvement. All members would agree with that.

The other matter I will comment on arises also in the second reading speech; that is, the requirement for compulsory tuition on traffic laws and safe driving techniques by applicants for the issue of a motor driver's licence. Much has been said about training new drivers. When a driver's licence is issued it is effectively a licence that proves that people are able to drive reasonably competently on a dry road in daylight on bitumen. Unfortunately not all driving conditions are like that. We have wet roads, night time, and a combination of wet roads and night time, and then what becomes for many people a highly dangerous situation - roads that are not bitumen. It seems incredible that people who have no experience on roads other than bitumen and who have no concept of the difference in driving conditions, not only between dirt roads and bitumen roads but also between various dirt roads, will be licensed to drive.

The ball bearing gravel roads in Australia are unique in the world. International rally drivers comment on their uniqueness. They are quite hair-raising for people who have not had the experience of those roads. Although it is not proposed, as far as I can see in the second reading speech, to broaden the scope of the type of training, there is at least an acknowledgment that we must improve tuition and ensure that new applicants for drivers' licences have some sort of clue about safe driving techniques. I hope that in time we are able to expand the type of training we give to young drivers. I realise that is not a cheap thing to do, but at the same time young people aspiring to have a licence generally hold that aspiration so dearly that funding their instruction is not beyond them. That is not necessarily something the State should look at as being a cost on itself. When young people want licences we should be able to set the driving capability standard fairly high and expect them to pay for the cost of the training themselves. Having said that, we definitely have the responsibility as a State Parliament to ensure that the facilities are available to enable young people to access that training at reasonable rates. It is not particularly difficult to do, because roads could be closed off and road circuits could be constructed. Both tarmac and speedway racing circuits could be used for proper and safe instruction to young people. We could do a great deal to make a young driver a better driver if he spent half a day on that type of circuit, at least as a start.

I also like to think that in some way we could introduce young people in a safe way to a combination of wet roads and night driving. I do not remember the first time it happened to me because I have been driving for a long time, but young drivers say it is the most terrifying thing to come across a dark, slick road with street lights, shop lights and headlights bouncing across the road before them. They feel quite traumatised by it, even though nothing has gone wrong. Once people are in that situation it is a major problem for them. I do not know how we can duplicate those conditions, except perhaps by a driving simulator or video, to let people see what it would be like, and perhaps combine that with skid pan training. Perhaps we are leaping before we can walk on this. I like to think we can go some way and that this is a matter for the new Road Safety Council to look at. I like to think we could make some commitment to providing young drivers with that sort of training, because the costs of not providing it are just appalling. We lose far too many young people in their most productive years when they have had a driving licence for only one or two years. Apart from the personal tragedy, it is an appalling waste of their potential contribution to our economy. I welcome the Bill on behalf of the Opposition. I hope we will see outcomes of which we can be proud.

**HON B.M. SCOTT** (South Metropolitan) [8.35 pm]: I support the Bill. I will make a number of points, some of which have already been made. It is always very gratifying when one has spent a lot of time writing a report to see the Government enact some of its recommendations. I am pleased that the Road Traffic Amendment Bill is before Parliament following on from a report that I gave to the Minister in April 1995. It was a report on traffic calming in Western Australia. I have said before in this House that when we looked at the problem of traffic calming and whether money was being properly spent, it led us to some clear resolutions which have been picked up in the second reading debate tonight and are in the Bill; that is, there must be a more dedicated focus on road safety in this State. I commend the Minister for Transport for taking up the recommendations ahead of any other recommendations that were made to the Parliament in our road traffic calming report.

One of our major recommendations was the establishment of the Office of Road Safety. Clearly in our minds at that time the idea was to dedicate an office to restructure the efforts that were being put by the Government into reducing the road toll. The Office of Road Safety and its responsibilities have been picked up in the second reading speech and in the Bill. It is clearly to be established to provide the Government with up to date advice and a coordinated plan in this State for road safety. It will approach problems from a position of coordination. I am delighted, as I have said before in this Parliament, that the Minister has raised the profile of road safety by establishing the ministerial council, which we recommended. The placement of five senior Ministers on that ministerial council gives it the

profile that I, as the committee chairman, certainly wanted, having a clear commitment to reducing the road toll in Western Australia.

One of the other major recommendations was that the Office of Road Safety should spearhead the campaign and offer a blueprint to the State for a massive road user education policy. Information came before us that road user behaviour was very important and that the road crash statistics supported a call for better drivers in the State, as Hon Kim Chance has mentioned. The statistics we were presented with showed that in 1994, 24 000 of the 35 500 reported road crashes were caused by driver error. The majority of submissions to our traffic calming task force clearly indicated that we should forget a lot of the traffic calming devices and must look at altering the culture of speeding and the attitudes to driving and provide novice drivers, not only young drivers, with a clear direction and a thorough training in all those areas that have been talked about. Our express and implicit direction to the Minister was that for a novice driver to go for a licence he must be proficient not only in road regulations but also in road courtesy, basic car maintenance and driving skills. Hon Kim Chance has talked about novice drivers' experiencing gravel roads and wet roads. Having grown up in the country, where I was trained on the farm to drive by a father, who would not let us leave the property without checking the oil, tyres, brakes, stoplights and all those sorts of things, I worry, having raised my children in the city where services are easily taken for granted, that novice drivers assume all those things are okay. I worry that they are not being trained in basic maintenance and not being told that bald tyres can be a hazard on wet roads after the first rains, not only in the city but also in the country. The Office of Road Safety will target the road user on that sort of thing. Driver education is one of its major tasks.

One must be realistic when one establishes a new office. The road trauma trust fund received about 2 per cent of the income from road traffic infringements. We recommended at least two-thirds of that \$20m be directly and immediately given to the Office of Road Safety. That income is from infringements, mainly through Multanovas, of which 60 per cent could be dedicated to road user education. My recommendation is that road user education must start at the preprimary level when we start teaching very little children about passenger safety. We graduate from passenger, pedestrian, cyclist and road user education. We suggested that resources such as simulators be available in schools and the community to familiarise children from the age of 13. In that way, the culture of being careful on the roads will be entrenched very early. It must grow with people. We must turn around the culture of wanting to speed.

Appropriate funding is essential. It is all very well to talk about reducing the road toll, but I am delighted that the Minister for Transport has recognised this issue. I would like the portfolio to be renamed "Transport and Road Safety". I am very pleased that the Office of Road Safety has come under that portfolio; it raises the level of awareness in the public, and that is important. I am very concerned about the large road toll in Western Australia; it is horrendous. The \$1b a year that it costs us is only one aspect that we can measure. We cannot measure the emotional trauma or the suffering that is inflicted upon people and the long term injured who must sit in places like Shenton Park. We must put money into early intervention and preventing road accidents.

I am looking forward to being involved in this and dealing with the challenge of implementing early road user education in order to turn around the crash statistics presented to us in 1994. Road user education must grow into a far more extensive driver education program than we have hitherto experienced. In a number of States in America the cost of these programs is shared by major oil companies. Service stations run Saturday morning programs in car maintenance and young students are put in simulators. All of that can be done in conjunction with school programs. We cannot impose this sort of road user and driver education program on schools without resourcing them properly. That is why the committee recommended that two-thirds of the income from fines go into the road user education program, and I hope that will happen.

Like Hon Kim Chance, I have a view - and the committee expressed it in its findings to the Minister - that Multanovas should be placed in black spots. The community does not accept the fact that they are placed so often on safe dual carriage highways. The 100 black spots should be identified across the State. We should be looking at altering the speed culture by identifying the danger spots and trying to reduce speed in those areas. I concur with the comments of Hon Kim Chance in that respect.

One of the committee's other recommendations was to reduce the speed limit in residential streets and to designate a road hierarchy across the metropolitan area and country towns with the speed on major arterial roads greater than it is at the moment. However, where the most vulnerable users - the young and elderly - are on the roads, the speed should be lower. I congratulate the Government on its initiative to bring in the 40 km speed limit around schools, which will be implemented by next year. This is part of the role of the Office of Road Safety, and it has great potential to achieve what all Western Australians want; that is, a reduction in the road toll.

The lower speed limit in residential streets may not be popular. However, the committee recommended that all speed humps be removed by the year 2005. That will be a costly exercise, but we have recommended it for a number of reasons. Interestingly I have received a number of letters in the past week after the publication of a newspaper article

renewing the call for legislation in this area. We recommended that speed humps be withdrawn simply because they are very uncomfortable for people with back and spinal injuries. They are also a problem for emergency vehicles such as ambulances and fire engines. Those vehicles must speed; we want those services at our homes immediately. If all of our residential streets had speed humps, those vehicles would be slowed, but they would also suffer significant undercarriage damage. I read a paper recently stating that 60 London ambulances had been recalled because of severe undercarriage damage. The local service providers tell me the same applies here - we have significant damage to our ambulances.

Of course, we found that speed humps are fantastic for calming streets, but they create an immediate transfer of traffic. To put speed humps in every residential street would be an enormous cost to local government. They cannot be installed in every street; it is not practical. We must embark on the initiatives that the Minister referred to in his second reading speech. We must turn around the culture of speeding and educate people from a very young age so that care and consideration become very important in their driving. We should not be engineering our roads to slow down people. I do not agree with that: It is an unfair transfer; it is not practical and it does not work.

I fully support the thrust of this Bill to establish the Office of Road Safety. All Western Australians, and particularly parents, would support it. It is a parent's worst nightmare when a young child goes out that there may be a knock on the door and she will be told that her child has been in a serious accident. We must fund this office so that we are not again asking teachers and our school system to add another subject to their curriculum. We must stimulate that impetus and motivation and provide programs that will be attractive to novice drivers and the community. I support the Bill and commend the Government on moving so quickly to establish the Office of Road Safety.

**HON DOUG WENN** (South West) [8.50 pm]: Like previous speakers I support this Bill. I welcome this committee; it is long overdue. My only concern is that we are setting up a committee to oversee a committee. Road traffic committees were set up by local government to look at roads in shires and cities. Those committees are still in existence. I hope the Minister will incorporate members of those committees on the road traffic committee he is putting together.

About three years ago in a press release in Bunbury I said that we must go back to the basics; that is, teaching our kids how to drive with respect for other motorists, the roads and that magnificent machine over which they have total control once they get into that driver seat. I strongly believe we should issue learners' permits at 16 years of age. If drivers' licences are issued at 17 years of age, those new drivers will have had one year's experience behind the wheel accompanied by a guardian or parent. That will give them experience on the road in controlled conditions. At that time I received a letter from the police officer in charge of the region who said it was a stupid idea and not to mention it again. I persisted with the view anyway. I understood he was concerned because of the overall policing aspects. However, I will continue to push for learners' permits to be issued at 16.

Other members spoke about giving schools the opportunity to be part of the driver education system. In America the schools start teaching kids how to drive at 15 years of age; although they can obtain their drivers' licences at the age of 16, which is a bit of a worry, but that is the way it is.

Hon B.M. Scott: They are not allowed to drink until they are 21.

Hon DOUG WENN: The law says they cannot drink until they are 21.

As Hon Kim Chance mentioned, we should make use of racing car tracks and speedways throughout the State. Most shires have a speedway of some sort, and there are 10 throughout the south west. They could be incorporated in the driving test. That would give kids the opportunity to do a fast lap, and to learn how to handle a car if it goes into a slide. That may cover Hon Kim Chance's point about gravel roads.

Hon Barry House: There is an excellent skid trap in the south west.

Hon DOUG WENN: A number of speakers mentioned that cost could be a prohibitive factor in that. However, when one compares the cost of the road toll in WA and the trauma that goes with that, education should be at the top of the hill and not at the bottom. This committee should look seriously at those areas.

Like all country members here I spend a lot of time on the road. Most members have held on to their drivers' licences; some have not. We see people doing many unbelievable things on our roads. It all comes down to a huge lack of respect for each other - not only on the roads, but it is particularly evident on the roads. Yesterday on the freeway this clown decided to make a third lane out of the turn right lane. When the light changed he put his foot down flat tack and swung in front of the traffic to edge up to the front car. He then dropped back to 90 kmh, which made everyone happy! People always want to be out in front. Whenever a truck is stopped at a traffic light the drivers following will move to the other lane, because they do not want to be stuck behind the truck. If we educate

people to respect not only each other on the road, but also the horse power they control, other people will return that respect. I do not think it will ever happen. However, if we can put that in the minds of people, it will be a start.

