



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1997

LEGISLATIVE COUNCIL

Wednesday, 19 March 1997

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

MOTION - LEGAL AID FUNDING

Federal Government's Election Promise

HON N.D. GRIFFITHS (East Metropolitan) [2.32 pm]: I move -

That this House -

- (1) Condemns the Howard Government for breach of its promise that "a Liberal and National Party Government will maintain current levels of Legal Aid funding and funding to Community Legal Centres".
- (2) Calls on the Government of Western Australia to ensure that the Legal Aid Commission is adequately funded and in particular to enable the Legal Aid Commission to -
 - (a) provide for separate representation of children where such assistance is essential in the pursuit of justice;
 - (b) provide for representation to anyone facing a criminal charge where the interests of justice so require and any such person does not have the means to pay for it; and
 - (c) finance its domestic violence unit.

The motion is in two parts. The first part seeks to condemn the Howard Government for breach of the promise referred to. The Howard Government deserves to be condemned, first, because it has breached a promise. It went into the March 1996 election with a firm commitment; it has dishonoured that commitment. When a major political party dishonours a fundamental commitment such as that, it undermines the trust that the people of Australia and Western Australia in particular have in the processes, particularly the democratic process of our system. There was no need for grandiose election promises to be made, but this was no grandiose election promise. It was a moderate election promise and should have been honoured.

The second aspect I ask the House to consider is the significance of the foreshadowed cut. The breach of promise is to the effect that as from 1 July 1997, approximately \$33.158m will be cut from legal aid funding across Australia. The cut in Western Australia's funding is not yet on the public record, although many estimates have been made that if it is pro rata it will be in the region of \$3.3m. That may not seem like much in the grand scheme of things, and perhaps it is not; nonetheless, it is important that it be put in the context of Legal Aid Commission funding.

For the financial period ended 30 June 1996 - I refer to a statement of cashflows provided by the Legal Aid Commission - the commission received funds in the following amounts: Clients, \$2 366 298; commonwealth grants and contributions - this is the kernel of what I am referring to - \$13 948 256; interest, \$497 640; other operating revenue, \$221 643; and from the State Government, \$8 179 000. The envisaged \$3.3m cut, as a percentage of that which the Legal Aid Commission received from the Commonwealth in 1995-96, is a massive cut of more than 23 per cent.

The announced cut has already had consequences; for example, assignments granted by the Legal Aid Commission to private practitioners to carry out work on behalf of legally aided assignments have a use-by date of 30 June 1997. In fact, grants made in-house on the part of the Legal Aid Commission have a similar use-by date. There is no guarantee that any particular matter being undertaken by the Legal Aid Commission will be undertaken after 1 July 1997. That is not an appropriate way to conduct any form of legal action. Regrettably we are dealing with an area of activity which often takes a fair degree of time. They are matters over which the Legal Aid Commission, and both the lawyers for the assigned persons and the assigned persons, have no control.

A second example of the effect of these announced cuts relates to the conduct of the Legal Aid Commission's domestic violence unit. I propose to make particular reference to that when I deal with the second part of the motion. Good government is based on stability. The announced breach and the fact that the breach is occurring in the operation of the Legal Aid Commission, with consequences I have mentioned by way of example, creates instability in the functioning of that commission. That is very bad management and very bad government.

Two basic arguments have been advanced by the federal Attorney General. The first is that the federal deficit is his Government's imperative. That argument is not sustainable because the envisaged cut to the legal aid system in Western Australia has very little effect on the federal Budget's bottom line. We know that the bottom line moves around with estimates of economic growth whenever they are published. It has very little effect on the Budget's bottom line but a disastrous effect on the operations of legal aid systems throughout Australia, particularly in Western Australia. It is insignificant to the federal Budget but very significant to the conduct of legal aid systems.

The second argument proposed by the federal Attorney General to justify his stance, and the stance of the Howard Government, is that he is concerned to ensure that commonwealth funds are used to fund commonwealth matters only. I suggest this argument is spurious because, firstly, it is a defiance of history - of what has occurred progressively over the best part of the last quarter of a century. Secondly, it is reneging on longstanding obligations assumed by the Commonwealth Government with respect to persons to whom it may be properly argued the Commonwealth Government has a constitutional obligation. That relates specifically to social security recipients, ex-servicemen and women, migrants, students, and Aborigines and Torres Strait Islanders. This move on the part of the Howard Government is an abandonment of a national role in the functioning of a legal aid system. It is an abandonment by the Howard Government of longstanding obligations on the part of Australia with respect to international treaties. For example, the International Covenant on Civil and Political Rights, article 14, provides that in criminal cases a defendant has a right to legal assistance without payment where the interests of justice so require and if he does not have sufficient means to pay for it. Most importantly, given that the federal Attorney General used as his first justification the matter of finance, the stance of the Howard Government with respect to this issue ignores the pre-eminent role the Commonwealth Government has with regard to matters of finance in Australia. It ignores the pre-eminent role of the Commonwealth in respect of its being the primary tax raiser in Australia.

The federal Attorney General has sought to justify his decision on a number of occasions. I refer to one example. Recently he caused a letter to be published to the editor of the Law Society's magazine *Brief*. At page 4 of the January edition he comments, among other things, in the following terms -

The Commonwealth is committed to a cooperative arrangement with the states and territories to fund legal aid. The government's decision to restrict its funding for legal aid was not taken lightly. There were, however, issues specific to the legal aid program which needed to be addressed. Legal aid is a shared responsibility between the Commonwealth and the states, with the Commonwealth providing approximately 55 per cent of the funding. Despite this, there has never been an effective mechanism to ensure that the policies and the priorities of the Commonwealth are adhered to in the provision of appropriate services for legal aid clients.

When the federal Attorney General uses those words, he has a bit of a hide. In August 1995 the Federal and State Governments decided to put in place a review of the Legal Aid Commission in Western Australia. I accept that in August 1995 a very responsible Federal Government and responsible Minister were dealing with this matter, namely, Hon Duncan Kerr. The fact remains that this was an intergovernmental agreement which involved the State and Federal Governments getting together. It is interesting to note that a state Liberal-National Party Government was able to get together with a Federal Labor Government, but something seems to have gone awry with a state Liberal-National Party Government dealing with a federal coalition Government, notwithstanding that both Attorneys involved are from the same State.

The media release which accompanied the formal pronouncement of this review, dated 25 August 1995, came from the office of the current Attorney's predecessor and stated, among other things, quoting the federal Minister -

"The Federal Government supplies more than half the State's Legal Aid budget, so we are vitally interested in seeing that money spent in the most effective way possible," Mr Kerr said.

"It is especially pleasing that despite traditional Commonwealth/State tensions, we have been able to agree on a co-operative review of the WA Legal Aid Commission that will benefit Western Australians.

There is much to be said for Federal Labor Governments. This issue was an example of that. That review has gone nowhere. Last week I asked the Attorney General a question on this subject. I wanted to know what had happened. Last year I made inquiries and I have made inquiries from others frequently. I refer to question without notice 13 at page 60 of *Hansard* of 11 March 1997, in which I referred to the review and asked the Attorney General -

- (1) Has the review been finalised?
- (2) If so, what are its recommendations?
- (3) If not, what is its current status?

I note the Attorney General's words -

This is an excellent question, and one to which I wish I knew the answer. The review appears to have gone into some form of limbo since the change of Federal Government. Currently we are trying to shift it along because we are very anxious to get a result from this very important review. A difficulty we have in doing things jointly with the Commonwealth Government is that we are very much dependent upon having a joint push on a matter.

He went on to make other observations. Frankly, that shows a very poor attitude on the part of the Federal Government. I interpret Hon Peter Foss to have said that Western Australia was trying to do the right thing in dealing with the Commonwealth. The Government has the Opposition's support in that and Hon Peter Foss as an individual has my support. However, it seems clear that the Commonwealth Government has failed to fulfil its duty.

This review, if carried out - and it should have been completed by now - would have solved all the problems. Its terms of reference state -

The aim of the review is to -

- examine the purpose and functions of LAWA to ensure that they satisfy community needs in obtaining access to justice;
- report on the efficiency and effectiveness, including cost effectiveness, of Legal Aid Western Australia in delivering legal aid services;
- make appropriate recommendations for enhanced management and service delivery, including recommendations for legislative change.

The review was also required to have regard to a number of matters, including whether LAWA has special responsibility for assisting particular groups in the community. The document then lists a number of groups in which the Commonwealth has traditionally taken an interest. The last point to which the review was to have particular regard is very interesting. It states -

The adequacy of current funding -

- the Commonwealth/State agreement and current levels of additional funding;
- the commission's contributions policies and recovery procedures;
- the scope for increasing self-generated revenue.

This review was set up in August 1995 to examine the question of legal aid funding and no proper reason has been forthcoming as to why that review has not been completed. I say "no proper reason" in respect of the Commonwealth Government, although it was incumbent upon the state Attorney General to make public this rather lax behaviour on the part of the Commonwealth more frequently and more loudly than he has thus far.

Hon Peter Foss: Members of the Commonwealth Government already think I am pretty horrible.

Hon N.D. GRIFFITHS: In many respects they are not entirely wrong, but on this issue the Attorney General is right.

This treatment of the legal aid review demonstrates how the federal Attorney General and the Howard Government approach their duties. They make promises, they break their promises and then they seek to justify what they have done. Good government involves keeping one's word. If a Government wishes to change a policy it should establish the fact first. It should see what the terrain looks like and move from there. A process was put in place and the Howard Government failed to carry it through.

That is particularly wrong because the current system is not working as well as it could or should. The Howard Government is proposing to cut the funding for a system which, according to most who are informed, is in need of greater funding. When I say "most", I am not referring to those who have a rather elitist view of the law and who say that legal aid is a bottomless pit. The federal Attorney General has said on more than one occasion that the Family Court of Western Australia is a "reefer court" - one does not wear one's wig and gown. That is Hon Daryl Williams' attitude towards a court that eats up a significant proportion of legal aid funds. I do not share that view of the Family Court of Western Australia or any courts to which ordinary people go from time to time. It is inappropriate to have an elitist view of the law: The law is there to serve the community; it is not in isolation from the community. Perhaps that view colours his attitude -

Hon Peter Foss: In heritage terms, the Family Court is probably the most important court in Western Australia. It touches more people than any other court.

Hon N.D. GRIFFITHS: I agree with the substance of that interjection, although I put the Court of Petty Sessions on the same level. Each directly affects ordinary people, whereas the Supreme Court indirectly affects people; it is inaccessible to just about everyone unless they have access to the corporate dollar. I will develop the propositions and I trust that these matters will be dealt with in due course.

The current system, which has evolved over the past 25-odd years, is not working. Prior to the election of the Whitlam Government and during its first term, legal aid in Western Australia was provided through the Legal Assistance Scheme run by the Law Society of Western Australia. When the late Justice Murphy became Attorney General in the Whitlam Government, he was concerned that our society function appropriately by providing greater access to legal aid facilities. He caused the Australian Legal Aid Office to be set up. That office operated alongside the Legal Assistance Scheme until 1978, when the Australian Legal Aid Office and the Legal Assistance Scheme folded into the Legal Aid Commission. Australian Legal Aid Offices throughout Australia were progressively closed down and amalgamated with whatever schemes were operating in those States and Territories. By the late 1980s, Australia had a system similar to that which existed in Western Australia.

Between 1987 and 1989, the Commonwealth and the States and Territories reached an accord. "Accord" is a lovely word because it means that one gets things done. That accord stated that funding for legal aid commissions and community legal centres would be maintained in real terms based on 1987-88 financial year funding. That arrangement was inflation proof. There are weaknesses in that agreement, but it has been in operation for the past decade. It is that agreement that the federal Attorney General is putting aside without due consideration. He and his Government deserve to be condemned because they are cutting resources when what is needed is a greater resourcing of these very important functions. Members may be aware that a standing committee of the Senate is inquiring into legal aid in Australia. I will not go through its terms of reference. However, a number of bodies interested in the provision of legal aid in Australia are making submissions to that Senate inquiry. One of those bodies is the Legal Aid Commission of Western Australia.

I will refer to the Legal Aid Commission's submission to the Senate inquiry to demonstrate the Legal Aid Commission's view of its lack of funding to carry out its important tasks. The commission says in its submission that three important issues face it: The funding cuts with which we are dealing; the existing problems of inadequate resources; and difficulties facing service delivery in Western Australia. I will make a fleeting reference to some aspects of resourcing which the Legal Aid Commission says are deficient. It states on page 2 of the document -

Legal Aid Western Australia is not meeting community demand for Legal Aid services and refusal rates in Family Law are approximately 70% in the 1995/96 financial year.

Under the heading "Representation and other advocacy services" on page 4 reference is made to a decrease in applications and the reasons for the decline; namely, the strong community view and particularly the private profession view that legal aid in family law and civil law jurisdictions is very limited. It points out that the commission published its priority matters for funding in January 1996, which made it clear which matters were unlikely to receive grants of aid; and that legal aid funding in the Court of Petty Sessions is severely restrictive, although petty sessions deals with about 90 per cent of criminal charges. It referred to an unmet demand in the civil law jurisdiction, and to disbursement-only grants being the only form of assistance which may be granted to private practitioners, and made the telling point that this leaves unmet the needs of a vast array of poor people, including people with physical and mental disabilities, people with language or cultural difficulties, and people with claims against government institutions. It stated that it also leaves unassisted many people without these disabilities who cannot pay a private lawyer. It referred to women fleeing violence requiring assistance to ensure restraining orders are laid against the perpetrators. On page 5 the document points out the difficulties associated with the domestic violence unit. It says it has serious concerns about the lack of advocacy services available to people who are pursuing their legal rights through tribunals and commissions.

The Legal Aid Commission, in its submission to the Senate, makes it clear that it is not doing the job which many in the community feel it is able to do and, frankly, which most in the community believe it should be able to do. It points out on page 9 that in the criminal law area, most petty sessions matters, some of which carry imprisonment, cannot be funded. It says that in the youth law area, despite the decision in *Re: K* which urges funding for representation of children, a number of the categories which the Family Court considered should be funded cannot be funded under the commission's existing guidelines. The submission deals with some matters of very contemporary relevance such as envisaged difficulties in respect of Dietrich funding.

The Legal Aid Commission of Western Australia is not the only informed body of the view that the current arrangements for legal aid funding are inadequately resourced. What is true of the Legal Aid Commission resourcing in Western Australia is, I suggest, true of the funding of legal aid throughout Australia. That is pertinent to the condemnation that I propose the Howard Government receive from this House.

Again I wish to refer briefly to a document appropriately called "Meeting tomorrow's needs on yesterday's budget". This document deals with, as it puts it, the undercapacity of legal aid in Australia. It is published and prepared by National Legal Aid. It is dated July 1996. I refer to page 2 in which the document reiterates matters which have been advanced before - namely, the view of the Law Council of Australia in 1994, a view which has been reiterated on a number of occasions since. The view of the Law Council of Australia in 1994 was that legal aid in Australia was very inadequately funded. Among other things, it found that the demand for legal aid had increased significantly; that the level of funding of legal aid had not increased with that demand but had remained constant in real terms; and that to restore funding to levels which would provide legal aid in 1994 to those who were eligible in the period 1987-88 required a real increase in funding of not less than \$50m. I do not want to comment on the position in 1987-88. However, I suggest that position was not as appropriate as the community wished.

It points out that there has been a further erosion in the types of law covered by legal aid and that, if we compare the performance of Australian Governments with Governments in other jurisdictions with which we like to associate ourselves - peoples with similar expectations and lifestyles - we fall very far short. I will refer to the country and the average per capita expenditure in Australian dollars. The House will then see where Australia rates and why it is important that we condemn the Howard Government for cutting something that is so inadequately resourced: England and Wales fund legal aid to the tune of \$65 per person; Scotland, \$58; the Netherlands, \$22; Canada, \$18; New Zealand, \$16; and Australia, \$13. We beat the United States of America - it provides \$3.

If the House sees fit to condemn the Howard Government, it will not be alone in the world. The Bar Association of Western Australia is not particularly enamoured of the approach of the Howard Government to this matter; nor is the Law Society of Western Australia. In her last report to the Law Society, published in the Law Society's magazine *Brief* in December 1995, the retiring President of the Law Society, Judy Eckert, said -

The second important issue has been Legal Aid . . . We leave 1996 with Legal Aid in disarray. The Joint State/Federal Review, now one year old, has not been finalised. I need say no more on the disgraceful performance of the Federal Government in cutting funding by over \$33m nationally - a tiny drop in the bucket in overall budgetary terms but a cut that may have a devastating effect on individual Australians.

Recently the *Australian Law Journal* published an interview between a judge of the Supreme Court and the Director General of Legal Aid. Again I make reference to this so members can be aware that they are not alone if they come to share my view and, I think, from what he has said so far, the view of Hon Peter Foss, that the Howard Government is deserving of condemnation.

My next comment leads into the second part of the motion. The director general makes reference to the funding the Legal Aid Commission receives from the State, which is separate from the funding it receives from the Commonwealth Government. He points out that the total contribution by the State Government is of the order of \$8m. I made reference to that earlier when I referred members to what is contained in the forward estimates which were published with the balance of the budget papers several months ago. The forward estimates indicate that over the next few years provision has been made for a slight increase. However, there is nothing in the forward estimates to give rise to the expectation that the State Government is considering any substantial increase in the resourcing of the Legal Aid Commission to permit it to properly carry out its functions.

The amount allocated to the Legal Aid Commission in the current state Budget and the forward estimates is relatively insignificant compared with what is provided to many other agencies which come under the purview of the Attorney General and the Ministry of Justice. What is potentially a very significant body is severely under-resourced. It is for that reason the motion contains a second leg which calls on the Government of Western Australia to ensure that the Legal Aid Commission is adequately funded. I believe it is not.

If it is not adequately funded the Government must ask whether its functions are worthwhile. If the answer is yes, it should adequately fund it. If it believes its functions are not worthwhile, it should either continue with the current level of funding or join with federal Attorney General Daryl Williams and cut it. It cannot have it both ways. From the recently published altercation between Hon Peter Foss and his Liberal Party colleague Hon Daryl Williams QC, MP, it appears Hon Peter Foss shares the view I am putting forward; that is, the Legal Aid Commission is inadequately funded.

In the motion I have referred to three areas of great significance in which the Legal Aid Commission is underfunded. The fact I refer to only three areas in the motion is not an acceptance on my part that other areas of the commission are being adequately resourced. The first area refers to the provision of separate representation for children where such assistance is essential in the pursuit of justice. There are probably more than three aspects to that.

The first that comes to mind is the now much publicised Re: K categories. To remind members of those categories I will refer to page 41 of the *Australian Lawyer*, which gives a reasonable summary of the decision relating to Re: K,

instead of going through the law reports, which I did in the Address-in-Reply debate last year. The document, in dealing with the decision in *Re: K*, said -

The Full Court of the Family Court identified cases in which the appointment of a separate representative will usually be appropriate -

Those cases include allegations of child abuse, whether physical, sexual or psychological; where there is an apparently intractable conflict between the parents; where the child is apparently alienated from one or both parents; where there are real issues of cultural or religious difference affecting the parties; and where the sexual preferences of either or both of the parents or some other person having significant contact with the child are likely to impinge on the child's welfare.

I am taking time to outline these areas to members because every one of these cases is a matter of great concern. It is a matter of sadness to me and it should be a matter of sadness to the community that these very fragile people - children to whom the State has a primary obligation - are not having their needs met.

The cases also include where the conduct of either or both the parents or some other person having significant contact with the child is alleged to be antisocial to the extent that it seriously impinges on the child's welfare; where there are issues of significant medical, psychiatric or psychological illness or personality disorder in relation to either party or a child or other person having significant contact with the child; any case in which, on the material filed by the parties, neither parent seems a suitable custodian; where a child of mature years is expressing strong views; where one of the parties proposes that the child be either permanently removed from the jurisdiction or permanently removed to such a place within the jurisdiction as to greatly restrict or, for all practical purposes, exclude the other party from the possibility of access to the child; where it is proposed to separate siblings; in custody cases, where none of the parties is legally represented; and in relation to applications in the court's welfare jurisdiction relating in particular to the medical treatment of children where the child's interests are not adequately represented by one of the parties.

The Legal Aid Commission has a system of priority categorisation. The first six cases I referred to fall into that category. It does not follow that every matter which falls into the first six of those categories will be funded. It follows from what I have said that those which do not fall into the first six cases will not be funded. I do not think that is right for a community which professes to be civilised. Often in care and protection applications, children need separate representation and clearly they need separate representation in criminal proceedings where they are defendants. If this does not occur we are failing as a community.

The second area of pinpointed need referred to in the motion is the provision of representation to anyone facing a criminal charge, where the interests of justice so require, and that person does not have the means to pay for it. In using those words I am not concerned to look after the interests of spivs or conmen. I am concerned to ensure that the State fulfils its primary obligation to the community of providing public safety. It cannot provide public safety if a person who has been charged with a serious offence is not tried in the circumstances in which it is appropriate that prosecution be brought having regard to the guidelines of the Director of Public Prosecutions. I do not want anybody to think that because somebody is charged it follows they should be tried; there may not be appropriate evidence. The Director of Public Prosecutions has published appropriate guidelines. If in accord with those guidelines a person is charged with a serious offence and he or she does not have the means to pay for representation, it is a most unsatisfactory state of affairs for that person not to be tried and to walk away. I make no reference to any particular case. I am dealing with it as a matter of principle. That is in the context of funding for the Legal Aid Commission.

I note the State Attorney General has flown a kite for another means of dealing with the matter. He has proposed a public defenders office. That may be an appropriate way of dealing with the situation, and that needs to be considered and reflected upon. It may be part and parcel of adequately dealing with this very pressing issue. Currently, a body is in operation which, if properly resourced, is able to do the job, at the very least, until an alternative is up and running. We have a system and we should be resourcing it and using it. It is no defence to the proposition that we adequately fund the Legal Aid Commission to say that it would be a better idea to send it to some other body. We can do that down the track; however, at the moment we are facing a crisis, not just in what is taking place with representation not being afforded people, but also with the potential for people not to be tried even though they are facing very serious charges and they may be within the appropriate guidelines of prosecution of the Director of Public Prosecutions.

Probably a more fundamental and pressing aspect of the issue is that a person should have a fair trial. If a person is charged with an offence, particularly a serious offence, he or she should be dealt with fairly, otherwise we are not running a system of justice, we are running a system of law. It is a primary responsibility of the State of Western Australia to provide for a system of justice. If people do not have the opportunity to be properly represented in

appropriate cases - I refer the House to the wording of the motion - the State of Western Australia is not running a proper system of justice. The most fundamental of the ministerial portfolios administered by members opposite and others in the other place is that administered by the Attorney General, perhaps followed by that administered by the Minister for Police. It will not matter if we have the best equipped schools, the best resourced hospitals and the best roads in the world, if we do not have proper administration of justice in Western Australia. This motion proposes a means to facilitate that. Down the track there may be other methods to deal with the problem; however, at the moment we have in place a body which, if properly resourced, is able to advance the matter. I am concerned that we do something about that in 1997. When the forward estimates are printed and published they must show different figures for the years to come, otherwise the State will not be fulfilling its obligations. My comments should not be interpreted as undermining the State's position vis a vis Hon Daryl Williams AM, QC, MP and his masters in Canberra, the Prime Minister and the Federal Treasurer. That is a separate matter. In that regard the Opposition supports the words of criticism by Hon Peter Foss of Hon Daryl Williams.

My concern in the motion about providing representation for people charged with serious offences is echoed by many. I make particular reference to the closing address of the Chief Justice at the close of the 1996 legal year. His Honour, Justice David Malcolm AC, states -

Legal Aid WA has already reduced funding in relation to proceedings in Magistrates' Courts. A number of prosecutions in the Supreme Court or District Court have been stayed because of lack of funding for the defence. There are currently 50 unrepresented persons with cases pending before the Court of Criminal Appeal.

His Honour then makes some observations about Dietrich and article 14(3)(d) of the International Covenant on Civil and Political Rights. I made reference to that covenant earlier in my remarks.

The last part of my motion deals with domestic violence. It is a desperate need that is acknowledged by the Government. I note the Restraining Orders Bill on the Notice Paper. The Legal Aid Commission is experiencing real difficulties with its domestic violence unit. The solicitor in charge has left or is leaving. The commission is having difficulty recruiting a replacement because of the 30 June constraint. In a media statement on 28 August 1995 the Attorney General referred to the setting up of the domestic violence unit of the Legal Aid Commission. It states -

It will also examine whether the Attorney General should be given statutory powers to direct the commission with regard to budget allocation priorities.

That should be examined as a matter of urgency. I urge the House to support the motion.

Debate adjourned, on motion by Hon Bob Thomas.

ADDRESS-IN-REPLY

Motion

Resumed from 18 March.

HON GRAHAM EDWARDS (North Metropolitan) [3.31 pm]: I find myself in a slightly embarrassing situation: Having made my final speech in the House, I now find myself speaking in another debate, but that is the way of the world and these matters are out of my control. As I said, having made my valedictory speech, I now find that I want to pin a number of issues onto the end of it.

I will start by congratulating the Government on its victory at the last election. We must come to terms with the fact that the coalition was re-elected and we have four more years in opposition, four more years in which constructively to deal with the legislation the Government will bring forward; to promote and present ourselves as an alternative to Government; and to think about our strategies and our policies and the people we are putting forward as alternative Ministers. We have a lot of soul searching to do. However, I do not want to take anything away from the Government's victory. I quite genuinely congratulate the Leader of the House and his Ministers on their reappointment, and I wish them all the best in the next four years. I also congratulate Hon Tom Stephens on his elevation to the position of Leader of the Opposition in the upper House. To a lot of people he comes across as a bit abrasive and a bit pushy sometimes. Mr President, you may have noticed it.

Hon N.F. Moore: I have not noticed that!

Hon GRAHAM EDWARDS: Although these things might be true, there is not a more genuine person in this House when it comes to work or a more passionate person when it comes to the things in which he believes and the way in which he promotes, pursues and prosecutes these issues about which he feels so strongly. I wish him all the very best. The fact that he has been elevated to the position of Leader of the Opposition in this place is recognition of the

incredible amount of work he has done and of his many qualities. I hope he is able to find a balance between all of those passions. If he does, he will go on to be an exceptionally good Leader of the Opposition and an even better leader of the Government in about four years' time.

I also extend my congratulations to three new members of the House - Hon Paul Sulc; Hon Alan Carstairs and Hon Ed Dermer. I have listened to each of their maiden speeches with interest and I am sure each of these members will go on to make a positive contribution to the House. Perhaps the taste of Parliament that Hon Paul Sulc and Hon Alan Carstairs acquire over the next nine weeks or so may well be the catalyst for them to seek positions within the party. Perhaps members might see them in this Parliament making a longer contribution. I am particularly pleased that Hon Ed Dermer was No 1 on the ticket in the North Metropolitan Region. He is a young bloke who has an incredible amount of energy and enthusiasm for the job. He will leave his mark on politics in this State, and certainly in this House and on the Labor Party.

I am particularly pleased he is in this House because he has employed Maurene Palmer who worked as my electorate officer for 14 years. One of the great difficulties for the people who work in our electorate offices is that when members leave, either by choice or by defeat in a poll, their staff do not have any ongoing employment. I was very pleased that Hon Ed Dermer realised that Maurene Palmer was a very good worker. She has an excellent reputation. I am very pleased that he has offered her ongoing employment. I am sure it is a decision for which he will be grateful in the future.

The first couple of issues I will deal with relate to military history. The first is to do with the HMAS *Sydney* Foundation Trust and the second relates to the end of war list that was promised by the federal coalition while in opposition. A commitment was made by Wilson Tuckey and the Government that an end of war list would be produced for veterans of Vietnam who were recommended for awards, but never received them. I will also bring to the attention of the House a very distressing situation concerning an elderly woman in my electorate who was a member of the Strata Titles Action Group, STAG, which was formed to fight the strata titles issues. This group of ladies came to see me one day at Parliament House and one of them fell over and injured herself. There are some ramifications from that. The final issue with which I will deal relates to a couple of sporting events.

I come back to the HMAS *Sydney* Foundation Trust. For the interest of members of the House, the HMAS *Sydney* was lost in 1941 with all hands and virtually without trace after a fierce battle with the German raider *Kormoran*. HMAS *Sydney* was, and remains, Australia's finest and most successful warship of all time. She represents the special willingness of Australians to stand up and be counted for what they believe in - no matter the cost. Devastatingly the loss took place at the beginning of Australia's greatest period of vulnerability. Many have said that the day on which HMAS *Sydney* was lost off the coast of Western Australia, was the day war came to Australia.

The HMAS *Sydney* Foundation Trust has been established with the simple and clear intention of locating the wreck of HMAS *Sydney* and commemorate those who were lost. When located the wreck site will be honoured as a grave at sea and afforded the protection of all relevant legislation. The trust will continue in its long term aim to achieve a wider and enduring remembrance of those who gave their lives. The trust considers this a matter of honour and aims to achieve a spiritual homecoming for those whose whereabouts have for so long remained a mystery. I remind the House that 645 young Australian sailors lost their lives on that day, 19 November 1941, when HMAS *Sydney* was sunk.

An endeavour of this nature and scale must be both methodical and thorough. Consequently, a clear path has been determined to establish a solid and credible organisation that progresses steadily through a series of logical stages. The first task has been the establishment of a board of significant trustees. They come from a wide range of backgrounds and comprise state and federal politicians, academics, lawyers, businessmen, technical experts, media consultants, and those with naval links. Within the trustees' skills lie every expertise needed to ensure that the aims of the trust are fulfilled. Those people have a long history of success in the challenges they have chosen.

Second, patrons of national profile and of the highest standing have been chosen to fly the flag for the trust and its aims. The trust takes great pleasure that award winning Australian actor Jack Thompson has agreed to be its figurehead. As an ex-serviceman with a long history of charitable support, and as someone who was greatly involved in the fiftieth year commemorative "Australia Remembers", he is regarded as a great asset. In addition to Jack Thompson I am pleased to have the Deputy Prime Minister, Tim Fischer, a Vietnam veteran, and Kim Beazley, the federal Leader of the Opposition, as the trust's co-patrons. Two vice-patrons were also chosen. One was the late Senator John Panizza, who had long lobbied for greater recognition of the loss of HMAS *Sydney*. I will have more to say shortly about John Panizza. The other vice-patron chosen was Karen Born, the widow of the late Wayne Born, the founder of the trust who passed away, suddenly and tragically, in 1995.

Having fully established the trust as a legal entity in December 1995 the board of trustees has instigated a series of subgroups. One by one these bodies will fulfil the individual tasks that will lead to the field work. The finance,

technical, archival research and public liaison groups will fulfil their individual aims and work in conjunction with the board of trustees. These activities all lead in one direction: The identification of the most likely search area for the two lost vessels and the financial and practical ability to thoroughly comb that area for the ships' remains.

Members should make no mistake: This is a task that requires the utmost skill and dedication. It will utilise the most advanced survey techniques available in the world today. It is a search of greater scale than that for the *Titanic*, being both larger in area and in deeper water. Tom Frame in his most recent book about HMAS *Sydney* said about the search for the *Sydney* that it was not as though we were looking for a needle in a haystack - we had not yet found the haystack.

Since the search for the *Titanic*, technology has improved significantly and this more arduous task is now attainable. It is intended that the work will be fulfilled by Australian technicians and firms and will ultimately represent the greatest achievement in deep sea shipwreck location.

Many maritime historians, maritime archaeologists and marine scientists around the world are aware of the significance of this task. The whereabouts of the remains of HMAS *Sydney* have been described as the greatest unsolved maritime mystery. The goal of the trust is to locate the vessel by 2000. There is an obvious association with the Sydney Olympic Games, but there is more than that. The millennium and the flourishing sense of Australian nationhood that is associated with the year 2000 gives this time frame a special significance. The trust has also asked Bob Carr to be one of the vice-patrons. He has agreed. I hope the Premier of Western Australia, Richard Court, will also agree to be a vice-patron and thereby strengthen that association between Western Australia and Sydney.

HMAS *Sydney* represented the best and finest aspects of Australia's spirit of honour and willingness. It would be profoundly fitting if those who were lost are honoured in a special way during the millennium year. The discovery of the last resting place of HMAS *Sydney* would provide the finest opportunity for this to take place.

Sitting suspended from 3.45 to 4.00 pm

Hon GRAHAM EDWARDS: In talking about the HMAS *Sydney* Foundation Trust, two of our trustees, Stephen Smith and Paul Filing, have moved in the Federal Parliament to establish a parliamentary select committee into the sinking of HMAS *Sydney*. A press release they put out earlier this month reads -

Western Australian Federal Members of Parliament Stephen Smith and Paul Filing will tomorrow, Monday 3 March, start the process of establishing a Federal Parliamentary Select Committee into the sinking of HMAS *Sydney* off the Western Australian coast on 19 November 1941 by the German ship *Kormoran*.

"645 Australian lives were lost when *Sydney* sank with no survivors and without trace," said Mr Smith and Mr Filing.

The main terms of reference proposed by Mr Smith and Mr Filing to the Parliament are:

- 1) That a select committee be appointed to inquire into and report on the circumstances of the sinking of HMAS *Sydney* off the Western Australian coast on 19 November 1941, with particular reference to:
 - a) the extent to which all available archival material has been fully investigated and whether any archival material has been misplaced or destroyed;
 - b) all relevant archival material from allied and former enemy forces;
 - c) any scientific procedures now available, such as DNA testing, to identify human remains found on Christmas Island and claimed by many to be from HMAS *Sydney*;
 - d) the extent to which the Commonwealth Government should participate in a search for HMAS *Sydney*; and
 - e) measures which should be taken to protect and honour as war graves at sea the final resting places of HMAS *Sydney* and KSN *Kormoran*.

I sincerely hope that the member for Perth, Stephen Smith, and the member for Moore, Paul Filing, get the support they require in the Federal Government to see this select committee established. Some people say, "Look, HMAS *Sydney* was sunk 50 years ago. Why worry about it?" Those men who died on HMAS *Sydney* in 1941 should have been comforted by the thought that this nation would care enough to look for and come after them and to spiritually bring them home. That is what all of these endeavours are about. I and many other members of the foundation and other people associated with HMAS *Sydney* have received incredible encouragement from all parts of Australia, particularly from people with a relative, such as a father, brother or uncle, on the ship. They have encouraged us to

do what we can to find HMAS *Sydney*. A few weeks ago Ed Punchard, the chairman of the trust, together with Ted Graham, the deputy chairman of the trust, spoke on the ABC program "Australia All Over". They had the opportunity to speak on this matter for 10 or 15 minutes. Because of the time difference, they had to get up about 4.15 am to go to the ABC studios for the program. Following that program we have had something like 50 letters from various parts of Australia expressing support for what the HMAS *Sydney* trust is all about. Despite the fact that it happened over 50 years ago, I hope that all members of Parliaments in Australia and the people of Australia generally will support it.