On the open road that lack of respect creates impatience. I believe most accidents on the open road are caused by impatience. People who want to get to their destination are being held up. Trucks on the open road are one of my pet hates. Truck operators should know - they passed a driving test - that there must be a minimum distance between trucks. That is not occurring any more. Trucks are tailgating each other, sometimes four in a row. I had a recent experience of that on a trip to Geraldton. I can accept road trains in the north west, but not in the south west, where the road system is not designed for them. On that trip three road trains tailgated for kilometre after kilometre. We travelled 50 to 60 km at about 70 kmh. It is no wonder people start to get impatient. Truck operators in Western Australia must be educated. On the coast road to Bunbury I continually see tailgating trucks that are dawdling along; sometimes overtaking trucks; and worst of all is the large overwidth truck doing 60 kmh. It does not matter how many vehicles it has banked up behind, it will not pull up and let them pass. There must be a major education push to reach those people so they start to show a bit of respect for others on the road. Just because they are big and bulky does not mean they own the road; other people want to use the road at the same time.

A real danger on our open roads are shredded truck tyres. Going home from this place I came around a bend just out of Bunbury and shredded tyres were spread across the road. Everyone had to pull up. We had to get out and clean massive chunks of tyre off that road before we could go on. The truck operator had obviously blown two tyres to make such a mess. He did not care. He went a kilometre down the road and changed his tyres, but he did not go a kilometre back to clean up his mess. I came across an accident which occurred because a motorist had to veer off the road to avoid shredded tyres in the middle of the road. The tyre companies should put money forward to explain why tyres shred, although whether they will is a different matter.

Hon Kim Chance: Insufficient loads fall into the same category.

Hon DOUG WENN: We have seen loads fall off trucks. About four years ago my wife was coming home from a function at Boyanup. A truck did not have its load tied down. The load fell off and she ended up in hospital. She was in only a small car and part of the load ended up inside the car. That truck kept going. It was only because of a brand name on an item that fell off the truck that we were able to find out who was driving. That shows a lack of respect for other motorists.

I was visiting a small business in Bunbury the other day and saw a poster on the wall which at first I thought was humorous until I gave it further thought. It read "I am glad my grandfather died in his sleep because he could not hear the screaming of the rest of the people in the car with him". Many accidents are caused by driver fatigue. We must congratulate some of the community clubs, such as Apex and the Lions Club, which are setting up roadside coffee shops. Also many major service stations, particularly on the roads north of Perth, carry signs such as "You have been driving for two hours - come and see me for a free coffee". Those people should be congratulated for their effort. I am sure many members in this House have experienced driver fatigue at one time or another.

I ask the Minister why Main Roads has stopped work on the dual carriageway on the Old Coast Road. I congratulate the Government on the improvements it has been making to that road which is now much better and safer. I know the weather has been bad, but the works have suddenly stopped.

Hon Barry House: It is just the weather. They have finished the form work and they are waiting for the weather to improve.

Hon DOUG WENN: I have seen work carried out in much worse weather. We often hear comment about bad roads. In my opinion there is no such thing as a bad road. Roads become bad when the people driving on them do not drive according to the condition of the road. If there are potholes on roads, people should slow down to avoid them. Many people complain about the condition of roads, but they should look to themselves. If they drove according to the condition of a road, it would not be dangerous.

The Minister referred in his second reading speech to a road user representative on the council. I am interested to know how that person will be selected. In all sincerity I impress upon the Minister that this is not a job for the boys - as has occurred with appointments under many Governments, whether past or present. Who will be selected?

Hon E.J. Charlton: It will not be an individual, but will be a person representing an organisation that can demonstrate a commitment to road safety.

Hon DOUG WENN: I was misled by the use of the singular "representative" rather than "representatives". It is a good move that a number of people from across this sector will be involved. The role of the council is very good but I hope that the Government will not set up a committee to oversee another committee. I shall be interested to hear

how the Minister will allow community involvement. Will the council make interim reports and allow local people to have an input into the final decision?

Funding is another intriguing factor in this matter. Where will the funds come from? Will they come from increases in the price of fuel or road traffic fines?

Hon Tom Helm: From the extra 4¢ a litre on fuel.

Hon DOUG WENN: I am interested in the proposal that the road trauma trust fund will be credited with all fines collected from camera-based traffic infringements, rather than with one-third, which is currently the case. I agree with that wholeheartedly and the Minister certainly would have no opposition from me on that point. It will be a good thing if the Government can reduce the incidence of road traffic trauma on the road. Every day we read in the newspapers about fatalities. Today we read about a three car accident in Perth. The policeman said it happened because an impatient driver overtook another vehicle. That person and the passenger in the car are dead. It is disappointing and sad to hear such stories daily.

The Minister also stated in his second reading speech that the Bill empowers the Commissioner of Police and the Director General of Transport to appoint wardens. Will they be police officers?

Hon E.J. Charlton: No.

Hon DOUG WENN: Will they be paid or will they be honorary appointments? Where will they come from and how will they be funded? I have underlined the issue of motor driver licences. I have made my point clear. Sixteen years is a good age at which to be granted a learner's permit. I am not sure that I have support for limiting the horsepower of vehicles that may be driven by learners. Of course, a 250cc or less motorcycle can be equally as dangerous as a 750cc or bigger motorcycle or car. Even some of the clapped out vehicles on the road are as powerful as modern cars. I hope the committee will consider that point.

An issue that has become relevant is the annual examination of vehicles. There has been some debate in the community on this point, but I am not sure that I agree with the proposition. Whether or not we like it, many people cannot afford new and expensive vehicles.

Hon B.M. Scott: They do not have to be new or expensive.

Hon DOUG WENN: That is right but if a set of rings goes on a vehicle it can cause a haze of smoke. How far shall we go in insisting that people who cannot afford the expense of a new vehicle must have their vehicles inspected annually?

Hon B.M. Scott: In America the vehicles are checked only for safety aspects.

Hon DOUG WENN: I have no problem with that. We have discussed annual vehicle inspections, but no-one has mentioned the cost involved. That cost could be a burden on a family which cannot afford a new car.

Hon B.M. Scott: It is not as much of a burden as a death or injury.

Hon DOUG WENN: It is unfortunate that some people give more priority to money than to safety issues. On the other hand, some people must use motor vehicles to get to and from work, especially in rural areas, and they may have no choice about the vehicle they use. If the Government wants support for that proposition it must provide some costings. The Minister basically referred to buses and taxis, but taxis should be inspected every year.

Hon E.J. Charlton: The reason for that is that currently some are done every six months because they are licensed for six months. This applies where they are licenced for six months as -

Hon DOUG WENN: I know. When I was driving cabs, they were inspected every five years. In those days, a new car could be driven until it fell apart in five years and one could still fix it up to make it a roadworthy vehicle before the inspection.

I reiterate my point about trucks. A massive campaign is needed out there in the community. I realise that this is putting the onus back on the Police Force with enforcement, but perhaps it has been turning a blind eye to this practice for some time. Tailgating by trucks causes more accidents than would otherwise occur, and it needs to be looked at as it is a major danger. I hope the Minister picks up my points.

**HON TOM HELM** (Mining and Pastoral) [9.11 pm]: I contribute to the debate on the basis of some of the roles I have performed in this country and the country in which I was born. It is not very often that I praise the Minister for Transport - if one cannot say anything nasty about him, do not say anything at all! However, he should be congratulated by both sides of the House. I join in that praise for this innovation because the Minister has listened to community concern and has put together a package to address a problem in this State. I congratulate him for

recognising the problem and trying to do something about it. Hon Barbara Scott played a major role in putting together some of the ideas and recommendations of her committee. I agree with her view that the culture of speed must be turned around, along with the present culture of road use. We have tried many things.

When I was on the Roebourne Shire Council, a strong push was made for traffic calming devices. I could not understand it. Speed humps were placed on the road to Karratha airport. People complained about these devices, and people nearly died when travelling on this road to board a plane to fly to Perth for medical treatment. Road traffic calming devices proved to be an abysmal failure in that instance and they were removed. We had no accidents before their installation and none after their removal. They did not cause accidents but they helped to damage ambulances and patients!

Has the Minister considered the issue of car chases by the Police Force? I am not sure that police undertaking these chases are doing their intended job. I am not sure that the young people who deliberately go out of their way to encourage police to chase them should be encouraged through car chases. Has that been considered in this Bill?

I feel strongly about the following issue. When I was a shire counsellor in the United Kingdom in 1977 or 1978, I was part of a group trying to encourage the local police department to display police cars. The Multanova and radars are useful for catching people who have done something wrong. As I have said in this House on many occasions, I have the philosophy of not wanting to catch people doing something wrong. I do not want to catch a person robbing my house; I want to prevent it. I do not want to catch the person damaging my car, family or property; I want to prevent it. We pay for the best police cars money can buy - and rightly so - and put a bag of fruit on the roof with flashing blue lights which can be seen at road blocks and random breath test units. The opportunity exists to do something about these problems by having these cars and lights visible all the time. I do not know whether any studies have been conducted on the effect of cardboard cut out policemen as used in the United States. If we are paying thousands of dollars for a flashing light, why do we not turn it on unless somebody is doing something wrong? My suggestion in that regard did not meet with a lot of support in the United Kingdom. The Sefton shire council did not think it was an attractive proposition. The police commissioner of the area thought that his job was catching not stopping, although he said that community policing was a good thing.

I am attracted to the Delta program because it encourages police to get out of the car and walk around to discourage baddies doing the wrong thing. The police could go a step further and keep their police car lights on nearly all the time, although maybe not after 10.00 pm or midnight. We have helicopter searchlights and rotor noise waking people as the craft are designed to protect us. Therefore, people cannot whinge too much if people are aware that police vehicles are around. By the same token, the lights on the top of police cars, together with the presence of a policeman, will stop people breaking the law. It is matter of changing cultures so people cannot say, "Bloody hell, policemen are fining people as a fundraising measure; they slap fines on people and put roadblocks outside pubs, especially in country areas, so people drink at home and become anti-social." If police keep their lights on, such views would not be heard.

Perth is the worst place I have seen for drivers doing stupid things in cars. If people knew a policeman was around, they would stop driving in a stupid way. Those who were not sure whether they were driving appropriately might stop and ask the policeman how to behave and do the right thing. I congratulate the Minister for this Bill.

**HON E.J. CHARLTON** (Agricultural - Minister for Transport) [9.18 pm]: I thank members for their overwhelming support. When the last speaker brings himself to congratulate me, I start to worry!

Hon Tom Helm: How do you think I feel!

Hon E.J. CHARLTON: When Hon Tom Helm gets stuck into me, I feel at least I am doing the right thing. As my honourable leader said, "Charlton, you've a bit of a problem now."

Hon Kim Chance: We have organised a specialist appointment for Hon Tom Helm!

Hon E.J. CHARLTON: Exactly.

I sincerely thank the Opposition for its support of the Bill. I thank Hon Barbara Scott for her comments and her involvement in this issue over a long period, and for her dedication to the committee on traffic calming which she chaired. That appointment resulted as a consequence of a function we both attended. I made a comment about my concerns about traffic calming devices and their ad hoc installation, and Hon Barbara Scott agreed with me. There is nothing like having somebody agree with one's view when deciding whom to appoint to chair a group of people to investigate the matter!

Hon Kim Chance: Surely that is not why you put Hon Barbara Scott as the chair?

Hon E.J. CHARLTON: No. It was because of her capacity to bring a group of people together and research the matter thoroughly. The committee produced a report which was really a road safety report, as traffic calming really turned out to be a road safety issue. They were being put on the committee in an attempt to deliver road safety. Hon Kim Chance explained that this is about putting a policy in the administration in the Department of Transport with the enforcement remaining with the police, and that is how it should be. That was a specific and predetermined process. To put this into proper perspective: We need an organisation that is dedicated to every facet of road safety. I am absolutely enthusiastic about the future benefits that we can bring to all Western Australians if we take advantage of the expertise and the commitment of people in our communities, right across this State. We want to see an improvement and a change in the culture of our road users. We want to give young people a good start in their driving lives, as has been mentioned by every speaker. We need to ensure people are properly prepared to go onto the road network of this State and to face all of the variables that exist, to carry out that responsibility and enjoy driving, not to make it a challenge or be subjected to some of the horrendous consequences that may take place.