I noted that John Panizza was a vice-patron of the HMAS *Sydney* Foundation Trust. I had the opportunity to spend a bit of time with John on various occasions discussing this and other matters. I found him a thorough gentleman and a man in the real sense of the word. Looking at some of the things that have been said about him since his death indicates to me that the view I formed of this man is that of very many others. In an obituary on 4 February in *The Australian* it was written -

In the business of politics, where you make few friends and many enemies, senator John Panizza had many friends and few enemies.

In *The Australian* of 1 February under the heading "Tributes flow for tireless senator" and under the by-line Jamie Walker was written -

The nation's various political leaders set aside their differences yesterday to pay tribute to Liberal Senator John Panizza, who died in his sleep overnight. He was 65.

The tributes were led by the Prime Minister, Mr Howard, who described Senator Panizza as a tireless advocate for his home State of Western Australia and a great worker for the Liberal Party.

The Leader of the Opposition, Mr Beazley, said Senator Panizza had served with distinction on a wide range of Senate committees, and also as Opposition Whip in the Senate from 1995 and Government Whip with the election of the Coalition in March last year.

Finally, *The West Australian* on 1 February led with an article which read -

John Panizza, who died yesterday in Cairns, might have been short of panache, but hard work and honesty made him a highly respected Liberal senator.

I speak on behalf of the members of the HMAS *Sydney* Foundation Trust: We all felt very saddened at the passing of John Panizza. We feel that the HMAS *Sydney* lost a great ally. I am sure that many members of Parliament will share the view that I have expressed. I say those few words of respect for that person who was very well thought of.

One of the matters I flagged at the beginning of my speech relates to what is called an end of war list. At the conclusion of every war in which Australia has been involved, an end of war list has been produced. It is put forward to enable people to review all recommendations for awards that have been made but not necessarily awarded. That review process gives a person who has been recommended for an award, mainly for bravery, but has not received that award the opportunity of having a second bite of the cherry. Unfortunately, because there was no end of war list for the Vietnam War, many soldiers who were recommended for combat and bravery awards and did not receive those awards did not have the opportunity of a review.

I want to talk today about a bloke for whom I have a lot of time and admiration, Blue Burrige. Some members might know him. He is heavily involved in Legacy of Perth, is a military collector and historian of some note, and lives in Claremont. He was a member of the Fifth Battalion, Royal Australian Regiment and was involved in a very heavy engagement when his platoon was pinned down about 10 metres from a main bunker unit onto which it had stumbled in Long Tan province. The platoon did not know that the bunker system had within it many high ranking North Vietnamese and Vietcong brass who were attending a planning meeting and were heavily protected. The platoon was pinned down for about four or five hours, from 7.15 am to past midday, and it was for his acts of courage during this battle that Blue Burrige was recommended for a military medal.

Unfortunately, that award was never approved. Indeed, it was not until some years ago that it was discovered that Blue, along with many other blokes who had been in the Vietnam War, had been recommended for a bravery award. However, because there was a quota system for the awarding of medals in that war, many people who were recommended for bravery awards were passed over in favour of staff who were generally fairly high ranking people whom I would call blanket counters, or pogos, and people who never saw a shot fired in anger, but had put in their time and were considered to have done a good job, and I have no doubt that they had. An end of war list would have balanced the situation where people who had been recommended for awards were passed over in favour of people of high rank or from a particular corps which it was time to favour, but there was no such list.

When the Labor Party was in government, I heard about what had happened to Blue Burridge and others, and I wrote to Gary Punch, the then Minister for Defence Science and Personnel, encouraging him to instigate an end of war list. Unfortunately, he was either rolled by the bureaucracy or did not have the guts to do it - I do not know - and it never eventuated. Wilson Tuckey happened to find out about what was going on, and he did a lot of work in getting the coalition to instigate an end of war list for the Vietnam War. When Bronwyn Bishop became Minister for Defence Science and Personnel, she came on really strong and said, "Yes, we will do it", and on 5 September last year, she put out a very flowery press release saying, "We have completed the Vietnam end of war list and it will be progressed from there", but nothing has happened since. A number of Vietnam veterans believe that Bronwyn Bishop has also rolled over on this issue. That is unfortunate, because the coalition made a strong commitment before the election to do it, which I admit was more than I could get our mob to do, and it should do it. It makes me wonder whether people have been playing politics with this issue.

I do not like Wilson Tuckey, but he has never struck me as the sort of bloke who would play politics in this way. I hope that Wilson Tuckey or some other member of the Government will have the courage to confront Bronwyn Bishop on this issue and find out what has happened to this end of war list, because something is wrong with the system when someone who is of high rank and has been recommended for a Commander of the British Empire, a Member of the British Empire, an Order of the British Empire or a Companion of the Bath is awarded that medal but someone who has put his life on the line and has had the guts to act with initiative and concern for his fellow man in the heat of battle is not awarded the medal for which he has been recommended. I hope the coalition will revisit this matter, because it is not acceptable to make a promise like that and walk away from it.

I referred earlier to the Strata Titles Action Group, known as STAG. Members will remember that this group was formed to put some pressure on the Government to clear up the furore and confusion about the new Strata Titles Act, and it was successful. I invited that group to Parliament House for lunch, and one of the members of that group, a Mrs Sewell, who is getting on a bit in life, tripped over on the front step of the building. She felt a bit bruised and sore that day, but she was not sure that she had hurt herself and did not want to concern or embarrass anyone, so she just stuck it out during the day. She still felt a bit sore when she arrived home, and the next day she visited her doctor.

She subsequently made a personal injury claim. I refer to a letter that was written on behalf of solicitors Minter Ellison Northmore Hale, who are acting for the Parliament, to Mrs Sewell's lawyers, denying any liability. The letter is directed to Kay Goldstein, the lawyer acting for Mrs Sewell, and reads -

We refer to the abovenamed, and to your letter to our client of 10 February 1997.

We confirm that we act for the occupiers of Parliament House, and their insurer the State Government Insurance Commission.

We have investigated the circumstances concerning your client's fall and alleged injuries, and advise that liability is denied in respect of that claim.

In our opinion, one need only inspect the step in question to ascertain that it in no way constitutes danger, and is clearly visible to any person entering Parliament House. This simply a case of your client failing to keep any or any proper lookout for her own safety.

Further, as your client indicated she was not injured following the fall, and made her own way home, we find it difficult to accept that she could have suffered a 'fractured pelvis'.

Should your client seek to institute proceedings, we have instructions to accept service.

I object strongly to that letter. I do not mind the lawyers for the occupiers of Parliament Houses saying that any liability is declined but I strongly object to the way in which the letter has been written. I must emphasise the words -

In our opinion, one need only inspect the step in question to ascertain that it in no way constitutes danger, and is clearly visible to any person entering Parliament House. This simply a case of your client failing to keep any or any proper lookout for her own safety.

Those words are an affront. The letter displays a bullying, arrogant and presumptuous attitude. I checked with the security people at the front door of Parliament House to see whether they were aware of a problem, and I was told that people are always tripping over the step. They explained about one person who tripped on the step and gathered such momentum that he almost went straight through the next set of doors. I understand that since the accident, some tape has been placed on the step, which makes it more obvious. It is presumptuous and bullying to say to an old woman that she has failed to keep any or any proper lookout for her own safety. The person was my guest at Parliament House. She should not be the subject of this sort of response from the lawyers representing the occupiers of Parliament House simply because she has had an accident. I emphasise that the letter also states -

Further, as your client indicated she was not injured following the fall, and made her own way home, we find it difficult to accept that she could have suffered a 'fractured pelvis'.

Mrs Sewell consulted a Dr Peter Hernaman MB, BS, FRACGP at Edgewater. In part, his letter reads -

As a result of her fall she had significant pain around her right groin and pelvis particularly when she tried to bear weight on her right leg.

She was seen at Mr Holt's orthopaedic clinic the following day as she was still being treated with respect to her previous injury. X-rays demonstrated a fracture in the medial wall of the right acetabulum which had not been present prior to her fall on 18 September, 1996.

As a result of her fall at Parliament House, Mrs Sewell required admission to Wanneroo Hospital on 23 September, 1996 because she was having a lot of difficulty caring for herself at home. Further investigations subsequently demonstrated that she had also sustained an undisplaced fracture of her right superior pubic ramus. She was discharged home after about 10 days but remained in her bed for another week or two as she continued to have pain when standing with support from her daughter and Silver Chain.

She remained dependent upon her crutches until January, '97 but continues to carry one crutch for reassurance and occasional support when she is unsure of her safety such as in crowds, etc.

It is appalling that our lawyers take the attitude outlined in the letter I read earlier. It is appalling that they should think they can write to someone in this manner and get away with it. It is an appalling indictment on the way that Minter Ellison go about their business. Mrs Sewell speaks very highly of the way she was treated on the day the accident occurred. She was pleased with the follow-up she received from staff at Parliament House. She is a very community minded person. She is a very proud woman who likes to look after herself, and does not want to be a burden on anyone. I can imagine the embarrassment she felt when she fell. It must have been a traumatic experience for her, but she stayed at Parliament House; she did not run off or overreact. It is a sorrowful occasion when our lawyers take this attitude with such a genuine community minded person. In due course this lady will have an opportunity to present her position more fully. I find the whole matter most unfortunate.

I turn now to the sport and recreation arena.

Hon Tom Stephens: Every time you speak, whatever you have to say is of enormous value to the House. It provides us with an opportunity to learn a lot.

Hon Tom Helm interjected.

Hon GRAHAM EDWARDS: I have already said nice things about the Leader of the Opposition. He should not cause me to retract that. As I am an outgoing member, I no longer have a vote in Caucus!

Several members interjected.

Hon GRAHAM EDWARDS: Mr President, I have been diverted in an unparliamentary way. I will try to return to the topic and speak to you, as I have been doing for the past 40 minutes.

I was disturbed to read comments made in Parliament by Hon Norman Moore recently regarding a sporting matter. He was responding to Hon Doug Wenn's comments and saying that he had heard his view and had taken it on board. He said that he would be talking to Athletics West about what had happened and what was likely to come out of the situation with the Athletics Association of WA. He said that the bottom line was that when Governments decided to interfere we invariably got the result we now have. He said that he could name two sports in which the Labor Government had intervened and on which it had spent a great deal of money, especially soccer. He said that that approach did not solve the problem, it created more, and that he had inherited some structurally unsound arrangements.

The Leader of the House was talking about soccer and athletics. I was Minister for Sport and Recreation in the Labor Government and I like to think that we did a pretty good job with sport in this State. I take objection to the Leader of the House saying that we interfered in sport, particularly in those two sports. Our only interference was in response to requests from the sports themselves. When I became Minister soccer was in dreadful turmoil and I had just been presented with a report. As I said the other day, Hon John Williams said at that time that I should forget that report and not touch it. As I also said, it was good advice. Soccer eventually got its act together. It started pulling in one direction and showing initiative and promise for the future. It was at that stage that I, as Minister, and the Government authorised some funding to assist the sport of soccer.

The other sport to which the Leader of the House referred was athletics. During the 12 months Gordon Hill was Minister for Sport the athletics people in Western Australia said to him that athletics was in a terrible mess and that

it needed some guidance and assistance. He quite rightly said that he was happy to put together a body to examine the future of athletics. However, he told that group of people to make some recommendations to him. By the time it came back with its recommendations Gordon Hill was Minister for something else and I was Minister for Sport again.

Gordon Hill established a committee comprising people such as John Baguley, Mike Kerry, Brian Lee, Brian Newton, Wally Foreman, Glen Stewart, Greg Byrne, Helen Parker and John Furhmann. I do not think there is a political person among them. They were all generally involved and interested in athletics. They provided the Government with a number of recommendations.

They said that athletics in Western Australia needed a restructure for the organisational framework for athletics; development and agreements on a common vision for athletics in the State; preparation of a plan to achieve the vision; stronger liaison between component parts with broad objectives being pursued by all; rational and effective decision making in terms of clearly identified objectives and priorities; introduction of strong financial management and planning; better utilisation of resources and avoidance of duplication; a coherent approach to sponsorship and government funding; increased sponsorship and marketing to attract more participants, whether athletes, coaches, officials or administrators; further development in terms of coaching, promotion in schools and servicing outer metropolitan areas and country regions; a more refined and professional presentation of elite athletic meetings; and interclub meetings at Perry Lakes and the likes. They said they believed that a new, independent structure should be formed to run athletics in Western Australia which should be known as the Western Australian Athletics Federation. That umbrella body received strong support.

The report said that a strong element throughout the 50 submissions indicated support for a coordinating umbrella body, and it was considered that establishing an umbrella body was the proposal most likely to achieve the desired result. My involvement, which the Minister called interference, was agreement with those recommendations. The Minister said that that body, which is now called AthleticsWest, has not succeeded but it must be given the chance. He said that the sport needed an umbrella body.

That is exactly what we put in place. The Minister cannot have it two ways. It seems to me that he made his comments in response to some things Hon Doug Wenn said about the sport. I have never agreed with Hon Doug Wenn about the way athletics should be run in this State. Hon Doug Wenn did not agree with what I did at the time; nonetheless I did what I believed to be the best thing in response to what was recommended by people with a direct involvement and interest in the sport.

From memory we received very strong support from Chilla Porter, who has recently been appointed to a board or two by this Minister. Before the Minister makes trite comments he should gain an understanding of the history of these matters. If he does not understand the history, he is unlikely to make the right decisions. My decisions regarding these sporting issues were not made with any political motive, but with the best interests of the future of the sport in mind.

I have the strong view that athletics is the basis of every other sport because it involves running, jumping, hurdling, etc. It is unfortunate that it has been marked over the years by division, fragmentation and conflicting personalities. Structure does not necessarily eradicate those ills, but it certainly helps to avoid them. Good structure helps sport develop despite the adverse aspects that are part and parcel of many organisations. I ask the Minister to think again about his comments.

Amendment to Motion

Hon GRAHAM EDWARDS: I move -

To add the following words to the motion -

but regrets to inform Your Excellency that the Court Government -

- (a) failed to adhere to the conventions for government during the election period commencing 14 November 1996;
- (b) has failed to honour its pre-election pledges in regard to electoral reform;
- (c) is moving to introduce a gold royalty, thereby breaking its pre-election commitments;
- (d) has failed to address the needs of regional areas and refuses to reinstate the uniform tariff policy for Western Power in country areas;
- (e) maintains a strategy on industrial relations that continues to attack the interests of Western Australian workers;

- (f) ignores the needs of our unemployed, local workers and industry by having work go overseas or interstate that was previously performed in this State;
- (g) continues a policy of "contracting-out" government services that has reduced the level and quality of those services provided to the public, particularly in the area of public transport; and
- (h) continues to withdraw funding for vital government programs.

HON TOM HELM (Mining and Pastoral) [4.40 pm]: I have great pleasure in seconding the amendment moved by my colleague Hon Graham Edwards. As I am speaking to the amendment, I regret that I am not able to join my colleagues in congratulating those people who were successful in the last election, nor you on your return, Mr President, to this place until 22 May, nor the Governor on making his speech. It is a perfect opportunity to concur with those parts of the Governor's speech with which we agree, and to use this opportunity to point out some of the areas about which the Opposition is concerned and which were not addressed, or not addressed adequately, in the speech the Governor made to the Parliament. The amendment moved by Hon Graham Edwards asks members to take note of the fact, with regard to the press release about the activities of the former Minister, Hon Richard Lewis, that the conventions of this State have not been followed. On the question of electoral reform, it seems these matters will not be addressed as promised. The gold royalty is of great concern to me because as a representative of the Mining and Pastoral Region I am well aware of the publicity circulating throughout my electorate before the election indicating that a gold royalty was not on the agenda. People were told not to worry about the possibility of a gold royalty. The Premier did not say people should feel warm and comfortable about it but, by the same token, the Government's press strategy suggested that people who voted for a coalition Government should not have a care in the world about a gold royalty. Some inkling of the truth was given when Colin Barnett indicated that he favoured a gold royalty. Of course, that was hushed up and other members of the Government, including Deputy Premier Hendy Cowan, have backtracked so fast that they cannot be seen for dust. Of course, we do not see much of the Deputy Premier anyway.

Hon Bob Thomas: It was a breach of faith.

Hon TOM HELM: It certainly was. Those statements during the election campaign which were far from the truth would have cost the Labor Party votes in some of those areas. The failure to address the needs of regional areas and the refusal to reinstate the uniform tariff policy for Western Power in country areas is a major concern in the Mining and Pastoral Region. Some of my colleagues will have more to say about that. It is a loss to people in the bush and it will reduce their ability to stay in remote areas. The subsidised tariffs in place have been removed, and the user-pays concept and the laissez faire attitude adopted by this Government have hurt many people in regional areas. I am most concerned that the Court Government maintains a strategy on industrial relations that continues to attack the interests of Western Australian workers. I will deal further with that issue.

I am most concerned about the Government ignoring the needs of unemployed, local workers and industry by allowing work previously performed in this State to be carried out overseas or interstate. I have asked a question on notice which was given to me by an organiser of the Australian Manufacturing Workers Union. It refers to printing work which had been carried out in this State and which it is now suspected is being done in Hong Kong. The Opposition has major concerns about other work which is now being done not only interstate, which in some ways is forgivable, but also in South East Asia. That does not give anyone in Australia confidence that the best use is being made of taxpayers' funds. I am most concerned that the Government continues a policy of contracting out government services, which has reduced the level and quality of services provided to the public, particularly in the area of public transport. I am sure other members will speak on that at great length.