I acknowledge the comments of Hon Kim Chance about the road trauma trust fund. Yes, it is our intention progressively to get all of the funding that comes from Multanovas and to ensure it is used in the right way. In addition, the SGIC is a very big supporter of road safety in this State. It has demonstrated that with a number of initiatives. I am looking forward to its support in the future. It believes it can contribute in a number of areas. I know the Minister for Finance is also totally supportive of this proposal. The SGIC has a full membership on this council which, in itself, will be a very positive contribution.

I support the Multanova hypothecation. It is simply the way to go. I agree with the comments about the Multanovas. Out of all this, I hope the Road Safety Council, in cooperation with the Police Service, will be able to change the emphasis on the placement of Multanovas and the whole approach by and culture of the police, not only in enforcement but also in the way they go about carrying out their responsibilities while not underestimating the enormous task they have. As Hon Doug Wenn and other members have said, the Multanovas must be placed where they will be dedicated to improving the safety of our roads. The placement of the Multanovas should not be to see how many people can be apprehended, but to achieve a positive result.

This is all about the education of road users, together with heavy haulage operators. It is about education in every form. As part of that we want to see - I say this with some trepidation - the re-education of police. They must be re-educated in how they deal with road safety and road users. The emphasis cannot be placed on speeding and drink driving alone. That is not enough. It must be extended to cover some of the most irresponsible cases that are on the road to which some police seem to turn a blind eye, such as trucks that are tailgating, and car drivers who travel at up to 40 km below the speed limit, holding up a line of traffic when they could quite easily pull over and allow the other road users to pass in a normal fashion. Those drivers would be no later in arriving at their destinations; obviously they are not in a hurry or they are in a vehicle in which they quite properly must go slowly. I cannot believe people can drive slowly down a road and have a whole stream of traffic backed up behind them, as we all see on every day of the week.

Hon John Halden: What about the people who tow caravans? They never seem to pull over.

Hon Kim Chance: Especially those with Victorian plates!

Hon E.J. CHARLTON: I was going to come to that during my comments on road user education. In their role, the police must not only do their current job but also involve themselves in apprehending people, not necessarily giving them infringement notices, but saying to these people, "Excuse me, do you realise you have a lot of vehicles behind you and that if you stay in that situation somewhere down the road someone will become impatient and will want to go around you and that could cause an accident? While you may not be involved in the accident, potentially a death or tragedy can occur." People drive in this way because they are not aware and do not understand the consequences of their actions. The tolerance of this sort of driving has been allowed to grow over a long period. We have never had any education about this matter, although we have had it about other aspects of road use. We need to educate people not just about driving their cars, but also about how to use the network. All road users, including the heavy haulage drivers, must be educated in these matters. The police and those in Main Roads Western Australia must be educated as to how they place the speed limits and some of the other road controls for which they are responsible.

Today I went with a senior officer of Main Roads out along Great Eastern Highway, as far as the airport turnoff on Tonkin Highway. Day after day on one of the busiest and main entries to our city, on a dual carriageway with a double white line down the middle, people attempt to turn across the traffic. They hold up the traffic in one lane because they want to turn into not just one street - they are legally capable of doing that - but also every driveway and every shop parking area on Great Eastern Highway. I thought roads were for the movement of vehicles, not for parking on and not for turning across traffic, with drivers having no respect for all the other drivers who are being held up.

Hon A.J.G. MacTiernan: How do people who live in main streets cope if they do not drive like that?

Hon E.J. CHARLTON: I will tell the member how they cope. I am not talking about main streets; I am talking about Great Eastern Highway. These people would go to right-hand pockets located at various junctions with an appropriate spacing in between and would turn there. They would then come into their driveways or whatever from the other direction, by doing a left-hand turn, rather than a right-hand turn and going across the traffic. That is how it should be done. We must provide funding to enable those changes to be made on roads such as Great Eastern Highway, Canning Highway, Stirling Highway, perhaps Wanneroo Road, and other similar major thoroughfares. I have had a little trouble in convincing a few people of this belief I have held for a long time. Some works have been done on all of those roads to eliminate some of those turnings taking place, and I want to see much more work done in that area. This is all about keeping traffic moving and taking away impediments that encourage people to do all sorts of things that they would not normally do.

There is a whole mix of traffic on our roads. As was just mentioned, there are slow moving caravans. I will mention driver education at this point. We envisage that in addition to the work done so far by the Office of Road Safety, every decision of which must be signed off by the five Ministers before it becomes policy, we will have community task forces. Hon Doug Wenn said that he hopes this will apply around the State. Yes, it will; it will coordinate all those groups of people in our community who have some expertise and interest in and commitment to certain things. A group of people will be set up who have expertise in dealing with driver fatigue, speeding, drink driving, or education. The Office of Road Safety has a particularly good group of people, headed by Tony Middleton, who has had a long association with transport in general, who have expertise in heavy haulage, bicycles and pedestrian traffic. All those areas that were mentioned by Hon Barbara Scott will have a community task force.

Local government will also be involved with Road Wise. Local government has been doing things on its own. We will incorporate local government into the road safety initiative so that it will get the administrative support and the publicity to enable it to maximise its commitment and effort.

Hon Kim Chance commented about the cost of a licence. We intend to totally revamp driver education. Students in our schools must be mentally prepared for what they will be required to do when they get a driver's licence. They must understand the vehicles that are on the roads and the challenges that are before them so that when they drive a vehicle they will have the expertise to handle the situations they will encounter. They will be taught driver education not by introducing another subject into the curriculum but by using social studies or other parts of the existing curriculum. That is the game plan.

I believe - it remains to be seen what the Road Safety Council will do - that tuition should commence at age 16 so that people have a longer period of tuition before they get their licence. That tuition will be by properly accredited driving instructors. There are many very good driving instructors, but a person can become a driving instructor today with little more than an ordinary driver's licence, and that is not good enough. We need people who are properly equipped to teach the whole spectrum of driver education, and when they have that expertise, they will be accredited by the Department of Transport. Sweden has a very high standard of driver education. When I was there recently with regard to the purchase of the new bus fleet, I talked to the people involved in driver education, and we have an opportunity to incorporate that knowledge. I could make extensive comments because of my enthusiasm for this subject, and I do not want to do that -

Hon John Halden: I have never heard you make more sense in your life; I am starting to worry.

Hon E.J. CHARLTON: I am pleased to hear the Leader of the Opposition say that, because I am totally convinced, as I am about most things -

Hon John Halden: You are actually right this time.

Hon E.J. CHARLTON: I think we have really got this right.

We have incorporated into this Bill the recommendations of the Select Committee on Road Safety and also the recommendations in Hon Barbara Scott's report on traffic calming. Traffic calming is costing local government \$4m to \$5m a year. Speed humps are, in the main, a total waste of money.

Hon P.H. Lockyer: They are the most dreadful thing I have ever seen in my life.

Hon E.J. CHARLTON: Hon Phil Lockyer would have gravel rash if he went over one of those in his MG. As Hon Barbara Scott said, there does need to be a rationalisation. Local government should submit proposals for speed humps to the Office of Road Safety, which would have the appropriate people to tick them off before they were put in, because in many cases they are a response to a single issue, where people who live in a street complain about the traffic, and that encourages local government to put in speed humps to keep those people happy, which diverts the traffic into another street, and the same thing happens again.

We will leave it to Hon Barbara Scott to encourage the Premier to rename the Transport portfolio by adding "Road Safety". With regard to black spots, I have talked about what should be done with speed cameras and the like. We have put too much emphasis on trying to change the road structure to deal with road safety when we should be trying to change the behaviour of people. If we put more emphasis on dealing with the \$1b worth of loss of money and the tragedy in our society, we would do a lot more -

Hon John Halden: Was that \$1m?

Hon E.J. CHARLTON: No; \$1b in Western Australia in loss of income, cost of vehicles, and hospitalisation. That is an enormous amount of money. When we consider that the additional road funding program that we implemented is \$1b over 10 years, would it not be better to spend some of that money on driver education and on our roads?

Hon Kim Chance: Is that \$1b over one year or 10 years?

Hon E.J. CHARLTON: Over one year. That is a gross estimated cost for vehicles, people, loss of income - tragedy, as I said.

Roundabouts have proved to be one of the most effective ways of controlling traffic in an orderly manner that one could ever see. In France, where they do not have lanes, and they do not have a lot of things when they drive, the one thing they do is respect each other, and roundabouts are used very efficiently.

I agree with most of the comments made by Hon Doug Wenn. With regard to heavy haulage, I must say, to balance it out a bit, that the records prove that 70 per cent of accidents that involve heavy haulage are caused by cars. That does not mean that truck drivers do not need to improve. The great thing is that the road transport forum, which is a combination of all the heavy haulage operations around the nation, has entered into a significant driver education program, and that has reduced truck road accidents in Australia by about 70 per cent in the last two or three years. It is an enormous change. A report on driver fatigue in the heavy haulage industry will be released shortly. I was talking to one of the leading people in that industry today and he told me that the industry would consider that report with great vigour and implement its recommendations as soon as possible.

Hon Doug Wenn raised the question of wardens. The legislation gives the Office of Road Safety the power to appoint wardens on a needs basis; for example, at a school or an event which requires a road to be manned. The wardens will not take the place of police.

Hon Tom Helm referred to a change in the driving culture and that is exactly what this Bill is about. He also referred to police cars. The Office of Road Safety, in consultation with the Western Australia Police Service, will take care of this issue. The Police Service, the Office of Road Safety and the Road Safety Council will cooperate with each other to improve road safety in this State. It is a most exciting issue which involves the entire community and Parliament. The challenge is for Western Australia to be the safest State in the nation in which to drive and the only way to do that is to coordinate the provisions of this legislation in a concerted way.

Members should not expect a massive improvement in road safety by next year. It will not happen that quickly. The improvement will be slow, but it will happen. This Bill puts in place the vehicle by which there will be a massive improvement in road safety education. As a consequence, the next generation of Western Australians will have a vastly different attitude to road safety and the use of vehicles. I thank members for their support for this Bill.

Question put and passed.

Bill read a second time.

#### *Committee*

The Chairman of Committees (Hon Barry House) in the Chair; Hon E.J. Charlton (Minister for Transport) in charge of the Bill.

#### **Clause 1: Short title -**

Hon E.J. CHARLTON: There is an amendment on the Supplementary Notice Paper to delete clause 48. Some years ago there was a position of deputy director general of the Department of Transport, but that is no longer the case and that is the reason for the amendment.

#### **Clause put and passed.**

#### **Clause 2: Commencement -**

Hon KIM CHANCE: I do not know for how much longer Parliaments will continue accepting that provisions of an Act will come into operation on such day, or days, as are fixed by proclamation. A classic example of this was the

Real Estate and Business Agents. We should not allow such discretion. As a matter of principle, the Opposition lodges its formal objection.

**Clause put and passed.**

**Clauses 3 and 4 put and passed.**

**Clause 5: Part II repealed and Parts substituted -**

Hon KIM CHANCE: I have read proposed sections 10 and 11 fairly carefully because I was looking for some scope for adjustment within the Bill for the make-up of the council. My reading of these two clauses indicates that there is no flexibility in the make-up. It is a very rigidly determined structure.

During the second reading debate several members referred to the question of training. It occurred to me that perhaps somebody with experience in training should have a place either as a member of the council or, certainly, as an active consultant or adviser to the council. I know the police sergeant who is the chief instructor for the police advanced driving unit very well. I had the pleasure of being pit crew for him when he was a racing driver. He is a person with experience not only in traffic law enforcement, but also in training police officers at a very high level in advanced driving techniques. He is a person with the experience which would be of great value to the council. I appreciate that by its structure the council cannot accommodate a person of his calibre. However, it should have the capacity to call on a person of his experience as an adviser on a fairly regular basis.