I return to the concerns shared with the Australian Manufacturing Workers Union, and a press statement released yesterday by the State Secretary of that union, John Sharp-Collett, following receipt of a report "1997 update on skill requirements of major WA resource development projects". The press release encapsulates many of the concerns on this side of the House, and I would like to know whether coalition members share those concerns. It states -

AMWU SLAMS WORLEY REPORT

JOBS AND OPPORTUNITIES LOST

The State Secretary of the AMWU John Sharp-Collett, expressed grave concern over the employment and training opportunities which will be lost to Western Australians if the recommendations of the March 1997 Worley report is adopted.

John Sharp-Collett slammed the State Government and W.A. industry for failing to develop an effective and sophisticated industry development policy which ensures a highly skilled, mobile Western Australian

workforce capable of substantially meeting the predicted labour requirements of the State's industry into the future.

Recommendations for the use of temporary skilled labour from overseas to meet the predicted skills shortages in the report are a national disgrace and a slap in the face of unemployed Western Australians.

Sharp-Collett condemned the lack of foresight which condemns W.A.'s young, unemployed to the dole while advocating further deregulation of the workforce through the importation of temporary labour.

The Worley report is economic fundamentalism gone mad - allowing the market for labour to be expanded internationally while talented West Australians languish on the dole is an unacceptable situation for the AMWU.

John Sharp-Collett on behalf of the AMWU called for an immediate jobs summit comprising Unions, Government and Business to examine the most effective means of maximising W.A. workers employment opportunities as a result of the predicted resources boom.

John Sharp-Collett said that the massive profits and wealth being generated by W.A.'s natural resources should benefit all West Australians not simply massive multinational companies and their share holders.

Industry development, employment security and high skill high wage jobs must be a priority issue for a jobs summit.

If government and industry ignore our offer for participation in a jobs summit the AMWU will have no alternative but to ask the W.A.T.L.C. to convene meetings of unions to commence a campaign in support of employment creation in W.A.

Last year in this House I mentioned the importation of six Filipino welders. We were told at the time that a fabrication company in Perth required these welders because they had special skills that were not available in Western Australia. I argued strongly at the time, and I have since been able to prove, that welders with the skills required were available in Western Australia.

Hon B.K. Donaldson: They advertised for them for six months in the Eastern States.

Hon TOM HELM: Advertisements were run for six months in the Eastern States and in Western Australia - the search was quite extensive - and the company complied with all the immigration authority's requirements.

Hon B.K. Donaldson interjected.

Hon TOM HELM: The member would be aware that the job skill required was the ability to sign an individual employment contract. Does the member know that?

Hon B.K. Donaldson: You keep talking.

Hon TOM HELM: The member had better stop talking, because the more he says the more he demonstrates how little he knows.

The PRESIDENT: The request that the member stop talking applies to Hon Tom Helm also if he is talking to someone else and not to me.

Hon TOM HELM: I am sorry, Mr President, it will not happen again. I should not rise to the bait offered by people who know little or nothing about the subject I am addressing. If the member closes his mouth and opens his ears, I will provide more detail and, if I am wrong, he can correct me later.

There were people in Western Australia and the Eastern States who met the requirements of that job. We have the most specialised welders in the world and some of them were available at the time. The bottom line was that the Filipino welders brought into Western Australia still needed to be trained in certain aspects of the job - there are differences in every job. The Western Australian welders did not apply for the jobs because no welder worth his salt, particularly one with the skills required, would take on the job by signing an individual contract with the terms offered by the fabrication company. That is the problem and the issue that my union is trying to address at present. Of course, it is easy to say that we can get jobs for Western Australians. It was probably easy for the Egyptians to say that everyone would be employed building the pyramids; in fact, they probably had to import labour because no-one was paid.

There is a certain amount of truth in the suggestion that no-one applied for the job, but that was because the wages and conditions were below the award rates. My union has a proud record of supporting the award and its safety net

provisions. We are now going back to the bad old days and it has been suggested in the report that perhaps we should institutionalise that situation by bringing more workers from overseas.

Before I mention the section of the report that I and my union find most obnoxious, I mention that I am making some inquiries and will put a question on notice to the Minister for Resources Development requesting details about Worley Ltd. The only company that fits the description is one that would tender for all aspects of any research project that takes place in this State. I see that it has been commissioned by the Western Australian Government, through the Department of Employment and Training, and I do not know whether it has some business with the Department of Commerce and Trade. However, this report appears to have been written by a group that has extensive interests in resource project developments in this State. How unbiased would a report like that be? How important is it for this company, which can tender for Western Australian Government contracts and projects on the North West Shelf and so on, to say the right thing? How important is it that it successfully tender, not only in price but also in corporate philosophy? Before we start looking at how this company can provide advice and information to industry as a whole, and to the Department of Employment and Training, which will obviously take a leading role in providing the skilled work force that this State needs now and will need even more so in 1998 as these projects commence, we should know about its philosophy. It is a worry that this work is being undertaken by this group. The many organisations and individuals whose integrity is unquestioned should be able to present a report giving the State an indication of what it needs to do to meet future demand.

It seems strange that the Government has commissioned a report such as this when its commitment to apprentice training has been so severely reduced that we have a major problem in this State getting people with the right skills and trade qualifications that will be needed in the future. The report suggests that industry needs to be able to advise Government as early as possible of its requirements, and we have debated that in this Chamber.

That matter came up during an excellent briefing this morning by Kingstream Resources and An Feng (Australia), which are undertaking a project based in Geraldton at the Oakajee industrial development. During that briefing, which was detailed and informative, it was made clear that the enterprise was limited in the information that it could provide because it involved very confidential commercial material that it would not be wise to have in the public arena. We asked questions about local content, local job opportunities and so on. Contract tender documents can indicate details about local content, the tradesmen required, the machinery to be used and where it is to be sourced, and that information would give any competitor an advantage. However, the proponents advised that if we wanted we could have some confidential information. Members opposite sometimes bleat that we should be able to get that information from enterprises and project developers. That falls on fallow ground, and they should know that better than members on this side because of their business links. It is dangerous to provide some of this information to competitors. It is no good saying that if we had fair warning we could do something about the situation. We did know that projects were about to go ahead in the north west and we did give fair warning that unless the Government maintained the apprentice and adult training programs we would be in a mess.

[Questions without notice taken.]

Hon TOM HELM: Although the Worley report indicates on the front page that it was commissioned by the Western Australian Department of Training, it appears to be a continuation of a report commissioned in 1995 by the Department of Resources Development. It is difficult to say whether this report pertains to the Department of Training -

Hon N.F. Moore: It was a joint departmental report which I understand has been upgraded.

Hon TOM HELM: I take it that the information in it relates to the Department of Resources Development as well.

Hon N.F. Moore: The original report was for the two departments in conjunction.

Hon TOM HELM: I suspected that was the case, but it was difficult to determine that from the front cover of the document. It states that the skill needs for the State will not peak in the same way as was first thought in 1995-96, but will peak at a lower level and will remain at a higher level for quite some time. That leads us to conclude that because of this Government's actions since its election in 1993, additional resources will be required and additional work will need to be done by the Department of Training to fill the gap that this State has had to suffer with the closure of the Midland Workshops and the contracting out of work by the Building Management Authority, two of the major sources of apprentice training in this State. I suggest the Department of Training will have an additional responsibility which will need to be put in place quite quickly because of the requirements that are highlighted in the report.

The report contains some detailed explanation of the requirements that will be needed in 1998, in particular. It says that there will be a peak demand for 450 boilermakers in 1998, with an average additional demand of 330 up to the year 2000. It also gives examples of areas in which there should be no problems; that is, the less skilled areas. It says

that we will need carpenters; that there is a priority need for mechanical fitters; that pipe fitters are in high demand, with a requirement for an additional 360 between 1998 and 2000; and that the demand for instrument and electronic fitters will be up to 490 by 1999, increasing to 620 in the year 2000. There is also a requirement for painters, plant operators, etc. There will be a high demand for all of those tradespeople.

While I am covering the Worley report in some detail, I should have recorded in *Hansard* that my information about the Worley group -

Hon J.A. Scott: Is this the one that was down at Port Kennedy?

Hon TOM HELM: I do not know where this group is at the moment or whether it is the one mentioned in the report. No-one knows much about this company, but I will be asking questions during this session. This group has many subsidiaries covering the areas of engineering, project management, offshore structural mechanics, control and instrument upgrading and naval architecture. It is also involved in onshore processing plants, hazard and risk evaluation and jetties and loading terminals. I suggest it already has extensive interests in this State. This brings into question the validity of this kind of report and how much can be put into it or lifted from it, given that this group might have some interest in seeing that a report reflects the Government's philosophy and attitude to a competitor in these industries.

Hon N.F. Moore: That is an awful thing to say. People were engaged to prepare a report.

Hon TOM HELM: I prefaced this by saying that this might not be the same company as mentioned in the report. If it is, an opportunity should be provided for this Government to refute the allegations.

Hon N.F. Moore: Why don't you ask a question, instead of making allegations?

Hon TOM HELM: I have said that I will ask questions during the session. The report was released only yesterday.

Hon N.F. Moore: It is an update of the previous report.

Hon TOM HELM: That is fine, but the previous report may not contain this information, although it may do. If it does, I was remiss in not bringing it to the attention of the Chamber at that time. Until the state secretary of my union put out a press release, I was not aware of what this report had to say, let alone previous reports. It raises some pretty wide ranging concerns. I am not raising these issues just to hear the sound of my own voice, but to bring them to the attention of the Minister. I will be honest: I have not always given the Minister with the responsibility for training a hard time. When praise has been due, I have given it. I am not necessarily knocking him now. In fact, I am sympathising with the Minister because that person will have an even harder job to redress some of the damage occasioned as a result of the scorched earth policy which was in place during the first term of this Government, when it got rid of some of the government apprentice and training programs.

It is a fact that the Midland Workshops and the BMA provided a huge source of apprentice training. That has been recognised, and now that training has gone. I am sure the slack has not been taken up by industry and private enterprise. If it has, let us find out about it. I do not know that information because it is difficult to obtain it. If we ask the Minister a simple question about whether the perceived reduction in apprenticeship and training opportunities means the reduction has been taken up by private enterprise, we will be told that it is very wide ranging matter and therefore difficult to answer. However, I am sure that this contribution will give the Government an opportunity to refute the things I say. I do not mind that. The Worley Ltd report states -

The Western Australian Department of Training has indicated that training provision has been progressively increased within the automotive, building, construction, metals, engineering, mining and utilities trade areas. Para-professional training places have also been increased in areas such as drafting, design and engineering. According to the Department of Training, since 1994 there has been almost a 60% increase in its investment in training across these areas.

The taxpayer is taking up the slack in the way the Midland Workshops or the Building Management Authority did. If the State is still short of trained workers, they are the sorts of areas in which training must be increased to match the needs next year and into the year 2000.

Hon N.F. Moore: Are you saying that industry has no responsibility for training its own personnel?

Hon TOM HELM: I am saying that industry is less than responsible in the matter. Industry per se does not have a good record in providing apprenticeships or traineeships.

Hon B.K. Donaldson: What about the Westrek Foundation?

Hon TOM HELM: I said "industry per se". Some companies, such as BHP and even CRA Exploration Pty Ltd - as much as I hate it - conduct training that is not confined to non-Aboriginal people. However, a lot of industry takes advantage of the investment in training by the other companies. Since 1993, when the mob opposite was first elected, there has been a reduction in apprenticeship and traineeship opportunities.

Hon N.F. Moore: That is not correct.

Hon TOM HELM: The Minister can refute that. That is no problem; it will be in *Hansard*.

Hon N.F. Moore: It is not correct.

Hon TOM HELM: The Minister says that is not true. However, this report the Government commissioned suggests that the Government has not done enough. If it has not decreased the opportunities and if industry has met the challenge, that has not been enough. If the Government commissions a report that means the State will import workers to take the place of tradesmen who are already in Western Australia, I am sure that my union and other unions in this State will be perfectly entitled to take whatever action is necessary to ensure that that is stopped. We cannot accept unemployment to the extent that the kids of the unemployed cannot get jobs because the State is importing workers. People accept the importation of labour from the Eastern States. However, there is a problem when the Government talks about importing people from other countries when this State's unemployment rate is so high.

Hon N.F. Moore: Do you recognise that the skill shortages and the skills of those who are unemployed often do not match? That is the problem.

Hon TOM HELM: Exactly; that is the point. One of the reasons I have praised the Minister in the past is that from all accounts he has met the challenge to the best of his ability. His mob created the problem, of course.

Hon N.F. Moore: Not at all. By encouraging investment and growth in the economy and demand for particular skills? That is what we did.

Hon TOM HELM: That is not all the Government did.

Hon N.F. Moore: That is what we do. We are putting more money into traineeships and apprenticeships in the areas in which they are needed.

Hon TOM HELM: I agree with that. However, the Government helped to create the problem.

Hon N.F. Moore: Not at all. You misunderstand.

Hon TOM HELM: The Government has taken some marvellous steps to try to address the problem. However, this report, which was commissioned by the Government and which is paid for by taxpayers' money, tells the Government that it has not done enough.

Hon N.F. Moore: It takes a long time to train people, as you well know.

Hon TOM HELM: The Government has been in office since 1993.

Hon N.F. Moore: There has been a significant increase in traineeships, which are shorter term than apprenticeships, to try to meet the needs quickly. You must know that when there is a skill shortage, it cannot be filled in five minutes.

Hon TOM HELM: Is it five minutes from 1993?

Hon N.F. Moore: It takes four or five years to train an apprentice.

Hon TOM HELM: I am not talking about apprenticeships. Besides, it does not have to take four or five years. The Minister knows that. He was one of those who helped to modernise the training system for apprentices.

Hon N.F. Moore: That takes time.

Hon TOM HELM: I know that, but it does not take six years. That is not the point anyway. The point is that we must do more to avoid importing labour to cover shortages that can be taken care of within the State.

Hon N.F. Moore: I don't think that will happen.

Hon TOM HELM: I am glad, because I would be the last person to advocate any industrial action to try to enforce that the Government does not do that.

Hon N.F. Moore: Industrial action doesn't sort out those problems.

Hon TOM HELM: No - doing nothing does not sort them out.

Hon B.M. Scott: If the State does not have the workers, industrial action will not help.

Hon TOM HELM: I am saying that the State has the workers. When the Filipino people were employed, we eventually found out that their employment had nothing to do with their skills, but that they worked for less than Australian workers.

Hon B.M. Scott: In the child care industry there is a lack of trained workers. Workers had to be brought in from England to remedy that situation.

Hon TOM HELM: They should not have been brought in from England. The Government stands condemned if that is the case. Children do not just appear. The Government cannot say that it found a mine in the north and that it will develop it and in the same breath say that all of a sudden there are children. The Government has four years' warning that child care workers will be needed.

Hon B.M. Scott interjected.

Hon TOM HELM: It is known where children come from and when they will need carers: It is not necessarily known when the economic circumstances are right to develop a mine.

Hon B.M. Scott: You cannot tell me that you know when parents are going to look for child care.

Hon TOM HELM: Why not?

Hon B.M. Scott: The trends are very recent. It is not like when parents are expected to put their children into school and it is known that they will go to school.

Hon TOM HELM: The situation is not recent: It did not happen yesterday.

Hon B.M. Scott: No. Every parent is expected to put a child into school, but that is not the case with child care.

Hon TOM HELM: The Government was reluctant to look at the child care industry anyway and at children going to school earlier. I am not an expert in that field. It does not worry me too much. However, if job opportunities exist and Western Australians are not taking advantage of them or are being precluded from them because people are being brought in from overseas, that is a worry.

Hon B.M. Scott: In the child care industry they are not being precluded; they do not exist.

Hon TOM HELM: They should. In some situations migration will occur because workers will be attracted to the State if the rate of pay here is higher than in their home State or country. It is arguable how that higher pay comes about and how it relates to the award provisions in this State. This document contains some sense of responsibility because it refers to international migration and suggests the following -

Immigration could be supplemented by a state advisory panel, to assist in the evaluation of applications to ensure compatibility with immigration requirements, to advise on the qualifications and suitability of the applicant, to be knowledgeable of local content, and to accelerate the processing period. Specific information, eg. Australian codes and practices, would also streamline the recruitment of technical trades groups from overseas. The State Government should have an impact on this procedure to minimise social issues and to ensure projects are not adversely affected.

That could mean many things to many people. Being kind, I would say that the Government has taken notice of the report and it has noted the suggestion that it employ overseas workers to fill those gaps. The report states that although that might be desirable, an advisory group must ensure that the immigration requirements are fulfilled, and there is a need to determine that no Western Australians could fill the job. If that advisory panel contains someone from the Australian Manufacturing Workers Union, it would be an acceptable procedure. However, I doubt that that will be the case so one must worry about the composition of the panel.

The suggestion was made by the Australian Manufacturing Workers Union state secretary that a coming together of the industry, government and union movement was necessary to consider the report's suggestions about what will happen from 1998 until 2000. Formal discussions are needed to look at the problems so each of those bodies can put a point of view. I express the view which is strongly supported by the AMWU, although some work must be carried out around the margin of the proposal.

At the Kingstream briefing this morning regarding the development at Geraldton - a case in point - company representatives stated that the employment component of its cost was minimal compared with the price of gas and the capital expenditure in the machinery. They said they were happy with the industrial relations regimes in place

at the moment and some of the responses they had received from the union movement regarding the project work force.

For such an approach to apply, one needs to understand that the development should proceed for the good of the State. Once the environmental and native title problems are overcome, projects should go ahead in the State's interest and should be supported. The union movement has taken, and will continue to take, an active part in that development. However, union people cannot be expected to make that contribution when they are kicked in the guts by being told that people, their children, and their brothers and sisters will be replaced by people from overseas.

I am accused that I am a little racist in expressing that view - I hope I am not, but that is for others to judge. My comments relate to anyone from overseas. The important point is that the development should proceed for the good of everybody in the State. If we have full employment, I have no problem with comrades from overseas being brought in to fill those positions. However, I have a problem at this time when I know the facilities can be built by workers here. Hon Barbara Scott would not have made her comments without them containing an element of truth, so those differing truths should come together at one place to resolve the matter in the proper way.

This report is quite a frightening proposition. Part of its conclusion mentions dual-ticketed instrument-electrical tradesmen, known as Inlecs, and states -

... being in short supply for a considerable time, and there are very few apprenticeships in this specialised field. Training priority needs to be given to increase apprenticeships and cross-skilling training available to individuals and industry in general. Regardless of the high increase in construction during 1996-2000, the need for more multi-skilled Inlecs is an ongoing need in industry which will continue while the trends towards integrated instruments-electrical control systems is as strong as it is at present.

That is an example of the initiatives for which I have praised the responsible Minister and the Department of Training. Also, it is a pat on the back for the union movement because that concept would not have been achieved 10 years ago - during the time of a Labor Government - without the support of the union movement. It would not have been possible to have an instrument fitter and a gradable electrician in the one position. That need for integrated skills provision was recognised some time ago, and it took the cooperation of the industry, government and the union movement to bring it to fruition.

To some extent, in the meantime, it has got away from those bodies. It was suggested during the debate which led to the blurred demarcation lines that people wanted to improve their skills even if it meant they did not necessarily improve their wage packet. That was true to the power of 100; that is, it was more true than the people who argued that way predicted. More people were trained in different disciplines and offered those skills to industry because they were required. We now have an example of everyone not being up to speed with a requirement in a particular field in 1998-2000.

One of the last conclusions of the report refers to safety awareness in training of job skills. Kingstream this morning advised that as a result of the technology to be used in the integrated steel mill proposed for the outskirts of Geraldton, it would not mess around with safety problems: It will look at drug and alcohol-free worksites which are world class in safety procedure, and will be to industry standard and use world-best practice. That is to be admired and encouraged.

However, it creates an increasingly prevalent problem. As I visit industries as I travel around the Pilbara and the Kimberley, it is clear that a campaign may need to be launched which has been dead for about 100 years; that is, the campaign which brought about the eight hour day. At the time of the campaign it was suggested that people were working too hard for too long, and that social fabric and family interaction were being destroyed. The stonemasons led that charge in Adelaide and Melbourne. The eight hour day in the mining industry is unusual. The 44 hour week is the minimum because we are moving to annualised pay and people are signing contracts referring to an average 10 hour day or 12 hour shift. The rational economic argument is that those people are highly skilled, and it costs money for them to be trained and they are an asset which needs to be used by the mining industry as often as possible.

The only problem is that the social fabric at Pannawonica, Tom Price, Paraburdoo and, to some extent, Newman is severely affected by these long working hours. The eight hour philosophy - that one needs eight hours of work, eight hours of sleep and eight hours of recreation - was strongly supported by the people of Australia in the campaign to which I referred led by the stonemasons and supported by the multi-denomination churches in Australia. That campaign is not long away from returning in Australia.

The arguments supporting long working hours are fine as we need our skilled tradespersons, trades assistants and labourers working for as long as we can. They need to work the hours to earn the wages because of the high cost of living. However, it costs society to repair the damage of the dysfunctional family caused by one of the parents - not

necessarily the male these days - always being away at work. Football and darts clubs in more remote towns are no longer able to function on an ongoing basis.

Sitting suspended from 6.00 to 7.30 pm

Hon TOM HELM: I was advising the House about the report we have before us and some of the really important matters it has to tell us; how we need to react with the assets of this State and how best they can be used.

I will wind up by talking about some of the other things that concern me and my union. One is the amount of Australian goods content these projects have. The opportunities for workers is one aspect. The amount of use of the manufacturing industry that our State and the country can provide for projects is of some concern to all of us, and should be. The Howard Government talks about expanding the manufacturing base of the country. We must all be concerned to ensure we get the best from our assets and our manufacturing that our nation can provide.

The House should be aware that the Laminaria project in the Timor Sea is concerned with an oil and gas exploration block and is worth about \$1b. The project is owned 50 per cent by Woodside, 25 per cent by Shell and 25 per cent by BHP Petroleum. The cost of the project is \$910m. The Australian manufactured content of that project and offshore facilities is \$210m, which represents 22 per cent for a wholly owned Australian project in Australian waters. That is just one example of the sorts of things we have been concerned about for some time.

Australia is recognised as having technical knowledge and skills that are the best in the world. We have had some of the best inventions exploited offshore. Some of the best brains in the world are recognised as being in our State, yet we are not able to take the manufacturing sector and put it into use for Australian assets and mineral resources. This seems to be the culmination of a number of things such as exploring for minerals and leaving a hole in the ground; the mentality of living off the sheep's back and exporting with no downstream processing. That is why we should be supporting the Kingstream project.

Hon B.K. Donaldson: Oakajee?

Hon TOM HELM: Yes, together with the downstream processing in the Pilbara. They do not mean as much as they should, if they have not got a big enough Australian content and we are not even using, training, educating and exploiting the talents that Australians can display in all resource development projects.

With those few words, I am proud to second and support the amendment and hope that the House will do likewise and respond to my speech in support of the sections of the amendment which are my real concern.

HON N.D. GRIFFITHS (East Metropolitan) [7.36 pm]: I note the question to which you have referred, Mr President. I am pleased to follow the seconder of the motion, Hon Tom Helm, because the words of the motion have great meaning for the people of Western Australia. I note they are words of regret because it is important that His Excellency be informed that the Court Government has failed in many of the matters set out in the words of the amendment.

Hon B.K. Donaldson: Have a look at the election results.

Hon N.D. GRIFFITHS: I look forward to Hon Bruce Donaldson's contribution to this debate shortly. I am sure we will hear him in due course. I trust that his words will have some significance, unlike the words he used in the interjection.

The words of the amendment quite properly refer to a number of failures on the part of the Court Government. I regret very much that such an amendment had to be moved. Frankly, at the end of the day I do not really care who is in government; I am concerned about good government and outcomes. These words point out where in a number of areas the Court Government - as the words of the amendment refer to the Government of Western Australia - is failing to deliver the goods and has failed to achieve those reasonable outcomes that the people of Western Australia deserve.

The member referred to the election result. That is history, and a fact of history I regret I cannot alter. However, it may be fairly said in respect of that election result many people in Western Australia were led to believe that something was about to occur that did not. That may be said in respect of a number of areas. This amendment seeks to address some of those areas. It is not a complete list of the failures of the Court Government. If I were to talk about all the failings of the Court Government that should be brought to the attention of His Excellency, I would need more than the modest one hour for which standing orders permit me to speak, provided I speak on the motion, as, Mr President, I am doing. I will refer in passing to some of the subject headings.

The first concern is that the Court Government failed to adhere to the conventions for government during the election period commencing 14 November 1996. I hope those words are wrong and there was no failure on the part of the Court Government, because that would be a serious matter, and I will come to that shortly.

Paragraph (b) refers to the Court Government's failure to honour its pre-election pledges - I almost said preselection, but Hon Ross Lightfoot is not here to interject on me - in regard to electoral reform. It may be said that it is early days, but signals have appeared. The relevant Minister in the other place has made public comments which lead most people to believe that there has been a degree of backtracking, no doubt because of an interesting alliance with another political party - the National Party.

Paragraph (c) refers to a clear breach of a pre-election commitment in moving to introduce a gold royalty.

Hon N.F. Moore: What has happened?

Hon N.D. GRIFFITHS: I am well aware of what has happened, as is the Leader of the House. The Leader of the House is aware of what was said prior to the election and what his close colleague the Deputy Premier said subsequently. I will not deal with that issue specifically.

Hon N.F. Moore: You have a remarkable lack of knowledge about the issue.

Hon N.D. GRIFFITHS: The Minister for Mines is engaged in an exploration exercise. If he was searching for oil, he would probably find a dry well, and when it came to a question of dust, it would not be the glittering dust that he was seeking.

Paragraph (d) states that the Court Government has failed to address the needs of regional areas and refuses to reinstate the uniform tariff policy for Western Power in country areas. We are very concerned about the welfare of people in regional areas. We regret that many of them were conned during the last state election by some people from out of state who were engaged in a degree of what I might fairly call red necking.

It is necessary to point out to His Excellency that regrettably the Government maintains a strategy on industrial relations that continues to attack the interests of Western Australian workers. That matter should be debated. Hon Bruce Donaldson is very happy that the Government is doing so, as are other members opposite. It is also a matter of great regret that we should inform His Excellency that this Government continues to ignore the needs of our unemployed, local workers and industry by having work go overseas or interstate that was previously performed in this State. The seconder of the motion, Hon Tom Helm, dealt with that issue at some modest length.

It is a matter of regret that we are obliged to inform His Excellency that the Government continues to have a policy of contracting out government services that has reduced the level and quality of those services provided to the public, particularly in the area of public transport. A number of my colleagues will comment on that.

It is also necessary to point out to His Excellency that the Government continues to withdraw funding for vital government programs. The Government is all about the diminution of the public sector. It wants to take the Government out of government, except for certain purposes, which will become -

Hon N.F. Moore interjected.

Hon N.D. GRIFFITHS: The Leader of the House should take his hands out of his pockets. Those interjections show he is doing a bit too much of it.

Hon N.F. Moore: That is a pretty stupid statement.

Hon N.D. GRIFFITHS: It is a statement that I learnt from one of my esteemed colleagues, who I trust will move to another Parliament shortly; if he does not, I trust that he will nominate for the position of President, and I will do what I can to assist him.

Hon Bob Thomas: He used to be a member of the AWU.

Hon N.D. GRIFFITHS: He is a good unionist, and as such he has my support, but what I can do on the floor of the House and what I can do in the ballot are separate matters, and we will see what happens in due course.

Hon N.F. Moore: Will you vote for him to be President?

Hon N.D. GRIFFITHS: He is a candidate of distinction and is worthy of proper consideration.

Hon N.F. Moore: So you will vote for him?

Hon N.D. GRIFFITHS: I will do what I can to persuade people to give him appropriate consideration.

Hon N.F. Moore: I think you would be an excellent choice.

Hon N.D. GRIFFITHS: I am most obliged to Hon Norman Moore, but I am not interested in the people of Western Australia forming the view that what occurs in here is dynastical. As the Leader of the House may know, Mr President and I are not related by blood. Hon Norman Moore is clearly out of his class, judging from the tenor of his interjections.

The part of the motion -

Hon W.N. Stretch: Take your elbow out of the microphone. We cannot hear you.

Hon N.D. GRIFFITHS: I do not know how they work, Mr President.

The PRESIDENT: Order! Members say they cannot hear the member.

Hon N.D. GRIFFITHS: I would hate to be accused of elbowing Hon Bill Stretch.

The part of the motion to which I now refer is the words "that the Court Government failed to adhere to the conventions for government during the election period commencing 14 November 1996". It is clear that some members of the Ministry, past and, regrettably, present, did not seem to understand the Premier's instructions to them. The Premier, who, regrettably, has not varied, wrote to the then secretary of the Parliamentary Labor Party, Hon Tom Stephens, in a facsimile dated 15 November 1996, and said, among other things -

As you are aware the Government assumes a caretaker role following the dissolution of the Legislative Assembly and the issue of warrants directing the issue of writs for a state general election.

I hope Hon Bill Stretch can hear me.

Hon W.N. Stretch: You should face the microphone.

Hon N.D. GRIFFITHS: I am talking to the President, not to Hon Bill Stretch. I do not mind the member's interjections, but I wish they were relevant. It continues -

In essence, this role provides that only routine matters of government administration are undertaken during an election period.

Those words are significant. Enclosed with the letter is a document headed "Guidelines applying in Western Australia during State General Elections". The front page of that document bears the words "Office of State Administration, November 1996".

I was concerned that there might have been breaches of the conventions, but I did not want to jump in and accuse the Government of doing that. I am accusing it now! I am accusing members opposite now because there is a prima facie case, and there was one before I asked questions of the Minister for Transport during question time last Thursday. I asked the Minister three questions because I think it is proper to be fair. It is proper to put the matter to those one thinks have done the wrong thing to give them an opportunity to explain. That is why last Thursday I asked three questions relevant to the issue. After question time I commenced my initial speech, as it turned out, on the Address-in-Reply. Towards the end of that, I made a fleeting reference to these matters. Since then, I have thought about it and have come to the conclusion that they are very serious. They may not be newsworthy or important in their eventual impact. However, they are matters of principle which people of honour should take into account.

It may be that there is an explanation that the relevant Minister or the Leader of the House is able to give, which I have not considered. If that is the case, so be it, but if there is no explanation it is perfectly proper for whoever they may be sitting opposite or even for members on this side to consider that if they ever find themselves in a caretaker role they must act properly. In acting properly, it is not a matter of being careless; they must abide by the conventions which the Premier, the member for Nedlands, has accurately spelt out.

Hon B.K. Donaldson: What are they?

Hon N.D. GRIFFITHS: Hon Bruce Donaldson will hear them in a moment. Through you, Mr President, I will tell the member why I am raising this matter in this way. It flows from the questions I asked, and I will remind him of those questions. Last Thursday I asked the Minister for Transport question without notice 53 which reads -

- (1) Is the Minister aware of the guidelines or conventions issued by the Premier governing the caretaker role of government following the issuing of the writs for an election?

- (2) Do these conventions provide that senior or significant appointments should not be made in the caretaker period, and that when the proper function of a public sector agency requires a significant position to be filled, acting or short term arrangements should be used during the caretaker period?

I propose to return to those questions in more detail shortly, but that is what I am concerned about. The question continues -

- (3) Did the Minister cause the following appointments to be made to Stateships on 3 December 1996: Anne Nolan as commissioner and vice-chairperson for a term expiring on 14 November 2001 and Mr Reece Waldock as commissioner for a term expiring on 30 November 2001?

Hon Max Evans: They are both public servants.

Hon N.D. GRIFFITHS: The personality of the appointee is irrelevant, and that is what disturbs me about the Minister's interjection.

Hon Max Evans: I was just trying to help you.

Hon N.D. GRIFFITHS: The Minister is concerned about personalities. I am not concerned about personalities or their role. These are appointments made in 1996 which will end in 2001. They are not for the duration of this Parliament. They go into the Parliament after this one. I am talking about caretaker conventions. If any party is to properly operate a government those members should not only behave properly but also be seen to be behaving properly. I think that with respect to the examples I will develop there has been a degree of inadvertence at best, and arrogance at worst. I do not think it is anything more, because I do not think any great harm will be done to the State, but these are precedents. It is a disobeying of a ruling of the Premier and it is a disobeying of proper governmental practice.

The Minister for Transport's response was -

- (1)-(3) The member should know that those appointments are part of a continuing operation until the discontinuation of Stateships under the legislation.

It was a response which did not go to the point of the question. Therefore, I followed up with question without notice 54 to the same Minister -

Did the Minister cause the following appointments to be made to the Fremantle Port Authority on 3 December 1996:

I then made reference to the appointments and the terms. Again, the Minister's response did not meet the point about failure to honour the caretaker conventions, because I was not concerned about who the people were or how good they were. I trust they are all very good, proper people who do the job well for Western Australia. I have no reason to think otherwise, but the Minister did not meet the point. That is obvious from the answer, which reads -

All appointments for not only the Fremantle Port Authority but all port authorities now fall due in a coordinated way on 30 June or 31 December each year.

That is lovely, but this is something that occurred on 3 December. The answer continues -

The term of the previous chairman had expired. He did not seek reappointment to that position. I appointed a member of the board as chairman.

That is obvious. Then, the Minister said that he was sure that I would acknowledge the new member as a person of high integrity in the shipping industry. I have no reason to think otherwise. I do not know the gentleman, and nothing turns on it. The Minister went on to say -

Those appointments were not made while the Government was in a caretaker mode . . .

That is great! They were approved by Cabinet prior to the announcement of the election. It was a pretty slack Cabinet. The answer continues -

That is the time line so far as my responsibilities are concerned.

I am concerned about the Executive Council. It continues -

All those people have demonstrated a significant managerial accountability and success in the changes and the benefits they have brought to Fremantle Port and the users of that port. One need only look at its balance sheet to see that.

I am not arguing the toss with respect to these matters. I am concerned about caretaker conventions not only being obeyed but also being seen to be obeyed. The last question to the Minister for Transport last Thursday related to appointments to the Port Hedland Port Authority, again on 3 December 1996. The Minister for Transport responded in this way -

Those people are appointed by the Act, representing the company by which they are employed. They were already on the board.

So what! He continues -

The option and alternative is that if we do not appoint someone in December we have to wait until this time of the year, and all those organisations would not have memberships.

I am talking about four weeks plus two days - a 30-day period - from 14 November to 14 December. When I asked those questions of the Minister for Transport I made specific reference to some of the caretaker conventions. Hon Bruce Donaldson indicated that he wanted greater detail on them. He may have changed his mind, but I will read them anyway.

Hon B.K. Donaldson: I am delighted to know what you have been talking about for three-quarters of an hour. I have been dying to find out.

Hon N.D. GRIFFITHS: I have not been talking for about three-quarters of an hour. I always thought Hon Bruce Donaldson was a bit of a numbers man, but he is out by about 50 per cent.

Hon John Halden: He must be a man of the centre.