Hon E.J. CHARLTON: The member is absolutely right. The Government is aware of the expertise in the community which would be helpful to the council. The council has been structured in such a way that it is responsible for road safety. It will establish a number of task forces to specialise in particular areas. Therefore, when the council is considering driver fatigue it will listen to the relevant task force, which would include experts in that field. It will do the same in determining why certain injuries are caused by different accidents. The relevant task force will take into consideration the vehicle, where the person was sitting in the vehicle, the number of people in the vehicle and the kind of seating. That is the reason the Health Department is involved. The council will draw on the expertise in the community. Obviously, the same thing will happen with driver training, which is the key to this legislation.

The Office of Road Safety will involve community task forces and there will be a task force on driver training. We are looking to bring to Perth someone from either interstate or overseas to provide the expertise to get this up and running in the best possible way. I have been to the advanced driver training unit and it may well become one of the components of driver training. Drivers would go through the procedure I outlined in the second reading debate and before they were granted a licence they would be required to undertake, for example, a four hour course with a driving instructor from that unit. They should then experience what it is like to be in a vehicle which is out of control. That in itself is a wonderful education because until a person experiences a vehicle that is out of control, he does not realise that there is nothing more important from an educational aspect than to understand how one gets control of that vehicle. Some people do not get a second chance because they run into another vehicle or overturn. Therefore, we have made the decision not to involve them directly on the council because we think that is a waste of their resources at that level. We think their expertise should be used alongside to ensure that the council makes the decision in the form of policy.

**Clause put and passed.**

**Clauses 6 to 47 put and passed.**

**Clause 48 put and negatived.**

**Clauses 49 to 54 put and passed.**

**Title put and passed.**

**Bill reported, with an amendment.**

#### **ADJOURNMENT OF THE HOUSE - ORDINARY**

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [9.54 pm]: I move

That the House do now adjourn.

*Adjournment Debate - Fisheries Department Debate, Accusations*

**HON JOHN HALDEN** (South Metropolitan - Leader of the Opposition) [9.54 pm]: I will again speak on the matter that I spoke on last night in the adjournment debate. I do not wish to speak for long. I want to quote from a document that I am sure is authentic. It emanates from the WA Premier's Department and is headed "Government

Media Monitoring Unit, 12 September 1996, 8.47 am, 6WF Kennedy". I quote these points to clarify the comments that I made last night. In the document on page 3, the Minister for Transport is reported as saying -

Well I suppose the first question that Monty House would ask is, why hasn't the Labor Party taken this issue up in the Assembly where he is, and where he's the Minister, and in a position to answer forthwith?

He is then quoted as saying -

Well, you see, Monty House doesn't operate that way, and nor do I, and we will give the facts, and the facts obviously don't always satisfy some people, they live on rumour and innuendo, and obviously the Labor Party has been . . . used the Parliament in that regard, you know, very substantially over recent times. Wanneroo is another example, of course.

Mr Charlton then said -

What I'm absolutely confident of, in a word, yes, but to extend on that, what it will do is give a true reflection on the facts, and then it'll be up to the Labor Party, and anybody else who, if they want to continue to make something of it, but they should go and get their facts right.

All the innuendo that was made last week, was simply based upon two . . . two people's comments in a couple of hours of debate, and what about, as Brett said, the other hundreds and thousands of people in the fishing industry who are going about their daily business in a very well managed organisation?

I do not wish to comment on this matter further than I did last night. However, these remarks tonight substantiate the remarks I made last night. I now leave it to the Minister for Transport to respond.

Question put and passed.

*House adjourned at 9.56 pm*

---

### QUESTIONS ON NOTICE

#### FINES ENFORCEMENT ACT - DRIVERS' LICENCES, SUSPENSIONS; CHARGES FOR DRIVING WITHOUT; PERSONALLY SERVING NOTICES

473. Hon JOHN HALDEN to the Minister for Justice:

With regard to the Fines Enforcement Act -

- (1) How many people have had their licences suspended because they have not paid fines?
- (2) Of those who have had their licences suspended, how many have been charged for driving without a licence?
- (3) Is any consideration being given to personally serving fines enforcement notices rather than posting them?

Hon PETER FOSS replied:

- (1) As at 18 June, 44 443 drivers and vehicle licences had been suspended.
- (2) No statistics are available. The matter should be referred to the Minister for Police.
- (3) The matter has been examined but was not adopted due to cost and timeliness.

#### WESTERN AUSTRALIAN REPRODUCTIVE TECHNOLOGY COUNCIL - ORGANISATIONS; PAYMENTS

596. Hon P.R. LIGHTFOOT to the Attorney General representing the Minister for Health:

With reference to the Western Australian Reproductive Technology Council -

- (1) Of the four organisations named in the Western Australian Reproductive Technology Council, namely -
  - (a) the Australian Medical Association;
  - (b) the Royal Australian College of Obstetricians and Gynaecologists;
  - (c) the Department of Family and Children's Services; and
  - (d) the Law Society of Western Australia,
 which of these organisations, or other organisations or individuals, receive payments for their services to the council?
- (2) How is that payment assessed?
- (3) How much has been paid, and to which organisations, on an aggregated basis, since the inception of the Human Reproduction Technological Amendment Act 1996?

Hon PETER FOSS replied:

- (1) (a)-(b) Sitting fee.  
(c) No payment.  
(d) Sitting fee.
- (2) Assessed on advice obtained in 1992 from the then Commissioner of the Public Service Board of Western Australia (now the Public Sector Management Office).
- (3)
 

AMA nominee	\$146
RACOG nominee	\$388
Law Society nominee	\$292

#### HEALTH DEPARTMENT - THERAPY SERVICES; SCHOOL AGE THERAPY SERVICES (SATS)

598. Hon KIM CHANCE to the Attorney General representing the Minister for Health:

- (1) Are the Health Department of Western Australia speech, physio and occupational therapy services provided on the basis that they are complementary to, or exclusive of, services that are provided by the Disability Services Commission under the School Age Therapy Services Scheme?

- (2) Is it HDWA's policy to acknowledge that some disabled people need more comprehensive access to various forms of therapy than does the general population?
- (3) If the answer to (1) or (2) above is yes, why are disabled children in Geraldton being denied access to both hospital based therapy services and SATS, apparently on the grounds that this would be "double dipping"?

Hon PETER FOSS replied:

- (1) The above services are complementary to SATS.
- (2) Yes.
- (3) (i) Disabled children are not denied access to therapy services at Geraldton Health Service.
- (ii) Caseload management strategies are established by each of the therapy departments to ensure priority coverage.
- (iii) GHS works with the Disability Services Commission through the local SATS committee.

#### EDUCATION DEPARTMENT - NON-GOVERNMENT SCHOOLS

##### *Loan Funds, Interest Rate; Amount*

600. Hon P.R. LIGHTFOOT to the Leader of the House representing the Minister for Education:

I refer to the \$25m set aside for low interest loan funds for non-government schools -

- (1) What is the rate, or proposed rate, of interest?
- (2) How is the difference between the government rate of borrowed funds and the rate to the non-government schools met?
- (3) What was/is the amount loaned to the non-government schools on a denominational basis?

Hon N.F. MOORE replied:

I have been advised by the Minister for Education in the following terms -

- (1) The current rate of interest varies from 1.57 per cent to 7.57 per cent per annum.
- (2) Funds for the low interest loan scheme are provided from the consolidated fund. The cost of the scheme is an opportunity cost (of revenue lost), rather than a monetary cost.
- (3) The allocation for 1996-97 has not been finalised since the funds are advanced to schools as expenses are incurred. The \$25m expended in 1995-96 was allocated on the following basis -

	\$
Anglican	3.202
Baptist	1.199
Catholic	14.207
Uniting Church	3.125
Other religions	2.260
No religion	1.007

#### AIDS - HIV, HEALTH TREATMENT COSTS

601. Hon P.R. LIGHTFOOT to the Attorney General representing the Minister for Health:

How much in aggregate have all the health treatments for AIDS and HIV cost in the most recent year?

Hon PETER FOSS replied:

It is not possible to provide an exact aggregate cost for all health treatments for AIDS and HIV since this would involve costing of inpatient services in all public and private hospitals, and various non-government organisations such as the Silver Chain Nursing Association. There was, however, specific AIDS Medicare funding provided to Western Australia from the Commonwealth which is used in the treatment and care of individuals with HIV and AIDS.

The amount given to Western Australia for the 1995-96 financial year was approximately \$2 915 500.

## WETLANDS - OF INTERNATIONAL IMPORTANCE, RAMSARD CONVENTION LIST

634. Hon J.A. SCOTT to the Minister for the Environment:

- (1) How many Western Australian wetlands are listed by the Ramsar Convention as wetlands of international importance?
- (2) How many Australian wetlands are listed?
- (3) Considering that Western Australia occupies one third of the continent, can the Minister explain why so few Western Australian wetlands are listed?
- (4) How many wetlands has the Government or previous coalition governments nominated for inclusion on the list of wetlands of international importance?
- (5) Why were no Western Australian wetlands nominated at the 1996 Ramsar Conference in Brisbane when eight more Australian wetlands were nominated?
- (6) Does the coalition Government support the Ramsar convention?
- (7) If yes, does the Minister intend to nominate more WA wetlands for listing?

Hon PETER FOSS replied:

- (1) Nine.
- (2) 49.
- (3) I do not see the total area as being relevant but rather the amount of appropriate wetlands. You may have noticed that large parts of WA do not contain wetlands. In any event, see answers to (5) and (7) below.
- (4) None.
- (5) As I have previously advised the honourable member - reply to question 3254, 5 September 1995 - the Western Australian Government wrote to the Commonwealth Minister for the Environment and to the Ramsar Convention Bureau prior to the 1996 Ramsar Conference in Brisbane offering the nomination of the 68.5 hectare conservation reserve area at the Creery wetlands, adjacent to the Ramsar listed Peel-Yalgorup system. This offer was made with the agreement of the property owner and the offer was not contingent on the adjacent residential development proceeding. The offer was not taken up by the Commonwealth Government.
- (6) Yes.
- (7) As previously advised, I am supportive of the principle of nominating additional wetlands for listing and am prepared to discuss this matter with the Commonwealth Minister for the Environment. Prior to putting forward any further nominations, I want to see the Creery wetlands situation satisfactorily resolved and firm agreement with the Commonwealth in place regarding the state responsibility and decision making for all Western Australian Ramsar sites.

## WITTENOOM - POWER AND WATER DISCONNECTION

662. Hon J.A. SCOTT to the Attorney General representing the Minister for Health:

- (1) Is it intended that power and water will be disconnected from the residences in Wittenoom?
- (2) If yes, why?
- (3) If power and water in Wittenoom are disconnected, does this violate the duty of care responsibilities in relation to public health by the Government to the community at large?

Hon PETER FOSS replied:

- (1) Yes.
- (2) Recommendation of the select committee to Government. The recommendations were approved by Cabinet on 17 October 1994 and supported by both Houses of Parliament on 3 November 1994.
- (3) No. Government does not supply power and water to all communities.

## SEA LEVELS - RISES, IMPACT ON COASTLINE

639. Hon J.A. SCOTT to the Minister for the Environment:

- (1) What will be the effect on the coastline of a 50 centimetre rise in water levels predicted to result in the next 50-100 years due to global warming?
- (2) What effect will this have on inlet systems such as the Peel-Harvey Inlet?
- (3) What strategies is the Minister's department looking at to address this potential problem?

Hon PETER FOSS replied:

- (1) The dominant effects of a rise in sea level which impact on coastlines are storm surges and high wave activity. A report to the Ministry for Planning titled "Development of a Methodology Applicable to the Ocean Coastline of the Perth Metropolitan Region to Assess the Impacts of Future Sea-Level and Climate Change" (May 1996) has indicated that the natural "breakwater effect" of the offshore reef system will modify storm surges and high wave activity. The report concluded that a rise in sea level would cause neither substantial realignment of the coast nor extensive shoreline retreat.
- (2) No specific studies have been done on the impacts of potential rises in sea level on the Peel-Harvey Inlet, although the matter did receive some attention in the EPA's Report and Recommendations on the Peel Inlet and Harvey Estuary Management Strategy Stage 2 (EPA Bulletin 363, November 1988).
- (3) The Department of Environmental Protection is funding a three year study by the CSIRO Division of Atmospheric Research on "Climate change under enhanced greenhouse conditions in Northern Australia". I understand that other government agencies are also addressing the issue. The Department of Environmental Protection is also participating in the review of the National Greenhouse Response Strategy with other States and Territories and the Commonwealth. The latest mean sea level scenario (fig. 7.9 Intergovernmental Panel on Climate Change Second Assessment Report) shows the full range of sea level rise by 2100 as 13-100 cm for constant (1990) aerosols or 13-94 cm for increasing aerosols. The regional mean sea level rise could vary by + or -50 per cent relative to the global average. So far this has not been sufficiently reliably calculated, especially close to the coasts, so it remains a major uncertainty.

## SPORTING COMPLEX - LOT 14 PROGRESS DRIVE, BIBRA LAKE PROPOSAL; IMPACT ON JANDAKOT WATER MOUND

640. Hon J.A. SCOTT to the Minister for the Environment:

- (1) Is the Minister for the Environment aware that a sporting complex has been planned for lot 14 Progress Drive, Bibra Lake, which is on the Jandakot water mound and part of the Beeliar reserve?
- (2) What impact would such a development have on the ecology of the ground water of the local area and the Jandakot water mound?
- (3) What role has the Minister's department played in assessing this proposal and informing the Planning and Environment Ministers of its views?
- (4) If none, why not?
- (5) What work is the Minister's department doing to address the threats posed to Perth's ground water by such developments?

Hon PETER FOSS replied:

- (1) I am advised that the Department of Environmental Protection is aware of the concept plan for a sporting complex on lot 14 Progress Drive.
- (2) I understand that the development plan is in concept form only at present. However, the DEP has advised the City of Cockburn of the potential environmental issues associated with a proposal at this location, and that the proposal should be referred to the Environmental Protection Authority for environmental impact assessment once a firm proposal is developed. Potential environmental issues associated with a proposal of this kind at this location include -

potential impact of nutrient rich runoff as a result of fertiliser use on the Jandakot mound ground water resource and nearby wetland areas;

potential impact of polluted runoff stormwater from hard stand car park areas proposed as part of the club on the Jandakot mound ground water resource;

potential ground water abstraction for irrigating the proposed playing fields;

potential impact of the development on Beeliar reserve (System 6 Area M93) which includes a significant stand of remnant native vegetation and wetland area;

potential increase in traffic, which may impact on native animals in the vicinity; and

noise and lighting pollution associated with use of the proposed club.

- (3) The DEP has advised the City of Cockburn of the above concerns, and reiterated to council that if the project becomes a definite proposal the City of Cockburn should refer the proposal to the EPA to determine whether it warrants formal environmental impact assessment. The Ministry for Planning has also been informed of the potential environmental issues associated with the proposal by the DEP.
- (4) Not applicable.
- (5) The EPA has initiated a state environmental protection policy for ground water protection which the DEP is currently preparing.

#### LANDFILL - HAZARDOUS WASTE SEEPAGE, IMPACT ON GROUND WATER; ILLEGAL DUMPING CONTROLS

650. Hon J.A. SCOTT to the Minister for the Environment:

- (1) What controls are in place to protect Perth metropolitan landfill sites from illegal dumping of toxic wastes such as heavy metals (batteries and leaded points), banned pesticides, and hazardous biological material?
- (2) What is the impact of hazardous waste seepage from metropolitan landfill sites on Perth's ground water?
- (3) What recommendations have resulted from research reports on landfill impact on local environments in the last five years, and how are these recommendations being implemented?
- (4) What studies have been carried out over the last five years into the incidences of environmental diseases among council workers and waste contractor workers, in particular, incidences of cancers of the internal organs, asthma and Legionnaire's disease?
- (5) What were the differences between these employees and the control population?
- (6) Is the Minister aware of the number of complaints by residents of the deleterious environmental effects associated with metropolitan landfill usage from contaminated air, water and soil over the last five years?
- (7) How were these matters addressed by the landfill operators?
- (8) Have studies been undertaken on the health of residents, in particular children, effected by environmental changes relating to landfill use?
- (9) What research funds have been spent by metropolitan councils and State Government agencies over the last five years on municipal waste management for the Perth metropolitan area, and what savings have been made as a result?
- (10) What payments have been made by each council for the past five years to the top three organisations for waste collection and disposal?
- (11) How often have these contracts changed hands in the last five years?
- (12) What is the concentration of these contracts, for example, can the Minister indicate that across metropolitan Perth, the top third of payments have gone to one third of the number of waste collection and disposal contractors?
- (13) When does the Minister expect that the enormous toxic biological dumps of completed landfill will be environmentally neutral and safe?

Hon PETER FOSS replied:

- (1) Landfills in the Perth metropolitan area are managed within the provisions of the document entitled "Criteria for Landfill Management". In the near future these facilities will be licensed under the Environmental

Protection Act, and the provisions of the "Criteria" document will be enforced as licence conditions. The waste that is accepted at the landfills is governed by the provisions of the document entitled "Waste Acceptance Criteria", which established the maximum concentration of various elements or chemicals that are allowed in wastes destined for disposal at the various classes of landfill. The Geological Survey of WA published a study of 50 landfills both closed and operational in 1991. This report titled "Municipal Waste Disposal in Perth and its Impact on Groundwater Quality" found there was no evidence that hazardous materials were leaching from landfills. The only significant impact noted was in the form of nutrient contamination which arises from domestic putrescible waste rather than hazardous materials, and the study concluded that with appropriate land use planning the major potable water sources from shallow ground water resources should remain relatively unaffected. The government has instituted, through landfill operators, a regular system of monitoring ground water bores installed around the landfills, and officers of the Department of Environmental Protection conduct regular inspections and audits of the facilities to assess compliance with the required conditions.

- (2) There is regular monitoring of ground water conducted around Perth's landfills and I am advised that to date no instances have been detected of hazardous substances leaching out of the landfill cells.
- (3) Apart from reports prepared as part of the environmental assessment process for individual landfills, the DEP is unaware of any specific research on the impact of landfills on local environments in the past five years. The criteria documents referred to in (1) above, have both been released in the past five years and include provisions for buffers, litter and odour control, and leachate control, amongst many other matters.
- (4) I am advised that the DEP is unaware of any such studies conducted in the past five years.
- (5) Not applicable.
- (6) I personally have been made aware by correspondence to my office, and through other means, of complaints against various landfill operations. In each case I have requested the DEP to review the matter and report to me on any remedial action needed and taken.
- (7) I understand the DEP discusses matters of concern with the landfill operations, and develops agreed plans for remedial action within the requirements for the "Criteria" documents referred to in (1) above. In December 1995 three major landfills in Perth were closed as a direct result of processes put in place by the "Criteria" documents.
- (8) I am unaware of any studies that specifically address the suggested effects of landfills on children or other people, other than the public health studies routinely published that assess changes in community health which, I am advised, do not specifically refer to landfills.
- (9) The State Government, through the Health and Commerce and Trade (State Development) Departments (until 1994), and now the DEP has spent funds researching matters such as green and organic waste recycling, the management of hazardous wastes, recycling of construction and demolition waste, domestic recycling and many other waste management related matters. To specify a precise amount of money spent on this research would take considerable resources, but if the member has a specific question I will be pleased to provide the information to him. I am unaware of the amount spent on waste management research by local government in Western Australia.
- (10)-(12) I do not have access to this information, as it is a matter for the local authorities and private companies involved.
- (13) I am advised that there is little evidence that completed landfills in Perth are "enormous toxic biological dumps". Nonetheless, the management regimes the Government has put in place, including the pending licensing initiative, and the reduction in the numbers of landfills, will ensure that these necessary community facilities will be well managed in the years to come. This is a complex area of environmental protection, and should the member wish to have a full briefing from DEP I will be pleased to arrange this.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF - GWALIA CONSOLIDATED LTD, BREACH OF  
DEP LICENCE No 4247

652. Hon J.A. SCOTT to the Minister for the Environment:

- (1) Why did the Department of Environmental Protection not prosecute the mining company Gwalia Consolidated Ltd for a breach of its DEP Licence No 4247, on 5 June 1996 at approximately 5.15 pm, with regard to decibel level/noise overpressure?

- (2) What exactly would warrant the revocation of Gwalia's present licence?
- (3) Would the injury or death of a resident warrant the revocation of the company's licence by the Minister?
- (4) Given that Gwalia Consolidated Ltd cannot guarantee controlled blasting operations and in such close proximity to the residences in Greenbushes, will the Minister seriously consider deleting Gwalia's licence conditions with regards to noise/overpressure levels when blasting, where future consecutive blast levels are concerned, once a breach has occurred?
- (5) Did the DEP and Department of Minerals and Energy record a breach of Gwalia Consolidated Ltd's Licence No 4247 during the annual (March 1996) mine site inspection, specifically of tailings dams on the minesite, both of the tantalum and lithium tailings dam?
- (6) Would the Minister detail findings of the DEP's investigations with regard to this breach?
- (7) In light of recent breaches, will the Minister support a formal assessment by the DEP of any further expansion of Gwalia Consolidated Ltd's Lithium Carbonate Plant in Greenbushes?
- (8) If not, why not?
- (9) Will the Minister support a formal assessment by the DEP should Gwalia Consolidated Ltd make application to build and operate a plant for downstream silica processing?

Hon PETER FOSS replied:

- (1) The exceedance was by 0.3 dB peak linear which is not sufficiently high enough above the licence maximum of 125 dB peak linear to allow for inherent errors in the monitoring equipment being used. Reasonable measures have been put in place to prevent a recurrence of the circumstances that led to this exceedance.
- (2) Revocation of a licence could occur where the licensee shows flagrant disregard for licence conditions, breaches occur after a prosecution or where the achievement of licence compliance is demonstrated to be not possible.
- (3) If the death or injury resulted from the licensee's operations and the matter falls within the jurisdiction of the Environmental Protection Act the licence may be suspended pending a full investigation.
- (4) Gwalia's licence conditions in relation to noise/overpressure levels for blasting are important to maintain standards of operation on Gwalia's Greenbushes operations. The deletion of these conditions would allow Gwalia to operate without the limitation of blasting levels.
- (5) Two issues were noted during the annual minesite inspection. One was work being carried out on the tailings dam wall. This work involves strengthening the walls of the existing dam only and does not increase the height of the walls or alter the tailings disposal practice. This does not constitute a breach of licence. The second issue involves a tailings spill. This spill occurred because of a blown spigot line resulting in tailings run back over the discharge point. This minor spill was contained within the secondary containment area and does not constitute a breach of licence.
- (6) See answer to question (5) above.
- (7) The Environmental Protection Authority will determine the appropriate level of assessment for any referral made to it.
- (8) Not applicable; see answer to (7) above.
- (9) See answer to (7) above.

#### JANDAKOT MOUND - MINING AND MINERAL SANDS BLENDING; GROUND WATER PROTECTION

656. Hon J.A. COWDELL to the Minister for the Environment:

I refer the Minister to the Tuesday, 2 July, 1996 edition of the *Canning Community* and ask -

- (1) Is the Minister aware of the statements made by the member for Jandakot regarding the mining and blending of mineral sands over the Jandakot mound?
- (2) Are these statements consistent with the Government's position on the protection of ground water, as articulated by the Minister for Planning a couple of weeks ago?

- (3) Could the Minister clarify the Government's position on the protection of ground water?

Hon PETER FOSS replied:

- (1)-(2) Yes.

- (3) The recent parliamentary Select Committee on Metropolitan Development and Groundwater Supplies concluded that Perth's ground water resources were an asset of vital importance and it was imperative they be protected from pollution. Through its acceptance of the findings and recommendations of the select committee, the Government has placed the highest priority on the protection of ground water resources. In line with the select committee's recommendations, the Water and Rivers Commission engaged consultants to scientifically determine the area that contributes ground water to Perth's drinking water supplies. The new boundaries for the underground water pollution control areas of Perth will be recognised in the planning process by establishing a rural ground water protection zone in the metropolitan region scheme. The proposed changes are already will progressed. A major amendment to the metropolitan region scheme for the Jandakot UWPCA was advertised for public comment on 9 August 1996. A similar approach will be used to protect the ground water resources of the Gnangara mound.