Hon N.D. GRIFFITHS: I cannot comment on that as Hon John Halden well knows! The document to which I referred earlier is titled "Guidelines Applying in Western Australia during State General Elections". I am not sure whether the Premier sends this to every member of Parliament. He sent it only to Hon Tom Stephens who, as Caucus Secretary doing his job properly, sent it to other members. As members may have gathered, I received my copy. The words of the document are worth repeating. I am sure Hon Bill Stretch, Hon Tom Stephens' counterpart as Secretary for the Liberal Party, will have received a similar document.

Hon B.K. Donaldson: Does that document include postage?

Hon N.D. GRIFFITHS: I am sure whatever it included involved Hon Bruce Donaldson's great stamp of approval! He should ask Hon Derrick Tomlinson about that because he and I share an electorate. Under the initial heading, "Introduction" the document reads -

By convention, the Government assumes a caretaker role in the period immediately before a general election. This role commences from the date of the dissolution of the Legislative Assembly -

That was 14 November.

- and continues until the election result is clear -

That was 14 December.

- or in the event of a change of government, until the new government is formally sworn-in. In this 'caretaker period', endeavours are made to ensure that decisions are not taken which would bind the incoming government and limit its freedom of action.

If a Liberal-National Party Government wins the election that still means that a new government is formed. It is a different Ministry. The members of that new Government may be substantially the same, but there may be many differences. It is a new Government; it is a new Cabinet. The old cannot or should not bind the new even though they may be of the same political complexion. It is not just a matter of Labor replacing Liberal or Liberal replacing Labor. These conventions apply regardless.

Hon W.N. Stretch: That is your interpretation; not everyone's.

Hon N.D. GRIFFITHS: It may not be the interpretation of those who cannot understand clear English. The document then referred to specific points of great relevance. They are -

significant appointments are not made

major policy decisions are not taken which would be likely to commit an incoming government . . . no commitments are made to major undertakings or contracts

Members of Parliament do not undertake air travel for electioneering purposes
electioneering is not undertaken through government advertising and publications

That is an interesting area but it will take too long to discuss it. To continue -

public sector officers are not involved in election activities.

The area with which I am concerned regards significant appointments. Under the heading "Appointments" are three areas of criteria. I want to be fair because members opposite do not seem to have necessarily taken the time to take on board the meaning of these words. Clearly they are embarrassed by them. The first is -

As a rule, senior or significant appointments should not be made in the caretaker period.

It is the first test. A senior or significant appointment cannot be made in the caretaker period. If some of the appointments I am about to refer to are not senior or significant, I have no case. Members opposite should think carefully before they suggest that what I am referring to are not senior or significant. The second criterion is -

Where the proper function of a public sector agency requires a significant position to be filled -

That may be an argument with respect to some, or perhaps all, of these bodies to which I will refer. However, the next point takes care of that -

acting or short-term arrangements should be used during the caretaker period.

They are not arrangements that go past the life of this Parliament and into the next Parliament. They should be acting or short term arrangements. The third criterion is -

Factors to be considered in deciding whether a particular appointment is significant include the degree to which it may be a matter of disagreement between the major parties contesting the election and the inherent importance of the position.

I will not criticise the personality or the propriety of any individual regarding the appointments to which I will refer. However, with respect to each and every one of them, the relevant members of the Opposition were not consulted. They were the then shadow Minister for Transport and the shadow Minister for Agriculture. Members of the Liberal Party present need not squirm too much. I am dealing primarily with the behaviour of two National Party Ministers. However, I do not know who was present at the Executive Council meetings when these decisions were made.

It may be that at the relevant Executive Council meetings only National Party Ministers were present. I know that Hon Bruce Donaldson was not present. I doubt that he will ever be present at an Executive Council meeting. We shall wait and see.

In the short time available to me I will apply those criteria to a number of appointments so that the House can make up its own mind about whether the proposition I am putting is correct.

The first appointment is a Commissioner and Vice-Chairperson of Stateships for a period expiring on 14 November 2001 and the reappointment of a commissioner for a term expiring on 30 November 2001. To satisfy the test of passing a caretaker convention, it is necessary for each of the three criteria to which I referred to be passed. That is clearly not the case regarding the second criterion - where the proper function of a public sector agency requires a significant position to be filled, acting or short term arrangements should be used during the caretaker period. I am making reference to an extract from the *Government Gazette* of 3 December 1996.

It was suggested by way of interjection that I am not addressing the matter appropriately. However, I assure members opposite that my understanding of the calendar is that 3 December 1996 is somewhere between 14 November 1996 and 14 December 1996. I thought I should make that clear because some members opposite seem hesitant about accepting that what I am saying is the absolute essence of the truth. The Government has failed on two criteria. There was no consultation with the Opposition. The Government failed on the third criterion, unless it will suggest these are not significant appointments and that the appointment of a commissioner and vice-chairman is not significant. Perhaps members opposite are arguing that Stateships itself is not significant. We all know that the Government plans to do away with Stateships. Is it the Government's case that the work of the board of Stateships is not work of significance? I wonder if it is. Will government members interject and say this work is insignificant and therefore it did not matter that the Government appointed these people until 2001 during the caretaker period?

Hon John Halden: The budget of Stateships this year is \$8m.

Hon N.D. GRIFFITHS: I think \$8m is of great importance. In fact, it approximates the amount of money the Attorney General causes, through his great influence, to be provided to the Legal Aid Commission. It would cover

the needs of the Legal Aid Commission, and is much more than the \$3.3m cut made by the Attorney General's mate, the member for Tangney. I point out the significance of Stateships by referring to the annual report of the Western Australian Coastal Shipping Commission. It was tabled in this House on 6 March 1997 and is tabled paper No 10. The functions of the commission relate to the orderly winding down of the activities of Stateships. Hon John Halden has saved me a few moments by referring to the budget of Stateships. The board is concerned with the management of the Government's direction, namely, to cease trading, commence orderly disposal of assets, negotiate the early settlement of liabilities and arrange deployment and severance of employees. Hon Eric Charlton will say that is not significant.

Hon John Halden: It is interesting that the answer to a question on notice indicated that Stateships will continue for at least two years.

Hon N.D. GRIFFITHS: Perhaps it will be a period of great insignificance. Each of the three criteria designated by the Premier with regard to appointments has not been met. Is it arrogance or incompetence? I do not know which, but it should not happen and it does not matter who does it. Perhaps Hon Bruce Donaldson agrees with what has occurred. I do not think so, because he has higher standards than that.

Hon B.K. Donaldson: I cannot quite hear you sometimes.

Hon N.D. GRIFFITHS: I will not shout. The next area of appointment concerns the Fremantle Port Authority. Again, the Government gazetted this appointment on 3 December 1996, between 14 November and 14 December. I am being consistent in that regard. This appointment smacks of arrogance. The chairman was appointed for a two year term, expiring on 31 December 1998. The Government did not have to do it on 3 December. It could have waited until after the election. But no, it was just arrogant in appointing someone for a two year term expiring weeks after the election, plus two years. There are many days after 14 December 1996 in which the Government could have made that appointment. I make the same observation with regard to another commissioner who was reappointed for a two year term expiring on 31 December 1998.

Hon B.K. Donaldson: Who was that?

Hon N.D. GRIFFITHS: Mr Ernie Strahan. His personality is not relevant.

Hon B.K. Donaldson: He is a good friend of mine.

Hon N.D. GRIFFITHS: Perhaps it is relevant. There was no need to reappoint him at that time, and only an arrogant Minister and Government would do that. I have a degree of discomfort in informing His Excellency of this because it occurred through the Executive Council. Mr Joe McKay was appointed a commissioner of the port authority for a three year term expiring on 31 December 1999. The Government did not have to make that appointment when it did. It could have waited, but it was arrogant and chose not to. A further commissioner was appointed for two years until 31 December 1998. I make the same observation.

I apply again those criteria. First, were they senior or significant appointments? Whether or not one of the gentlemen is a friend of Hon Bruce Donaldson's is by the by, but to suggest that the board of the Fremantle Port Authority is not significant is sheer and arrant nonsense. Perhaps I should educate members opposite for a few minutes. I refer to the 1996 annual report of the Fremantle Port Authority. Perhaps members opposite do not think the operations of the Fremantle Port Authority are significant. I think they are, and I will give my reasons. I will quote from the report so that members opposite learn something. It is about time they learnt something. When members sit on the backbench all their lives it is easy to lose hope. It is stated in the report that -

... Fremantle Port is a modern deepwater port offering facilities for all types of vessels.

Even for the empty vessels opposite.

Hon B.M. Scott: Your face is better than looking at your back all the time.

Hon N.D. GRIFFITHS: I am delighted to hear that, but I am addressing the President. I will turn to face the member from time to time. The report continues -

As the State's major general cargo port, Fremantle accounts for 85 per cent by value of the State's imports and 37 per cent by value of the State's exports.

Members opposite do not think that is important. I do not think they are important if that is their view. Any Government would be concerned about who was appointed to that board. Hon Bill Stretch argues otherwise.

Hon W.N. Stretch: Not at all.

Hon N.D. GRIFFITHS: He has been educated, and I will continue. The report continues -

The Fremantle Port Authority is the strategic manager of the port, which covers an area of 876 sq km. This is something close to Hon Barbara Scott's heart. The report continues -

Studies undertaken have shown -

Hon B.M. Scott: I am interested in what you are saying but I am sick and tired of looking at your back.

Hon N.D. GRIFFITHS: To continue -

Studies undertaken have shown that in spin-off terms Fremantle Port accounted in 1993 directly and indirectly for 10,200 jobs or 1.2 per cent of State employment and aggregate annual output of \$700 million.

And members opposite do not think that is significant.

Additionally, visits by naval and passenger vessels were together estimated to inject a further \$100 million per annum into the economy.

The Fremantle Port and the port authority are two of the most significant entities we have going for the State. I note the financial outcome -

The trading result for the year was an operating profit of \$8.34 million after abnormal items totalling \$0.23 million.

The coalition parties have a fixation with this figure of \$8m meaning something insignificant. There is something about \$8m - perhaps it is what they spent in the last election campaign.

The report states that the total trading revenue was \$48.044m and total expenditure, excluding abnormal items, was \$39.474m, which represented a 2 per cent decrease on the previous year. I do not know what we can make of those figures other than to say that this is a very significant operation. Only someone who has no concern or who does not care would say otherwise. Based on that assessment, those appointed could be marked down as failures.

I have pointed out the terms of appointment, and they are not acting or short-term positions. The relevant shadow Minister, the then member for Glendalough but now the member for Midland, was not consulted.

I also raised the appointments to the Port Hedland Port Authority during that question time. Like the Fremantle Port Authority, the Port Hedland Port Authority manages the port. I refer members to the authority's last annual report tabled in this House, for the financial year ending 30 June 1995. I would prefer that reports be tabled closer to the end of the financial period they cover. I make no criticism; I do not know the reason we do not have a 1996 report. I point that out because members opposite might say that I am using out of date figures. I am, but that is the reason.

During 1994-95, revenue was over \$11.5m; charges against revenue were \$8.5m; annual profits were \$2.95m; and working capital was \$8.107m. There is that figure again; members opposite have a fixation about \$8m. The Opposition will have to ask a few questions about that figure because it keeps coming up. Fixed assets at cost were \$56.743m and so on. When considering the test of significance, I suggest that those figures are significant. If they are not, I want to hear members opposite say so. I want the people of Western Australia to know them for what they really are: People who treat conventions as though they do not exist; people who do not know the difference between what is and what is not important to the State. That is the first criterion of significance, and again the Government has failed to honour it.

The terms of appointment in question are not insignificant. One is hardly acting or appointed for a short term if the appointment in each case expires on 30 June 1998. Clearly, the appointments were made during the convention period. The *Government Gazette* in question is dated 19 November 1996. In that context, I again invite members to recall that 19 November 1996 remains, and always will, between 14 November 1996 and 14 December 1996. Not even the most heinous legislation dreamt up by Hon Peter Foss will be able to alter that fact, although perhaps he might try.

The next appointment to which I wish to refer concerns a member in the other place who was at that time the Minister for Primary Industry and Fisheries. My reference is the *Government Gazette* of 26 November 1996 at page 6613, which relates to the Marketing of Potatoes Act 1946 and the Minister's appointing a member to the Potato Marketing Corporation for a three-year term expiring on 23 December 1999.

First, I refer members to the test of significance. Is it the Government's argument that this is not a senior or significant appointment? If it is, let it say so; let it treat the potato industry with disdain. It is either significant or it is not, and I suggest that it is.

Hon John Halden: Who was appointed, Hussey or McKinnon? Are they not appointed to every board?

Several members interjected.

Hon N.D. GRIFFITHS: No, it was a Mr Murphy. I hope that Hansard does not misinterpret the member's comments.

I have the Potato Marketing Corporation annual report for 1995-96, and for Hon John Halden's benefit I point out a picture of the chairman - Mr Roger Hussey - who smiles at Hon John Halden as he smiles at everyone who looks at this. I am sure he thinks this appointment is significant, although I cannot read his mind.

Hon John Halden: He will make more money from government appointments than he ever did as a member.

Hon N.D. GRIFFITHS: I do not think members make much money.

This is a significant appointment. If members opposite intend to argue otherwise, I wish they would do so. However, if they accept that it is significant, this is another example of an arrogant breach. It is arrogant because it is for a three-year term expiring on 23 December 1999; it is arrogant because the Minister was not required to make the appointment - he could have done it after the election. It could be arrogance born of incompetence, or perhaps he simply did not care or did not know. That is not the way to run government and certainly not the way I like to see government in Western Australia run. I will refer to a report about that very important board. Perhaps the Government does not think this is a significant appointment. Hon Bob Thomas thinks these matters are very significant.

Hon Bob Thomas: It is important to Manjimup.

Hon N.D. GRIFFITHS: My word it is important to Manjimup; it is important to all of us. The board's objectives include: To provide a reliable source of fresh potatoes to consumers at a consistent price and quality - we have just had St Patrick's Day and potatoes are a staple part of our diet; to generate increased sales of ware potatoes - I suppose that is Delaware potatoes - resulting in improved returns to growers and merchants. I am interested in that. I think that is very important. The objectives also include providing quality assurance and industry codes of practice along the whole production chain from grower to consumer; and applying appropriate management to ensure production supply is in balance with local market demands. Is the Government suggesting that that is not significant? I am sure that Hon Bob Thomas will make sure that the people of Manjimup are aware of that view. This is important. From the consumers' perspective, this Potato Marketing Corporation is probably doing a good job on this aspect. It is something on which I can comment. A further objective of the corporation is to establish new potato varieties and seed certification to adequately provide potato varieties and quality in the future. I think our potatoes have been getting better overall and we have been getting greater potato varieties. This may be fairly basic stuff. However, it is significant; the Government cannot argue otherwise.

I turn to the next criterion. A three year term expiring on 23 December 1999 is not an acting or short-term appointment. If the Government is to argue otherwise, I look forward to Hon Norman Moore's comments to that effect. My colleague, Hon Kim Chance, was at the relevant time the shadow Minister for Primary Industry. However, he was not consulted at any time. Three strikes and they are out!

Next, I refer to an extract from the *Government Gazette* of 15 November 1996. If government members learn nothing else from this exercise, they should learn that members of the Opposition watch their every move and check on what appears in the *Government Gazette*. Therefore, when government members continue to make their arrogant mistakes, they must do so in the knowledge they will be found out. An interesting appointment under the Town Planning and Development Act 1928 appeared on page 6498 of the *Government Gazette* of 15 November. It was an interesting appointment because it was done under the name of Hon Richard Lewis, the former Minister for Planning. He appointed a gentleman as a member of the Town Planning Appeal Committee for a term expiring on 15 February 1998. I do not think I have to argue that the appointment of a member of the Town Planning Appeal Committee is a significant appointment. Patently it is a significant appointment. Nor do I think it necessary to point out that an appointment expiring on 15 February 1998 is neither acting nor short term. The relevant shadow Minister was not consulted. Three strikes!

Hon Max Evans: That is four strikes.

Hon N.D. GRIFFITHS: Yes, Hon Richard Lewis was involved.

Hon Max Evans: Three plus one is four.

Hon N.D. GRIFFITHS: The Minister is the numbers man. There have been several strikes. I will refer to a number of other appointments very briefly, regrettably. It is only because of the answers given last week, in which the Minister for Transport failed to offer any real defence, that I have decided to take the House through some of these appointments which I suggest are clear breaches of the caretaker provisions. I refer to the *Government Gazette* of 19 November 1996. Again, irrespective of whatever retrospective legislation my fellow member for East

Metropolitan Region may be thinking about, 19 November 1996 will remain for eternity between 14 November 1996 and 14 December 1996! This is an appointment by the Minister for Primary Industry. It is a significant appointment; it is an appointment of a member of the Perth Market Authority. It is not an acting appointment, and it is not a short-term appointment. It is for a term expiring on 5 September 1999. I have other examples. In my view the House should support the amendment.

HON J.A. SCOTT (South Metropolitan) [8.37 pm]: Listening to Hon Nick Griffiths, I could not help thinking that things could have been worse: Hon Richard Lewis could have appointed himself to the East Perth Redevelopment Authority before he retired! I cannot help thinking that this breaking of the convention arose because the election was called early for political expediency. I hope that at some stage we can put in place rules that ensure that elections are held outside of prescribed times only in a predetermined emergency situation. If that had happened, many of these problems would not have arisen.

I am fairly concerned about paragraph (b) of the motion. I was surprised that prior to and immediately following the election the Liberal Party has talked about introducing one-vote-one-value, having been a party that had for a long time spoken against such a change to the state electoral laws.

Hon Barry House: Would you rather we brought it in before 1 May?