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - EXPRESSIONS OF INTEREST FOR CONSULTANCIES (ADVERTISEMENT 20 JULY 1996)

659. Hon J.A. SCOTT to the Minister for the Environment:

- (1) How many expressions of interest, for short term consultancies have been received by the Department of Conservation and Land Management arising from the advertisement in *The West Australian* (page 51) of 20 July 1996?
- (2) Have any consultancies been allocated?
- (3) To whom have they been allocated?
- (4) What projects will be conducted under these consultancies?
- (5) What process is being used to determine who will receive such consultancies?
- (6) Was the time allowed for expressions of interest to be submitted adequate, given that the closing date was advertised as 5 August 1996?

Hon PETER FOSS replied:

- (1) 41.
- (2) No.
- (3) Not applicable.
- (4) To be determined.
- (5) State Government procedure for awarding contracts and consultancies, in consultation with the Commonwealth Government.
- (6) Yes; 41 expressions of interest received is an indication that the time allowed was adequate.

QUESTIONS ON NOTICE - 525, INQUIRIES

669. Hon A.J.G. MacTIERNAN to the Attorney General:

- (1) Have the allegations concerning Senior Constable Reigert, as outlined in question on notice 525, been referred to the Director of Public Prosecutions?
- (2) If so -
- (a) when was the referral made; and
- (b) has the DPP examination of the matter concluded?

Hon PETER FOSS replied:

- (1) No.
- (2) Unnecessary to answer.

## VOLUNTARY ORGANISATIONS - GENERAL PURPOSE GRANTS COMMITMENT

687. Hon J.A. SCOTT to the Minister for the Environment:

- (1) Is the Minister aware of the commitment made by the coalition parties to maintain general purpose grants to voluntary organisations?
- (2) Why is he planning to break this commitment?

Hon PETER FOSS replied:

(1)-(2)

I refer the member to the text contained in "Environment: Western Australian Coalition Policies for the Nineties" dated 13 January 1993 regarding grants to voluntary organisations whereupon the member can deduce for himself that I am not planning to break any commitment given by the coalition.

## ENVIRONMENTAL PROTECTION ACT - INDEPENDENT REVIEW

688. Hon J.A. SCOTT to the Minister for the Environment:

- (1) Is the Minister aware of the commitment made by the coalition parties to implement the recommendations of the independent review of the Environmental Protection Act 1986?
- (2) If yes, has this been done?

Hon PETER FOSS replied:

The member asked these questions on 26 March 1996 and I provided a comprehensive answer at that time.

## GREENHOUSE RESPONSE COMMISSION - ESTABLISHMENT DATE

696. Hon J.A. SCOTT to the Minister for the Environment:

- (1) What has the Government done to reduce greenhouse emissions in Western Australia?
- (2) Is the Government committed to achieving the targets set by the Framework Convention on climate change?
- (3) If not, why not?
- (4) When will the Government establish the Greenhouse Response Commission which it promised would report within three years of coming to office?

Hon PETER FOSS replied:

- (1) The Government has undertaken the following activities to reduce and manage greenhouse gas emissions in Western Australia and gain a better understanding of climate change -

renewable energy projects such as the two megawatt wind farm near Esperance and a 20 kilowatt grid-connected photovoltaic system at Kalbarri the largest photovoltaic system in Australia;

purchase of electricity by Western Power from landfill gas power stations;

new Cooperative Research Centre for Renewable Energy Technologies has been established at Murdoch University. The centre undertakes research into power generation, energy efficiency, energy storage and power conditioning;

three year funding of the CSIRO Division of Atmospheric Research on "Climatic Change under Enhanced Greenhouse Conditions in Northern Australia";

published the Revised Greenhouse Strategy for Western Australia in 1995;

ensured that Government agencies and the private sector have been briefed on international and national issues and trends regarding greenhouse and climate change; and

participated in the review of the National Greenhouse Response Strategy, and successfully negotiated the inclusion of the resources processing sector.

- (2) The United Nations Framework Convention on Climate Change is an agreement which aims to stabilise the concentrations of greenhouse gases in the atmosphere and return greenhouse emissions to 1990 levels. The framework convention was ratified by Australia in 1992, and came into effect in March 1994 after being ratified by 50 nations. There are no legally binding targets or timetables associated with limiting the

emissions. The recognition of the differing starting points and economic structures of parties is of importance to Australia, given our reliance on energy exports and energy intensive resource processing industries. Western Australia's economy includes production of energy intensive products - for example, gas from the north west shelf - and mineral processing, both of which produce greenhouse gases. To limit the emissions to 1990 levels would put a severe brake on the economic development and well-being of this State. The 1990 target favours already established industrial economies. This Government's point of view has been accepted at the national level.

- (3) The Government's view is that greenhouse and climate change are international issues to which Australia nationally has certain responsibilities. It would disadvantage Western Australia's special circumstances if greenhouse and climate change responses were implemented on a sector or jurisdictional basis.
- (4) The coalition's pre-election policy said that it would appoint a Greenhouse Response Commission, whose tasks will be to report to Government on the steps that are needed to minimise the effects of climate change, should it occur, and that the commission would be required to report within three years of its appointment. The Government has concentrated its effort on ensuring Western Australia's position has been properly put in national and international forums. We will consider in this term of government, options for an appropriate mechanism to implement a state strategy. This may well include a Greenhouse Response Commission.

#### WETLANDS - SOUTH WEST AGRICULTURAL REGION ENVIRONMENTAL PROTECTION POLICY, RELEASE DELAY

697. Hon J.A. SCOTT to the Minister for the Environment:

- (1) Can the Minister explain why the environmental protection policy for the wetlands of the south west agricultural region has not been released?
- (2) Is this delay due to pressure from the Department of Conservation and Land Management which resents the Environmental Protection Authority's involvement in this matter?
- (3) If not, what are the reasons for the delay?

Hon PETER FOSS replied:

- (1) The environmental protection policy has yet to be approved by me as required under section 31 of the Environmental Protection Act 1986.
- (2) No.
- (3) Before approving an environmental protection policy I am required to make reasonable endeavours to consult with public authorities and persons as appear likely to be affected by the EPP. For the south west agricultural region EPP, covering as it does a considerable area of land both crown and private, such consultation has by necessity taken some time.

#### WESTERN SWAMP TORTOISE - ENVIRONMENTAL PROTECTION POLICY, RELEASE DELAY

698. Hon J.A. SCOTT to the Minister for the Environment:

- (1) Can the Minister explain why the environmental protection policy for the western swamp tortoise has not been released?
- (2) Is the delay due to opposition from the Department of Conservation and Land Management, which regards endangered species as its prerogative?
- (3) If not, what is the reason for the delay?

Hon PETER FOSS replied:

- (1) The environmental protection policy has yet to progress through the statutory steps required by the Environmental Protection Act.
- (2) No.
- (3) Extensive discussions have been held between government officers and potentially affected private property owners in the catchments of the two nature reserves involved regarding the purpose and intent of the environmental protection policy.

## TYRES - WASTE MANAGEMENT STRATEGY; RECYCLING FIRMS

699. Hon J.A. SCOTT to the Minister for the Environment:

- (1) Did the Minister announce in June 1995 that he intended to introduce a waste tyre management strategy for Western Australia?
- (2) If yes, has this strategy been implemented?
- (3) During the 1995-96 financial year, how many waste tyres were -
  - (a) retreaded;
  - (b) recycled; and
  - (c) landfilled?
- (4) What steps, if any, has the Minister taken to promote recycling of tyre rubber?
- (5) Are any firms currently carrying out waste tyre recycling in Western Australia?
- (6) If yes, which firms and how many tyres do they recycle each year?
- (7) Has the Government permitted a new waste tyre disposal site to open in Wanneroo?
- (8) If yes, was this approved by the Water and Rivers Commission?
- (9) Does the Government allow waste tyre dumps to bury whole tyres, despite the risk of fires from such practices?
- (10) If yes, why is this permitted?

Hon PETER FOSS replied:

- (1) Yes.
- (2) Yes, to a large extent.
- (3)
  - (a) Approximately 130,000 tyres were retreaded locally in 1995-96 and about 20 000 used tyre casings were exported to retreaders in other States. No firm figures are yet available to assess the impact of the decision by this Government to relax the regulations governing the use of retreaded tyres. However, retreaders have reported increased business and a shortage of suitable casings for retreading since the regulations were amended.
  - (b) Only a few thousand tyres are recycled by a number of small enterprises producing items such as rubber mats. The Government has agreed to provide a grant to assist Imtech Pty Ltd to establish a tyre recycling facility which will produce crumbed rubber. However the recycling plant has not yet been commissioned.
  - (c) It is estimated that approximately 1.3 million motor car tyre equivalents are produced in Western Australia each year of which approximately 1.1 million are disposed of by landfill.
- (4) The Government called for expressions of interest in 1993 from companies interested in establishing a tyre recycling facility in Western Australia. As a result of this process, a capital establishment grant and other assistance has been awarded to Imtech Pty Ltd to establish a plant to produce crumb rubber from tyres.
- (5)-(6) See answers to question (3)(b) and (4).
- (7) Yes.
- (8) The site was assessed and approved by the Department of Environmental Protection prior to the formation of the Water and Rivers Commission as it is well established that tyres are chemically inert and if disposed of properly do not pose any threat of ground water pollution. The site does not lie within a priority water catchment area.
- (9) Current government regulations do not prohibit the landfilling of whole tyres. They are not usually landfilled whole because over time they tend to work their way to the surface. For this reason most landfill sites insist that tyres be cut up before disposal. Shredding or splitting tyres does not reduce the risk of fire; rather they need to be covered with a thick layer of inert cover material. At the disposal site in Flynn Drive scrap tyres are covered with up to eight times the volume of inert material each day. The sheer mass of cover at this site will otherwise ensure the tyres will not float to the surface.

- (10) The landfilling of whole waste tyres is permitted at the Flynn Drive site because -
- (a) there is as yet insufficient industry capacity to recycle them; and
  - (b) there is sufficient cover material available to bury them safely.

**FAMILY AND CHILDREN'S SERVICES - BUDGET, ESTIMATED EXPENDITURE, IMPACT OF  
COMMONWEALTH BUDGET**

709. Hon JOHN HALDEN to the Minister for Transport representing the Minister for Family and Children's Services -

The Western Australian Budget allows for an estimated expenditure of \$133 511 000 in 1996-97 for family and children's services -

- (1) Has the Federal Budget had any impact on this figure?
- (2) If so, what is the revised figure and what areas will be affected?

Hon E.J. CHARLTON replied:

- (1) No.
- (2) Not applicable.

**QUESTIONS WITHOUT NOTICE**

**ABERDEEN HOTEL - AMUSEMENT MACHINES, COMMISSION PAYMENTS ALLEGATIONS**

**783. Hon JOHN HALDEN to the Minister for Transport:**

- (1) Is the Minister aware that allegations have been made concerning the payment of several thousand dollars in commissions from a company operating amusement machines at the Aberdeen Hotel?
- (2) Given that public money is involved, will Main Roads Western Australia be referring the claims to the CIB fraud squad?

**Hon E.J. CHARLTON replied:**

I thank the member for some notice of this question.

- (1) I am not aware of any specific allegations in relation to this matter.
- (2) I am now advised by the Commissioner of Main Roads that action has been taken to refer the allegations to the police.

Hon John Halden: Was that action taken after 11 o'clock this morning?

Hon E.J. CHARLTON: I am not sure of that.

**MIDLAND RAILWAY WORKSHOPS - SITE, FUTURE USE**

**784. Hon SAM PIANTADOSI to the Leader of the House representing the Premier:**

- (1) Will the Minister please clarify for the benefit of the House and the Western Australian community the current status of the Midland Railway Workshops land?
- (2) Is the Government ready to negotiate on future use for the land in question?
- (3) What portion of land is intended to be set aside for -
  - (a) private use;
  - (b) community use;
  - (c) local government use; and
  - (d) state government use?
- (4) Have any members of the Government met with local business leaders to discuss proposals for the future use of this land?
- (5) Has the Government established any one person or Minister with responsibility to determine the future use of this land?
- (6) If no to the above, when can the Western Australian community expect action on the above?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question. I am advised by the Premier in the following terms -

- (1)-(3) Westrail decommissioned the Midland Railway Workshops on 4 March 1994. The Government Property Office is presently examining options for long term use of the site. This includes the prospect of establishing a university campus on the site, although this is subject to obtaining commonwealth funding. A decision from the Commonwealth is expected late this year.
- (4) Yes.
- (5) The Government Property Office is responsible for determining future uses for the site.
- (6) Not applicable.

WORKSAFE WA - METROBUS DEPOT, EAST PERTH, DEMOLITION SITE

**785. Hon A.J.G. MacTIERNAN to the Minister representing the Minister for Labour Relations:**

- (1) Notwithstanding that WorkSafe WA has no obligation to provide local authorities with clearances concerning applications for demolition permits, did WorkSafe WA in accordance with usual practice issue a clearance to the City of Perth for the demolition of the MetroBus depot in East Perth?
- (2) On what date prior to the death of Mr Mark Allen did WorkSafe WA inspect the demolition site of the MetroBus depot and why was that inspection made?
- (3) Did WorkSafe WA officers at the site during the visit observe a breach of occupational safety and health regulations; if so, what action did they take?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) There is no clearance given to the City of Perth or any other council as part of usual practice. There was none given for MetroBus depot, East Perth.
- (2) On 13 June 1996 as part of preliminary discussions with the contractor.
- (3) No, work had not commenced.

ROYAL COMMISSION INTO THE CITY OF WANNEROO - PUBLIC OFFICERS, ACTION TAKEN AGAINST

**786. Hon I.D. MacLEAN to the Minister representing the Minister for Public Sector Management:**

I refer to the August 1996 interim report of the Royal Commission into the City of Wanneroo.

- (1) Has any action been instituted against those public sector workers who are the subject of adverse findings by the Royal Commission into the City of Wanneroo?
- (2) If so, when and what type of action; if not, why not?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question. I am advised by the Premier in the following terms -

- (1)-(2) As the Minister for Public Sector Management outlined in his ministerial statement on 3 September 1996, he has written to the Public Sector Standards Commissioner bringing his attention to the findings of the interim report. He also wrote to the Public Service Commissioner as some of the actions referred to occurred prior to the Public Sector Management Act coming into effect. Similarly, he wrote to the Chief Executive of the Public Sector Management Office and the Acting Director General of the Ministry of Justice. In each instance he requested these officers consider what action might be taken in respect of the public officers named in the royal commission's interim report. It would be inappropriate to preempt any action these parties intend taking. Nonetheless, I will keep the Parliament informed of progress in relation to this matter.

WORKSAFE WA - CONSTRUCTION AND DEMOLITION SITES INSPECTIONS

**787. Hon A.J.G. MacTIERNAN to the Minister representing the Minister for Labour Relations:**

- (1) How many random inspections of construction and demolition sites were made in the six months prior to 5 September 1996?
- (2) Will the Minister name the nine officers he says were actively engaged in inspecting construction and demolition sites as of 5 September 1996?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) There were 1 143 investigations from 1 July 1995 to 30 June 1996 undertaken by the construction team. From 1 July 1996 to 5 September 1996 there were 89 investigations. The department does not record nor differentiate between the types of inspections; they are all recorded as investigations. Some data up to 5 September 1996 has yet to be recorded on the system.
- (2) It is inappropriate to name individual officers.

NATURE CONSERVATION STRATEGY - RELEASE DATE

**788. Hon J.A. SCOTT to the Minister for the Environment:**

- (1) Is the Minister aware of the nature conservation strategy for Western Australia which was released for public review in late 1992?
- (2) Why has the Government failed to honour the promise made by the previous Minister, Mr Kevin Minson MLA, to complete the strategy by the end of 1994?
- (3) Does the Minister intend to release the final version of the strategy and implement it?
- (4) If no, why not?
- (5) If yes, will it be cleared to coincide with the next election?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) Yes.
- (2)-(5) The nature conservation strategy has not been completed because in court action taken against the Government by non-government conservation organisations on some aspects of forest management, the question has arisen as to the legal duties created by policy documents of the Department of Conservation and Land Management such as the proposed nature conservation strategy. As this litigation has not yet been finally determined by the courts, I am unable to give a commitment on when the strategy will be completed. I think I have answered this question before. I suspect that somewhere along the line the member will find it has been dealt with.

EAST PERTH REDEVELOPMENT AUTHORITY - METROBUS DEPOT, DEMOLITION CONTRACT

**789. Hon A.J.G. MacTIERNAN to the Attorney General representing the Minister for Planning:**

Why did the East Perth Redevelopment Authority not accept the lowest price tender for the demolition of the MetroBus depot?

**Hon PETER FOSS replied:**

The lowest price tender for the demolition of the MetroBus buildings was accepted.

GROUND WATER - NORTHERN SUBURBS SCHEME WATER, CHEMICAL TREATMENT

**790. Hon SAM PIANTADOSI to the Minister representing the Minister for Water Resources:**

- (1) What chemicals are used to treat the ground water that forms part of the scheme water for the northern suburbs?
- (2) Will the Minister table medical evidence so that this House and my constituents can be reassured that no long term health risk is associated with drinking this chemical mixture?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question. The Minister for Water Resources has provided the following reply -

- (1) The chemicals used to treat ground water that forms part of the scheme water for the northern suburbs are -  
         chlorine  
         alum  
         fluoride  
         polyelectrolyte  
         lime.
- (2) All chemicals are dosed with the approval of the Health Department of Western Australia. The drinking water conforms to the National Health and Medical Research Council guidelines.

#### SCHOOL SITE, MANDURAH - SALE

#### **791. Hon J.A. COWDELL to the Leader of the House representing the Minister for Education:**

- (1) Has the Government sold a site located in Lakes Road, Mandurah, which was earmarked for a government high school, to a private school?
- (2) If yes, why was the site sold?
- (3) Has the Government earmarked another site in the region for a government high school?

#### **Hon N.F. MOORE replied:**

I thank the member for some notice of this question. The Education Department has advised the Minister for Education in the following terms -

- (1) The site is to be offered to the former owners in accordance with the provisions of section 29 of the Public Works Act.
- (2) With the existing Coodanup and Mandurah Senior High Schools being expected to be able to serve the area which was to be the catchment area for the Lakes Road site, this site is considered surplus to need.
- (3) Yes.

#### ROYAL COMMISSION INTO THE CITY OF WANNEROO - INTERIM REPORT REFERRED TO DIRECTOR OF PUBLIC PROSECUTIONS

#### **792. Hon I.D. MacLEAN to the Attorney General:**

I refer to the August 1996 interim report of the Royal Commission into the City of Wanneroo.

- (1) Has the report been referred to the Director of Public Prosecutions for appropriate action?
- (2) If so, when; if not, why not? The Royal Commissioner states on page 134 in respect of Mr David King, "However, apart from sheer malice it is difficult to discern any other possible motive . . ."
- (3) Will the Minister refer this matter to the Director of Public Prosecutions for the purpose of considering a prosecution for criminal defamation?

#### **Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) No, but he has a copy of it.
- (2) Not applicable. He does not require me to refer matters to him.
- (3) It is not necessary for me to do so because he is able to do so himself.

#### POLICE SERVICE - FUNCTIONS TRANSFERRED TO MINISTRY OF JUSTICE

#### **793. Hon CHERYL DAVENPORT to the Attorney General representing the Minister for Police:**

- (1) Following information contained in the Ombudsman's 1995 report to Parliament in relation to the possible transfer of some police functions to the Ministry of Justice and the Director of Public Prosecutions, when does Government propose to -

- (a) transfer the custodial responsibility for detention centres within the Central Law Courts and the Supreme Court to the Ministry of Justice; and
  - (b) transfer to the Ministry of Justice responsibility in relation to East Perth lockup for processing all receipt (photography/fingerprinting), bail assessment and processing, cell placement and supervision to and from court?
- (2) If so, when might such changes occur?
  - (3) What legislative requirements would be necessary to effect the change?
  - (4) If no, why has consideration been abandoned?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

(1), (2) and (4)

The examination of the core functions of the Western Australia Police Service is a part of the overall thrust of the Delta program. The role of police in relation to detention centres and lockups in general is under examination as are all other functions associated with policing where they overlap with those conducted by the Ministry of Justice.

While matters are subject to ongoing examination, no final decisions have been made or are likely to be made in the near future.

- (3) I understand that while some preliminary work has been done by the Ministry of Justice on the question of legislative changes, the issue is not a priority at this stage.

#### POLICE SERVICE - BRENNAN CAR/DRUGS CASE

**794. Hon MARK NEVILL to the Attorney General representing the Minister for Police:**

In respect of the Brennan car/drugs case -

- (1) Why was not Mr Nick Duggan charged with selling to Mr Ritchie Brennan the Pajero 4 x 4 stolen in Brisbane?
- (2) Is it correct that Mr Brennan has given to police evidence that he paid for this car?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question. As I have indicated to Hon Mark Nevill, I have asked the Minister for Police to provide an officer from the department so that I can go over all the questions he has asked that he has complained have not been properly answered. That has not yet been arranged.

The member has a number of questions in relation to this issue and I will include this question. The answer I have is probably appropriate in the circumstances, but I will consider it as one of the matters I will be raising.

- (1)-(2) In view of the fact that the two officers involved in the case have since left the Police Service it is not possible to supply the information required at such short notice. If the member would like to put the question on notice the information will be provided as soon as possible. I will personally take it up with the police.

Hon John Halden: I have a couple of issues about the police and I want you to take them up.

Hon PETER FOSS: Hon Mark Nevill has priority.

#### POLICE SERVICE - BRENNAN CAR/DRUGS CASE

**795. Hon MARK NEVILL to the Attorney General representing the Minister for Police:**

In respect of the Brennan car/drugs case and the Pajero 4 x 4 in from Brisbane, why was not Mr N. Duggan charged with fraud for selling the Pajero 4 x 4 to Mr R. Brennan?

**Hon PETER FOSS replied:**

The same answer applies to this question.

#### POLICE SERVICE - BRENNAN CAR/DRUGS CASE

**796. Hon MARK NEVILL to the Attorney General representing the Minister for Police:**

In respect of the Brennan car/drugs case -

- (1) Where is the Pajero 4 x 4 impounded?
- (2) When was it seized by police?
- (3) From where and whom was it seized?
- (4) Who has been charged in respect of the stolen Pajero 4 x 4?
- (5) If no-one has been charged, why not?
- (6) Has Mr Ritchie Brennan been interviewed about the stolen Pajero 4 x 4?
- (7) If not, why not?
- (8) Has this vehicle been tested for traces of heroin, amphetamines or other drugs?
- (9) What was the result of these tests?

**Hon PETER FOSS replied:**

- (1)-(9) My answer is the same as for the first question.

NATIVE FAUNA - PROTECTION, LEGISLATION AMENDMENT

**797. Hon J.A. SCOTT to the Minister for the Environment:**

- (1) Did the coalition promise to amend the current legislation to protect native fauna?
- (2) If yes, when was that done?
- (3) Why has the Government failed to proceed with the amendments to the Wildlife Conservation Act that were first released for public comment by the previous Government in 1992?
- (4) Did the Government promise before the 1993 state election to examine ways in which the Wildlife Conservation Act can be strengthened to protect the habitats of endangered species?
- (5) If yes, how has this been done?
- (6) Did the Government promise to expand the conservation estate to protect the habitat of all endangered species?
- (7) If yes, what expansion of the conservation estate has occurred for this purpose?
- (8) Will any new areas be added to the conservation estate prior to the next election?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) The coalition environmental policy, "The Environment - 1993 and Beyond", undertook to amend legislation to protect native fauna.
- (2)-(3) Due to the Government's heavy legislative program, priority in terms of legislation to be introduced has been given to amendments to the Conservation and Land Management Act in respect of its marine reserve provision.
- (4) The coalition environment policy provides that such an examination will be undertaken.
- (5) Refer to answers to parts (2) and (3).
- (6) Yes.
- (7) During its first term, the Government has created new conservation parks and nature reserves totalling 133 000 ha and added 63 000 ha to national parks, conservation parks and nature reserves. I know that sometimes the honourable member cannot add up or understand that but this is adding, not subtracting.
- (8) The date for the next election has not yet been determined. Reservation of future conservation areas is not dependent on the election timetable.

HOSPITALS - ROYAL PERTH

*St John Ambulance, Transfer of Patients to Other Hospitals*

**798. Hon KIM CHANCE to the Attorney General representing the Minister for Health:**

Some notice of this question has been given.

- (1) Is it the case that St John Ambulance was called into Royal Perth Hospital last week to transfer patients to other hospitals because of a lack of bed space?
- (2) If so, on how many occasions did that occur and what were the circumstances involved?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) No.
- (2) Not applicable.