Hon J.A. SCOTT: I am not particularly fussed about that. I could not help noticing that the Liberal Party's liking for one-vote-one-value came about when it found it would be to its advantage. I thought it would be rather more acceptable to many people if that had not been the case. However, it has now given up that idea under pressure from the National Party.

Hon N.F. Moore: Who told you that? It is your interpretation of what you read in the newspaper.

Hon J.A. SCOTT: Can the Minister tell me that is not the case?

Hon N.F. Moore: I can tell you that nothing has been decided. We have been in the Parliament for one week and you expect legislation for electoral change to have been passed.

Hon J.A. SCOTT: The impression I have is that the Government has moved in that direction.

Hon N.F. Moore: Your impression is sometimes wrong.

Hon J.A. SCOTT: I will be pleased if the Government has not done that and I will retract my comment if the Government brings that legislation forward.

Hon N.F. Moore: Stop supporting motions that say things have happened when they have not.

Hon J.A. SCOTT: Prior to the last election the Government amended the legislation which made it more expensive for Independent and small party candidates to nominate for elections. The reason given for introducing that reform was to bring this State into line with other States. The Government did not want to change the percentage of votes required to have the nomination fee returned to bring this State into line with the other States and said a private member could move an appropriate amendment if he wanted to. The changes are always to the advantage of the Government at the expense of somebody else.

Hon N.F. Moore: What rubbish!

Hon J.A. SCOTT: Is the Minister saying the changes did not advantage the Government?

Hon N.F. Moore: We have had a debate about that. It is the same as the other States. Did you lose your deposit?

Hon J.A. SCOTT: No, I did not. In the other States a candidate must obtain a certain percentage of the vote before he can have his deposit refunded. The Liberal Party simply wanted to make elections more expensive and that is what the amendment did. The Minister is not speaking the truth when he says that is not the case.

Hon N.F. Moore: With respect, that Bill was debated and agreed to by this House. Whether or not you like it, it was a decision of the Parliament.

Hon J.A. SCOTT: The Minister knows that when something is agreed to by this House it is agreed to by the majority of the House.

Hon N.F. Moore: That is what democracy is about. Democracy is not about you controlling this place because you got 5 per cent of the vote.

Hon J.A. SCOTT: We will not control this place with 5 per cent of the vote; we will control this place only when most people support the argument we put forward. That is how the system should work.

Hon N.F. Moore: You cannot hold the balance of power with no votes.

Hon John Halden: To be fair, the National Party had it for a long time.

Hon N.F. Moore: That is different.

Hon J.A. SCOTT: I am concerned that the recommendations of both the royal commission and the Commission on Government applicable to reforms in this House were based on its becoming a people's House and the strength of the Executive.

Hon Barry House: The people's House is the Assembly.

Hon J.A. SCOTT: It is a parties' House. I am talking about a people's House in the sense that it is not supposed to be a House in which the party view prevails. The Liberal Party has often said that its members are free to vote whichever way they like because it does not caucus like the Labor Party.

Hon B.K. Donaldson: Give us an example of a change you would like.

Hon J.A. SCOTT: One example is that the coalition and the Labor Party have met and drawn up proposed changes to the standing orders which will change the way this House operates. When Bills come into this place they will go to a committee, which will have on it a member of the Labor Party and a couple of members of the coalition, which will decide the designation of the Bill without any consultation with the significant number of members on the cross-benches. The new members who come into this place will have to abide by a rule which will prevent them from properly debating matters of importance.

Hon N.F. Moore: Regrettably there is no proposal to stop you talking.

Hon J.A. SCOTT: Fortunately there is not. However, when one of the A designated Bills comes into this place it could have the third reading immediately after the second reading.

Hon N.F. Moore: I do not know who is filling your head with this stuff.

Hon J.A. SCOTT: It was outlined on a piece of paper which was distributed to members.

Hon N.F. Moore: It is the first step to some sort of time management so we will not have to listen to long speeches.

Hon J.A. SCOTT: Unfortunately the members who will be in this place for only a few months are making rules for the members who will take their seats in May. The new members are not being consulted on this matter.

Hon N.F. Moore: The House must agree to any changes to standing orders.

Hon J.A. SCOTT: The changes are being made now.

Hon N.F. Moore: A minute ago you said we had already made changes relating to electoral reform and now you are saying we should not do it until after May.

Hon J.A. SCOTT: The Minister does not understand the principle. His lack of democratic principles has him looking in the other direction. This House is making rules for members who are not here at the moment. While I agree some changes are necessary, some of them go down an undemocratic path. When Bills designated A come into this place, members who are not aware of what they are about will have very little time to acquaint themselves with the legislation. Under the major parties' structure a member can study it and tell the other members of the party how they should vote. That does not happen on this side of the House.

Hon N.F. Moore: Do you not tell yourself what to say?

Hon J.A. SCOTT: I certainly do now, but when my colleagues come into this place we will discuss issues and the decision will not be handed down by the Executive. The Government has been making deals behind doors.

Hon N.F. Moore: Any changes to the standing orders must come to the House to be agreed to and you can say what you like at the time.

Hon J.A. SCOTT: The Minister has taken an exclusive approach. He must change his approach, because he is continuing to run this House in the old-fashioned way it has run for years, but that will change. If this House is to be properly accountable, proper facilities must be available to members. The facilities in this House are archaic. Some members have the appropriate electronic mail links to this House through which they can access *Hansard*, but they are unable to send questions by electronic mail, which would mean less work for staff as well as save paper and a lot of money. If members could access those facilities in a sensible way it would make less work for the people in here, and for our electorate officers. It would be far more efficient.

The PRESIDENT: Order! Which part of the amendment is this on?

Hon J.A. SCOTT: Part (b) - that the Court Government has failed to honour its pre-election pledges on electoral reform. The Commission on Government recommended the provision of proper facilities for members to facilitate their ability to properly and effectively ensure government accountability. Currently, rather than the provision of facilities being a totally apolitical decision, members must go cap in hand to the Premier, who can make it difficult or easy depending on one's compliance.

Hon N.F. Moore: Every member of Parliament is entitled to the same conditions.

Hon J.A. SCOTT: The allocation of funds should be something on which the House should decide.

Hon N.F. Moore: Would the member like to spend it himself, with no constraints?

The PRESIDENT: Order! I do not want this conversation between the Leader of the House and the member to carry on. I am intrigued to know about which part of the proposed amendment the member is talking.

Hon J.A. SCOTT: It is part (b).

The PRESIDENT: Order! Electoral reform is about the electoral system, not about sending faxes.

Hon J.A. SCOTT: It is about members' ability to operate their electorate offices effectively. If they cannot effectively provide the service that the community requests they will not be doing what they are elected to do.

The PRESIDENT: Order! I do not think it has anything to do with electoral reform.

Hon J.A. SCOTT: A part of the electoral reform promises made by the Government was to bring about the changes that were recommended, first of all, by the Royal Commission into Commercial Activities of Government and Other Matters and then by the Commission on Government. They are the changes those bodies said were necessary for the electoral system to work properly. However, I shall move on and talk on part (d): The Court Government has failed to address the needs of regional areas and refuses to reinstate the uniform tariff policy.

Hon N.F. Moore: Can the member tell me where he stands on the gold royalty as a matter of interest?

Hon J.A. SCOTT: I am told that standing order 162 precludes me from talking about the gold tax, because it anticipates another motion on the Notice Paper.

Hon N.F. Moore: What a shame.

Hon J.A. SCOTT: Someone slipped me a note to that effect.

Hon N.F. Moore: It did not stop anybody else.

Hon J.A. SCOTT: Okay then; I agree with it.

Hon John Halden: In spite of the standing order.

Hon J.A. SCOTT: I do not know who made that ruling.

The PRESIDENT: Order! There is only one person who makes rulings in this place.

Hon J.A. SCOTT: I agree with the Governor's reference to the gold tax.

Hon N.F. Moore: So when we vote on this amendment you will be half on this side and half on that side?

Hon J.A. SCOTT: I have not made up my mind. I may not vote on it, because until I have heard all the arguments I am not entirely sure. I can see it has some good points. The gold royalty is linked very much to part (d). The problem with royalties currently is that only a small proportion of the money collected is returned to the regional areas. The reason that Western Australia is so centralised is that we have completely locked ourselves into the market system that somehow holds the world together.

Hon Barry House: Don't spend more money in Fremantle, spend it all in the south west.

Hon J.A. SCOTT: I am trying to say that if the Government continues to draw money out of the regions and does not put it back, it will not get real development. If it is only putting it back to extract more resources, eventually when the resource runs out the economy of that area is finished. The Government must put back a greater share of the royalties from resources to the region.

Hon B.K. Donaldson: In what way?

Hon J.A. SCOTT: By giving regional governments far greater control.

Hon B.K. Donaldson: More government! Give it to local government; they will look after it for you.

Hon J.A. SCOTT: I am talking about a group of local governments. For example, where an area can be identified, like the Pilbara, local governments in that area should be able to come together and provide representatives who will have a strong say in where those resources are spent.

Hon Barry House: Are you advocating an amalgamation of all the south west councils?

Hon J.A. SCOTT: I am talking about a special overseeing body made up of local governments.

Hon Murray Montgomery interjected.

Hon J.A. SCOTT: The current State Government is far more centralised in Perth, than the Federal Government is in Canberra. Members opposite are always complaining about Canberra, but the same thing occurs in this State. All the wealth is sucked into Perth; that is, the wealth that is not sent to Sydney, Melbourne and other stock exchanges around the world from company profits. Very little of that wealth remains in the region. I am surprised that country members disagree with this. They should want to see far more wealth going back into the regions where it is created.

Hon Barry House: I agree with that part.

Hon J.A. SCOTT: Country members think it should go back to the regions, but still be directed from Perth. A certain percentage of it should be returned, and be directed locally, not from Perth. That is real decentralisation, not something that is foisted upon a region and does not work. That is what we now have in this State. Something needs to be done to develop this State in an honest way, instead of the exploitative manner that has occurred so far. Basically, we have neocolonialism. The Court Government has failed to address the needs of regional areas. Issues like the uniform tariff policy, for instance, are important measures for country areas and regional Australia. One has only to consider the areas from where energy resources come. It is not really fair that people who come from areas where energy resources are extracted have to pay more for fuel, gas, and electricity after that resource has been refined and turned into energy somewhere else.

Hon N.F. Moore: Who pays for electricity?

Hon J.A. SCOTT: People in some areas were paying more. The Government is changing that.

Hon N.F. Moore: Domestic consumers pay the same, irrespective of where they live. The only variation is with large use requirements where the cost of production is significantly higher.

Hon J.A. SCOTT: Even those charges should be uniform. We must give back when we take from a system, otherwise eventually it will collapse. If we keep taking from any system, irrespective of whether it is a biological system or any other, eventually it will break down if something is not put back.

Paragraph (h) of the motion talks about the continual withdrawal of funding for vital government programs. I am concerned about the direct way in which this is happening; that is, sometimes moneys that have been granted by the Federal Government or put into departments for a specific purpose are shifted and used for a completely different purpose. An example is the promise by the Department of Transport to replace wetlands that were destroyed as a result of the construction of the southern extension of the Kwinana Freeway. The Government has argued that it has paid back those moneys provided to do this. However, rather than coming from the funding of Main Roads Western Australia, where it was supposed to come from, it was drawn from another department. Many people in the conservation movement are concerned that that sort of thing is happening in the Department of Conservation and Land Management, where moneys are recorded as being expended on the wildlife and conservation side but, in fact, are being spent to repair the damage caused by logging. That is not very honest, and it should not happen. Very clear definitions should stipulate where the allocated money must be spent, and it should be spent there and not moved around.

At the moment I am looking at some of the federal specific purpose grants that are coming to this State for housing. From my reading, they appear to be spent not in the areas in which they were supposed to be, but in completely different areas. That sort of thing should be carefully scrutinised. I do not believe the Government has carried out its proper role in spending that money. As I said, I agree with quite a few clauses in this motion; however, I do not agree with some. I will be listening with interest to what is said in the future in defence of the Government's position.

Hon N.F. Moore: Which others do you not agree with besides the gold tax?

Hon J.A. SCOTT: The one about the Government's failure to honour its pre-election pledges for electoral reform; the one about its failure to address the needs of regional areas. I also think the Government's strategy on industrial

relations is not a great one. I thank the Minister for reminding me, because I have some significant concerns in that area.

Hon N.F. Moore: I apologise to the House!

Hon J.A. SCOTT: I am concerned about the proposed third wave of industrial reform. It has been widely shown to employer groups, but the union movement, which is also affected by it, has been kept out of the negotiations completely and kept in the dark. That is what it has told me.

Hon N.F. Moore: They always say that.

Hon J.A. SCOTT: The union movement has said that it has not been able to see the proposed legislation. I am concerned about that. I am also concerned about some of the industrial relations laws that have been passed by this House. I am worried about young people going into jobs on contracts which put them in very dangerous positions and in a very unfair situation when negotiating, where the person who adjudicates whether a contract has been fairly put into effect is often the accountant who works for the business concerned. We know who the accountant will look after and favour. It is hardly a fair position and quite a few changes should be made to the legislation to make it fairer, especially to young people.

HON JOHN HALDEN (South Metropolitan) [9.06 pm]: I thank Hon Jim Scott for allowing me to rise in this debate and I am glad the Leader of the House decided to be quiet.

Hon N.F. Moore: I will just go outside now so that I do not prolong your speech.

Hon JOHN HALDEN: I will start by dealing with paragraph (h) of the amendment, which refers to the continual withdrawal of funding for vital government programs. I will refer to the comments made by the Governor when he opened Parliament. He said -

During the election campaign, the Government published full four-year forward estimates. It was the first time this had ever been done.

That is correct. It goes on -

This is a financial discipline which provides checks and balances on parties and exposes those which make extravagant, unfunded commitments.

I concede that it can have that effect, but we should not get carried away with the idea of forward estimates being a reliable guide, especially if we are looking at them for the funding various departments, community groups and non-government agencies can expect to receive from the Government in the forthcoming years. The Governor makes the point that it provides a financial discipline. My recollection is that the forward estimates have not provided a great discipline on this Government. I referred to the ones that were first put out from 9 June 1994 in the 1994-95 Budget and looked at the major, the most significant, departments: Ministry of the Premier and Cabinet, Treasury Department, Department of Commerce and Trade, Education Department, Agriculture Western Australia, Department of Transport, Department of Training, Family and Children's Services, Ministry of Justice, Police Department and Health Department. Two years before the 1996-97 budget documents were prepared, the forward estimates predicted an expenditure of \$4.029b. However, in some areas in the 1996-97 Budget we found an allocation of \$4.74b, an increase of \$711m in the forward estimates from two years earlier.

I do not see any great discipline in that. I think someone wrote down the first number that came into his head. It is probably just as accurate and just as reliable as that with which we were presented. It is not unreasonable to say that the forward estimates of 1994-95 were absolute gobbledegook in which we could have no confidence whatsoever. The Department of Transport was out by 34.6 per cent in two years, the real figure being \$191.75m. That did not fill me with confidence and great hope that there was a discipline in our accounting procedure that had not been experienced before, and that everyone could feel confident as a result of that.

The Health Department's projected forward estimates were out by 11 per cent; Police by 15 per cent; Justice by 19 per cent; Family and Children's Services by 10 per cent; Training by 25 per cent; Commerce and Trade by 36 per cent; and the Premier and Cabinet - I thought this was interesting - by only 46 per cent, which is not bad in two years! I am supposed to have great confidence that a new discipline has expanded to the Government. That is not the case. The Premier suggested in the other place last week that he would stand by his forward estimates; that they are accurate. I will be watching, and I will bet they are as accurate as they were two years ago - and that is not particularly accurate. We are talking about well in excess of 60 per cent of this year's annual Budget. I have taken into account the major spending agencies.

Prior to the election I spoke in this place on a number of occasions about the impact of federal government cuts and how that would eventually result in the withdrawal of vital funding. Bearing in mind that an election was near, the Government wanted to play down that issue. However, it is starting to come to fruition. It is starting to manifest itself as an enormously significant problem. I again looked at the Governor's speech. I thought it was certain that the Governor's speech would refer to health in a significant way, particularly when the Medicare Agreement was being renegotiated and, I understand, must be completed prior to the conclusion of this financial year. Medical expenditure in the Budget is \$1.5b-plus out of \$7b. As the largest single spending item it accounts for a significant proportion of the Budget. What did the Government include on health in the Governor's speech? Of course, I do not blame the Governor for this. The two lines on health state -

The Government has a commitment to place health services where they can best be accessed by people. Legislation will be introduced to avoid duplication and to eliminate deficiencies and inconsistencies in the system.

That is all very nice, but it does not come anywhere near addressing the real issues of health. What is the Government doing as a result of federal government cuts and its own tenuous budgetary situation to balance next year's Budget? What is it doing about the fact that at Bunbury Regional Hospital services to elective surgery must be cut back because there is not enough money?

Hon Bob Thomas: Even though there is a \$1.7m cash infusion.

Hon JOHN HALDEN: There has been 11.8 per cent growth in demand on the system in the past three years. The Federal Government will not match that sort of funding. A 2 per cent dropout has occurred from the private health insurance market and the Federal Government is not inclined to compensate the States for that.

Hon Bob Thomas: How many of those people go into public health rather than pay cash for their surgical procedures?