ABERDEEN HOTEL - SALE; EXPRESSIONS OF INTEREST

**799. Hon KIM CHANCE to the Minister for Transport:**

- (1) Can the Minister explain the apparent contradiction between his statement in Parliament yesterday to the effect that no offers had been received for the purchase of the Aberdeen Hotel and the article in the today's *The West Australian*, which indicates that at least four parties have expressed an interest in buying the hotel to the agents handling the sale?
- (2) Can the Minister advise whether these expressions of interest were in the form of offers and, if so, what price has been offered and by whom?

Hon Tom Helm: There was no notice.

**Hon E.J. CHARLTON replied:**

There may not have been any notice, but I have a very distinct recollection that I saw it word for word earlier in the day.

Hon Tom Helm: Just answer it then.

Hon E.J. CHARLTON: I would like to give an accurate answer. There is no contradiction, but I will get the written response that I had prepared for Hon Kim Chance's question.

I now have the answer. As I stated, there is no contradiction. However, in addition, as I advised yesterday, an offer of \$3.68m was made after the property was withdrawn from sale on the day of the auction. There have been no other formal offers subsequent to the day of the auction. However, the previous selling agent indicated that there was some interest in the property.

HOSPITALS - ROYAL PERTH

*Doctors' Employment*

**800. Hon KIM CHANCE to the Attorney General representing the Minister for Health:**

- (1) How many doctors are currently employed in Royal Perth Hospital's emergency department?
- (2) How many doctors were employed in the department in -
  - (a) 1992-93;
  - (b) 1993-94;
  - (c) 1994-95; and
  - (d) 1995-96?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) Royal Perth Hospital currently employs the following in the emergency department: eight consultants, six registrars and 25 junior medical officers.

- (2) (a) 1992-93 Four consultants; six registrars and 30 junior medical officers.
- (b) 1993-94 Five consultants; six registrars and 30 junior medical officers.
- (c) 1994-95 Five consultants; six registrars and 25 junior medical officers.
- (d) See (1) above.

REAL ESTATE AND BUSINESS AGENTS ACT - SECTION 61A, PROCLAMATION REVOCATION

**801. Hon TOM STEPHENS to the Attorney General:**

- (1) Was the Attorney General at Cabinet when the Minister for Fair Trading brought forward for discussion a proposal to deproclaim section 61A of the Real Estate and Business Agents Act?
- (2) Is it true that this recommendation was not brought forward as a formal Cabinet minute?
- (3) What was the advice of the Attorney General to his colleagues on this proposal, and the manner in which it was brought forward to the Cabinet?
- (4) When will the Attorney General exercise his obligation as first law officer of the State and insist that the Court Government adopt Cabinet processes in accord with the findings of the Royal Commission into Commercial Activities of Government and Other Matters and the recommendations of the Commission on Government?

Hon Mark Nevill: His defence is that no-one will listen to him.

**Hon PETER FOSS replied:**

- (1)-(4) It is an amazing effort on the part of Hon Tom Stephens to try to get me to tell him what happens in Cabinet. As he knows, I will not tell him what happens in Cabinet.

Hon E.J. Charlton: What happened when you were in Cabinet, Mr Stephens?

Hon PETER FOSS: He cannot remember; it was too brief.

Hon Tom Stephens: On the contrary I remember it all very well.

Hon PETER FOSS: Unlike the former Labor Government, I can assure the House that this Government accepts the concept of Cabinet responsibility, where Ministers recognise they are responsible for every action that is taken by the Cabinet and one cannot take the attitude that somebody else is doing it and therefore one is not responsible. One of the important things that Premier Court has done is to insist that we go back to the traditional constitutional values of ministerial responsibility. With those constitutional responsibilities we do not have the problems that we had under previous Governments.

Hon Tom Stephens: Were you there or not, Foss?

Hon PETER FOSS: Under previous Governments, Ministers were engaged in the most outrageous activities.

Hon Tom Stephens: Did you tell her she was breaking the law?

Hon PETER FOSS: The member has one thing wrong. He has made an assumption that the law has been broken. The advice from the Crown Solicitor is unequivocal. It is correct. Hon Tom Stephens should not make statements that the advice is incorrect.

Hon Tom Stephens: What was your advice?

Hon PETER FOSS: The same, because I took the advice of the Crown Solicitor.

Hon Tom Stephens: So you were there?

Hon PETER FOSS: I did not say that. That is my advice and it was not given then. Hon Tom Stephens knows perfectly well that is my advice.

Hon Bob Thomas: You took the advice, but you were not there?

Hon PETER FOSS: I am not saying when.

Hon Tom Stephens: Was it a Cabinet minute?

Hon PETER FOSS: The member is not getting an answer to that.

The PRESIDENT: I sat back for the past few minutes and watched and listened to what happened when I did not intervene. Members just go berserk. The minute I stop screaming at members they forget all the rules. I thought I would see how long that would go on. However, in the interests of some of your colleagues who genuinely want to ask questions, I thought I had better intervene or the whole 30 minutes would have gone and they would have had the opportunity.

#### FARM WATER GRANT SCHEME - TELEVISION ADVERTISING COST

**802. Hon KIM CHANCE to the Minister for Finance representing the Minister for Primary Industry:**

- (1) What is the cost of the current government television advertising campaign promoting the farm water grant scheme?
- (2) Why is the government spending public funds advertising a highly successful and well known program which has been hampered only by a critical lack of funding to meet the response that it already has from farmers?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) \$24 139.
- (2) The State Government has made a clear commitment to provide funding for successful grant applications received prior to 30 June 1996. In addition, the State Government has committed an additional \$2m for 1996. The recent review of the farm water grant scheme recommended a number of changes to the scheme, among which was the change in focus to the provision of assistance to farms in areas of greatest need, and adoption of specific grants rounds. The best time to set grants rounds was suggested by farmers as being September and March. The first grants round for the 1996 farm water grant scheme closes on 30 September 1996. This information needed to be conveyed to the farming community quickly and effectively. The television advertisement has ensured that for the cost equivalent of two grants, 94.9 per cent of the farming community was made aware of the grants scheme and, in particular, the closing date of the first round.

#### HOSPITALS - BUNBURY CAMPUS

##### *Pathology Services*

**803. Hon DOUG WENN to the Attorney General representing the Minister for Health:**

- (1) Will pathology services be offered at the proposed Bunbury hospital campus?
- (2) If yes, who will offer the services?
- (3) Will the services be offered at the campus or at a site off campus?

Hon Bob Thomas: Where will the abortion clinic be?

**Hon PETER FOSS replied:**

I thank the member for some considerable notice of this question.

- (1) Yes.
- (2)-(3) The provision of pathology services will be procured by Bunbury Health Services and St John of God Health Care System Inc jointly, at or from the medical centre, following a competitive tendering process.

#### ENVIRONMENTAL LAWS - JANDAKOT AIRPORT DEVELOPMENT, FEDERAL GOVERNMENT OVERRIDING STATE LAWS CONCERNS

**804. Hon TOM HELM to the Minister for the Environment:**

It was reported on ABC radio news at one o'clock on Monday that the Minister was concerned at the ability of the Federal Government to override state laws in regard to the environment and development at Jandakot Airport.

- (1) Will the Minister advise the House of his concerns?
- (2) Will he make public these concerns - for instance, correspondence with the Federal Minister for the Environment?

- (3) Do the Minister's concerns cover the proposed fourth runway at Jandakot?
- (4) Do the Minister's concerns address the noise pollution matters raised by the Jandakot Airport Noise Action Group?

**Hon PETER FOSS replied:**

- (1)-(4) I raised this with the former Federal Government to no avail. It has been raised regularly at the Australian and New Zealand Environment and Conservation Council not only by me, but also by other Ministers. We were never able to obtain from the previous Federal Government any assurance that something would be done; that is, notwithstanding the intergovernmental agreement on the environment which this House considered in the National Environment Protection Council Bill. I am pleased to report that in discussions, Senator Robert Hill indicated to me that the Federal Government will be moving to legislate to submit federal agencies and bodies to the environmental laws of the States.

Hon J.A. Scott: You voted against that the other day.

Hon Tom Helm: Can we see that?

Hon PETER FOSS: He has told me that verbally. We are moving that way with the NEPC Bill. A number of measures in that Bill deal with noise. The NEPC is able to make a national environment protection measure on noise pollution. The NEPC will set up appropriate measures in an NEPM relating to noise. I am hopeful that shortly the Federal Government will submit its agencies to environmental laws, which is appropriate.

**MEAT INSPECTORS - EMPLOYED BY ABATTOIRS, NEW REGULATIONS**

**805. Hon KIM CHANCE to the Attorney General representing the Minister for Health:**

- (1) Does the Government intend to introduce regulations to permit meat processors to employ their own meat inspectors?
- (2) If so, when does it expect to gazette the amended regulations?
- (3) Can the Government assure consumers that the present high standards of integrity which are provided by independent meat inspectors will be continued once inspectors are placed in a position of policing their own employers?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) Yes, this applies only to abattoirs.
- (2) By 31 December 1996.
- (3) Yes. Appropriate safeguards have been built in to ensure high standards.

**FAMILY AND CHILDREN'S SERVICES - CHILDREN WHO DISPLAY ANTISOCIAL BEHAVIOUR  
PILOT PROGRAM**

**806. Hon CHERYL DAVENPORT to the Minister representing the Minister for Family and Children's Services:**

The Minister recently announced a \$400 000 pilot program targeting children under 10 who display anti-social behaviour, hurt other people, damage property or abuse substances.

- (1) Is the pilot program plan available for public scrutiny?
- (2) If so, will the Minister table the plan, or strategy, for the pilot program?
- (3) If not, why not?
- (4) What consultation has been undertaken with community organisations working with children?
- (5) If none, why not?
- (6) Have consultations taken place with Education, Health, Aboriginal Affairs and Multicultural and Ethnic Affairs Ministers and/or their departments?
- (7) If not, why not?

- (8) Will the police play any role in such a pilot program?
- (9) If so, what role is envisaged?
- (10) What qualifications will the coordinator of the group require? I note that the program will be modelled on the Juvenile Justice Teams.
- (11) Who will be mandatory participants in the process?

**Hon E.J. CHARLTON replied:**

I thank the member for some notice of this question.

- (1)-(2) The pilot program is operating from four pilot locations in Murchison, Joondalup, Armadale and Rockingham. Information on the program is freely available from the pilot district offices, some schools and police stations in the four areas. The service will be evaluated after 12 months and further planning decisions will be made following the evaluation.
- (3) Not applicable.
- (4),(6) Family and Children's Services has consulted with members of the juvenile justice teams, Police Service, Education Department, Department of Aboriginal Affairs, Victim Support Service, staff of the department, including those with expertise in cross-cultural issues, and other experienced workers from Western Australia and other States of Australia.
- (5),(7) Not applicable.
- (8)-(9) Yes, dependent on the circumstances of each individual family group conference and as determined by the coordinator.
- (10) A degree in one of the social or behavioural sciences or approved equivalent.
- (11) All participation in the process is voluntary.

QUESTIONS ON NOTICE - UNANSWERED

**807. Hon TOM STEPHENS to the Minister representing the Minister for Education:**

Some notice has been given of this question. Does the Minister have an answer to this rather long question?

Hon N.F. Moore: Is it the question about Wyndham?

Hon TOM STEPHENS: Yes.

Hon N.F. Moore: Obviously not. You cannot expect to get an answer to such a long question in such a short time.

Hon TOM STEPHENS: Is the answer not available?

The PRESIDENT: Ask the question.

Hon TOM STEPHENS: What is the point if the Minister does not have the answer? I will ask another question. When will the Minister ensure that his colleagues answer some of our questions?

**Hon N.F. MOORE replied:**

Hon Tom Stephens asked me about answering questions on behalf of other Ministers. I have a copy of the question he intended to ask, which is very long and asks for a range of information about a particular school. The answer is that it will take some time to collate the information and it will be provided when it is available. I make the point that one part of the question asks when the Minister will ensure that the staff at the Wyndham school go onto the remote teaching service because it is a better way of doing things. It is very interesting that he should promote that, because when I introduced it he spent all his time saying it was no good.

---