Hon JOHN HALDEN: It is difficult to say. I have not seen figures on that. It is expected that health care demand will increase by 3 per cent per annum for the foreseeable future; yet the Federal Government is not only unlikely to increase general hospital funding, but also is unlikely to reduce it. That will place an enormous demand on the Government's budgetary situation. Today when I asked the Minister for Health about that for the second time, he could not give me any idea of the dimensions of that problem in dollars and cents. If I were Joe Citizen, I could probably get an answer; however, because I am a member of the Opposition I do not have a hope of getting the information. That is how stupidly this place works and how naively and arrogantly some Ministers operate. If a member wants to know the dimensions of a significant problem in our community, surely there is some responsibility on the Minister to tell the Parliament about that. However, I receive a smart answer and obfuscation.

In considering this matter I thought I would look up the specific purpose grants in the Federal Government's Budget. The forward estimates for this financial year, before any proposed cuts, indicated that general hospital funding would increase from \$3.94b to \$4.09b. Therefore, the nation was to receive about an additional \$139m. Western Australia, working on the 10 per cent principle, would get an additional \$13.9m increase. That amount will not cover the increased expenditure that will be required by the State's hospital system because of the 2 per cent withdrawal from the private health insurance field, which is estimated to cost Western Australia in the order of \$15m alone; that is aside from the 3 per cent additional increase. Without some expertise it is difficult to calculate what that will cost. I dare not ask the Minister for Health because he could not possibly answer the question and he could not possibly find a bureaucrat who could give me an answer - in spite of the fact that more than a thousand could probably give me a reasonable ballpark figure.

We know there is a problem. In spite of the fact that fewer people are privately insured and there is growth of 3 per cent, that problem is likely to get worse because the speculation is that the specific purpose grants to health are likely to be reduced. It is speculated that figure is \$1.5b. However, members have all been here long enough not to fall for that old furphy of the Government running up the worst figure possible so that when it gets only a half or a third of that as a cut, everyone feels better and thinks it has done a wonderful job. If that is to be the case one of the vital areas of funding for any Government is likely to be under severe financial pressure. What is the Government doing about it? The Governor's speech does not say the Government will do anything. The most significant speech of the year in which the Government sets out its priorities gives us two lines of drivel. It makes no reference to this matter.

I then thought: What other commonwealth-state arrangements are up for renegotiation? Has anyone heard of housing? That is the other arrangement. Bearing in mind that housing construction has been in a slump in terms of the revenue the State receives from the taxation base for housing since 1993-94, I thought the Governor's speech would surely contain something about how the State would stimulate the housing sector and, ultimately, the economy. I thought there might even be something about what the State expected from the Federal Government in the new

horizon it is about to enter. I thought that housing was a significant area. To the best of my reading, the Governor's speech fails to mention a word of it.

There are likely to be cuts in this area. If that were to happen, it could have a significant effect on both the expenditure and revenue sides of the Budget. Little or nothing is being done to address that issue. However, to achieve any security - this applies to people living in regional Western Australia, the unemployed or whoever - the economic situation must have a sound base. One has to feel a degree of confidence in what one is told by the Government. However, it is not telling us these things because it believes we do not need to know.

One can look at general indicators to see problems in our economy which impact across the State. As exchange rates on the Australian dollar are high, for every dollar we invest, and for every cent the exchange rate increases, we are worse off. The exchange rate has been approaching 80US\$, and every 1¢ increase causes the State to miss out on \$12m revenue annually.

We know that a cut has been made, as I said in my speech last night, in the financial assistance grants, and another cut is proposed over and above the relative adjustments. The Government will provide \$62.9m by way of concession to the Federal Government so it can pay off debt. We also know that government revenue from its traditional big areas of state revenue - payroll tax and stamp duty - are loading up, but they are by no means galloping ahead at the necessary rate. That is not surprising, despite the fact that prior to the state election we were told that we have the best economy in the world. The Governor's speech of three weeks ago referred to the best economy in the world. I referred to the speech disparagingly last night so I will not do so again.

The Government is now crying that we need a gold tax to fill the financial hole. In fact the Deputy Leader of the Liberal Party in the other place has speculated on the need for a goods and services tax. We know that the State is involved in a High Court challenge regarding section 90 of the Australian Constitution to narrow its confines so the State has the potential to raise its own goods and service tax. At the moment that ability is questionable: We do not know whether it is on the agenda, but we know what we were told.

On Thursday, 6 March the superb speech was delivered that the economy was right and that we would be led into the next century. However, in the next couple of days we were told that we needed a gold tax and perhaps a GST to broaden our revenue base. Those aspects were known five to eight months ago, but the Government did not own up at the time to the self-evident truth and reality which is returning with a bite.

The Government, I presume, will take the opportunity to use the first year of its four year term to slug Western Australians after deceiving them prior to the election and again on 6 March. There is some hope on the horizon for the Government: It can hope that the housing figures increase and people smoke more so that additional revenue is raised, or it can do what it did last time and advocate another unique tax like the 4¢ a litre levy on petrol.

Hon N.F. Moore: There is nothing unique about that.

Hon JOHN HALDEN: It was unique that the Minister for Transport denied it on a number of occasions!

Hon N.F. Moore: The unique thing was that we spent it on roads, which is more than you ever did.

Hon JOHN HALDEN: The Government might have to spend that revenue on housing, health and education if the situation does not improve in relation to the Commonwealth's responsibility to fund the State appropriately. Members opposite knew about this, but they denied it in this place and in the Estimates Committee. They said a simple mechanism would accommodate the cuts last year: The Government would defer capital works to deal with this "insignificant problem". It said the rampant Opposition was being silly again. I am sure that we had a lecture by the Attorney General stating that the cuts could be easily accommodated.

Member opposite know that they cannot defer the capital works any more as the ones deferred last year must be cancelled or carried out this year. The Government has another budget round imminent, which I hope will not be as severe as the last, and it must address the matter in a significant way. We need to know the options available to increase our revenue base, and the decisions on the withdrawal of funding from vital government programs.

I remind members opposite of the front page article of *The West Australian* of 2 December titled "Court promises reward for pain", which reads -

Premier Richard Court has promised Western Australians a social dividend after a four-year crackdown on State finances.

A community payout from the \$1.9 billion reduction in State debt was the centerpiece of the coalition's campaign launch yesterday.

Mr Court's speech, to a full house at His Majesty's Theatre, also promised the coalition would focus on education and health if re-elected.

It was a speech aimed squarely at the many undecided voters who will determine the Government's fate on December 14.

I am glad that the Minister for Finance is back in the Chamber as maybe he will tell us - with a better answer than the one given at question time - how he proposes to manage the health care budget and maintain health standards at the same level as last year. How will he be assured that he will receive the same money?

Hon Max Evans: Your question was about a GST, not about that.

Hon JOHN HALDEN: I directed a question straight to the Minister, for which I received a piece of obfuscation. The Minister and I both know that the Government has a significant problem in the health care area. The answer I received from the Minister for Health - the Minister for Finance was acting in his representative capacity - was nothing but nonsense.

The game can be played in a sensible way with the Government advising the Opposition of the difficulty, in which case it will be happy to respond appropriately regarding the responsibilities placed at the feet of the Federal Government in a vital area. We will not play the game in a sensible way if we are treated under the mushroom principle by the Minister for Health.

Hon Max Evans: We will give this serious consideration on Friday at a meeting with all States. I would like to see the \$600m for health - we get 10 per cent of that, \$60m - cut in half in this year, instead of next. We are not getting any extra money for health. That is my idea with the Premier at the moment. They will only get half of what they got last year.

The DEPUTY PRESIDENT (Hon Barry House): Order!

Hon JOHN HALDEN: To respond to the Minister for Finance, I do not think it matters what processes are adopted, because one is as reasonable as another. No matter how it is denied by the Minister for Health, the health system needs an injection of money. It is under enormous strain. I have the clear view that the Minister for Health is more inclined to play games than be smart, but a smart Government or Minister for Health would enlist community support. The community would have some idea of the implications to health care, even if there were to be no cut. I have referred to figures from the federal Budget. According to the forward estimates, hospital funding in this State will increase by only \$13.9m. That does not cover the increased cost which comes about by virtue of the 2 per cent movement out of private insurance. I am pleased the Minister for Finance is nodding his head.

Hon Max Evans: We understand that.

Hon JOHN HALDEN: That does not take into account the 3 per cent growth in demand on the hospital system. If the Government cuts the Health budget further the problems for the State's health system will be enormous. The Minister for Health has taken a particularly stupid political stance. Let us know the dimensions of the problem. Let us not play this silly little game where he goes backwards and forwards not answering my question. I should think he would be most expansive and enlightening not only to me but also to the Western Australian community. He has the opportunity to blame the appropriate people, one would have thought. At the end of the day the facts will be revealed. We can either support or jump all over the Government - I do not mind. However, the facts will come out very shortly, I suggest. They should be out in the public domain prior to the Premiers' Conference and prior to the Health Ministers' meeting to be held shortly after that so that the community can bring to bear whatever pressure it feels is appropriate. It would be far better if the Government were to spend money informing the community about those sorts of issues rather than the stupid Fix Australia, Fix the Roads campaign that the Government once ran. There is no doubt that we could have and would have supported the Minister for Transport on some issues, and did support him on others.

Hon Kim Chance: We would have been happy to.

Hon JOHN HALDEN: Health is a far more crucial issue and we should have a far more united approach. Having said that, and having reminded the House of the Premier's social dividend, I believe the concept of a social dividend must be an awfully long way away from reality. The Premier said that the tight fiscal policy he has had in place for four years is likely to be continued. At the moment it would appear that it will have to be continued into the next two years at least. There will not be any loosening of the belts. There will not be any little surprises of joy from the Premier or from this Government because, in essence, there cannot be. Basically what the Minister did, and did very well, was to mislead everybody. He misled the House, he misled me every time I asked a question about it and he misled the community. It was smart politics but it was a simple process of misleading people. The Minister may say

what he likes but he has only to count the numbers and read the *Hansard* for last year. We knew there would be a significant problem and so did the Government.

Even if not from health and housing, it would seem that the Federal Government has the clear intention of cutting money from somewhere. It is highly likely that it will be those two areas, but what else could it be - education, Aboriginal affairs, community services or child care, or are they all up for grabs? At the end of the day they probably are, but we will wait and see. We wait with bated breath for the tactic that the Minister for Finance will use this year. With the Budget due on 10 April I guess he had better hurry up and announce the increases to water, power and transport charges.

Hon Max Evans: I agree; we will and should.

Hon JOHN HALDEN: It is a shame that the Minister will no doubt endeavour to break that away from the budgetary process, so that he can then say that it is the most wonderful Budget.

Hon Max Evans: The announcement is not part of the budgetary process. None of the operations of AlintaGas, Western Power and the Water Corporation is part of the budgetary process.

Hon JOHN HALDEN: Transperth is.

Hon Max Evans: Yes it is, and the law courts, etc.

Hon JOHN HALDEN: The Minister will increase separately taxes and charges. He will then have the temerity to tell us that everything is wonderful again.

Hon Max Evans: It is, isn't it?

Hon JOHN HALDEN: The first time it was all our fault, then it was still our fault, it was still our fault, it was still our fault. The fifth time it is our fault no longer. The Government has had a term. As the Premier said in the article to which I referred, the Government has inflicted the pain and has made the gain. In the Government's fifth Budget it will not get away with that line. No-one will believe it. I concede there are some systemic problems with the system. I will not go back through last night's speech. However, we will have to fix those problems. The Minister cannot keep telling us on the one hand, "Gee, we are good" and on the other hand, "Gee, it is bad." It simply will not work.

Hon Kim Chance: You have been reading my speech.

Hon JOHN HALDEN: If Hon Kim Chance left it on my desk, it was bound to be read.

Hon Max Evans: We could raise a lot of money from gambling in hotels. All the other States do it.

Hon Kim Chance: It is not a good social idea.

Hon JOHN HALDEN: The Minister knows as well as I do that gambling tax will not achieve the ends of providing long term security and meeting ever increasing demands. In the short term it might fix a hole, but at the end of the day it is not the answer. We must have a reform -

Hon Max Evans: At the federal level?

Hon JOHN HALDEN: Yes, at the federal level of federal-state relationships and also of our own taxation base.

Hon Max Evans: For example?

Hon JOHN HALDEN: I gave the Minister some last night.

Several members interjected.

The DEPUTY PRESIDENT: Order! Let Hon John Halden speak.

Hon JOHN HALDEN: The system needs reform. The Minister knows that and has acknowledged it. I am not convinced at this point that the answer lies with a goods and services tax but I stand to be convinced. I will argue it, if I have to. A GST is like some of the taxation base we have now. At a state level particularly it will impose considerable burdens on business. The Deputy President (Hon Barry House), other people and I went on a trip to Canada, where we found a local, a provincial and a federal GST, all having to be collected by the hotel and then distributed to the various tiers of government. That is not the best way to assist business but I am happy to be convinced by arguments and analysis of the figures.

Hon Kim Chance: Certainly the hospitality industry does not think it is a good idea.

Hon JOHN HALDEN: No, and I do not think the Canadians were very fond of it. It changed a room tariff of \$90 a night suddenly into \$130 without looking at it.

Hon Tom Stephens: Do you remember the taxi driver? You might not have been in that taxi; the Deputy President was. The taxi driver was particularly cross with the Government about the cost of the GST in the State of Ontario.

Hon JOHN HALDEN: I am sure many small business people share that view. We need to look at that situation.

Hon Max Evans: I will tell you how New Zealand made it work: It made it revenue neutral. It neutralised the reduction in income tax, and that removed all the problems of small business.

Hon Kim Chance: Which means the poor pay the tax for the rich. You are replacing income tax with a GST. That is shuffling the deck chairs.

Hon JOHN HALDEN: If we do not address this issue and stop tinkering at the edges, government programs that we regard as essential will be under severe stress, and we will not be able to continue to provide the services that people expect or to increase the services, particularly health services, that are being demanded by the community and the profession.

Paragraph (g) deals with contracting out. I am not convinced that the services that are being performed by contractors are comparable with the services that were performed by the day labour force, particularly in areas like the Education Department. I would like to see an open analysis of the process of contracting out. Shortly, I may encourage the committee that I am on to look at a government department which has contracted out in order to comply with the Government's wishes and to look good, but which has contracted out only to reduce its FTE level and is in fact costing the Government more because it is paying the consultants more than it paid its own work force, including on-costs. We as politicians need to be convinced about this policy. The Government has had four years to implement it, and I concede that it may want to take it further, but now is the time for the Government to substantiate its game. I want to know which government departments have reduced their total expenditure from one budget to the next because of contracting out. I have gone through them; there is not one.

Hon Bob Thomas: It has reduced the quality of services.

Hon Max Evans: I used to make my speech about the lawnmowing done by the Building Management Authority.

Hon JOHN HALDEN: There will be areas where contracting out has saved money - I have always said that - but I want to be convinced that some of the big areas that have been contracted out are saving us money. People on this side, and I think the community, want an analysis of what we are saving. At that point, we end the argument.

Hon Max Evans: I do not disagree. I cannot give you the answers. I just collect the money.

Hon JOHN HALDEN: Perhaps you could contract that out.

Hon Max Evans: It has been suggested!

Hon JOHN HALDEN: The Government should put its credentials on the table and show us the net benefits of contracting out. We hear the speeches about how great contracting out has been, but we never, in spite of our calls for something to the contrary, get the details or the substance. We never get an analysis of the difference in quality. Complaints about school cleaning are still coming in; the work does not appear to be comparable. If contracting out is reflected by some of the cleaning around Parliament House, principally in my office - and I blame not the contractors but whoever drafted the contract - it is appalling. We all know that, and it has been commented on previously; but it has not been fixed. If the standard is that the cleaners work here for a couple of hours and run around spot cleaning, to use the words of Hon Graham Kierath, what we get is spot cleaning - no more, no less. If that is an example, I have no confidence in the system.

It is appropriate that this amendment has been moved, and clearly it will have my support. At the end of the day - I am glad the Minister for Finance is here - many of these matters impinge upon the economic decisions that the State Government will make. At the moment, it is trying to run, hide, duck, dive and weave, but it cannot do that forever. It will have to present a Budget, and people will know that hospitals are being run down, if that is the case, or that schools are not operating as they were previously. The Government can either adopt a more honest, open approach with us or it can go down the path of kicking and screaming. It has never bothered me which way it will be - I prefer one way to the other - but at the end of the day it will become self-evident. Many members on this side would like to be involved in a constructive debate with the Government, either on the floor of the House or privately, in whatever capacity is needed, to assist the State in this area. It is a matter in which we could assist, or, if we could not, in which we would be prepared to assist. Every effort should be made by the Government to adopt a stance which is different from the one it has adopted in the past few months.

HON KIM CHANCE (Agricultural) [9.46 pm]: I promise not to keep the House too long on this issue, but I want to speak in support of the amendment moved by Hon Graham Edwards. I said in my contribution to the Address-in-Reply debate that I dissented from Hon Barbara Scott's view that Western Australia was the best managed State in Australia or the world. I will comment on four paragraphs of the amendment which identify particular sectors in which the management of the State could, and should, have been better.

Paragraph (d) refers to the Government's performance in regional areas. I turn to an article in *The Australian* of 17 March 1997 written by David McKenzie and headed "Rural areas hit in jobless surge". The first paragraph, which I will read to set the scene, states -

Rural areas still bear the brunt of the unemployment problem, with jobless rates of about 9 per cent or more persisting in all eastern States.

I turn now to the two paragraphs which deal with Western Australia, which state -

In Western Australia, rural unemployment is below the national average, but rose sharply last year to push past Perth's falling unemployment rate.

Outside Perth, the State's unemployment rate rose by 1.3 last year to average 7.7 per cent during the last three months of the year. In the capital city area, unemployment dropped by 0.3 to 7.2 per cent.

We can certainly pat ourselves on the back, if we like, about having by far the lowest unemployment rate of any State in Australia, and the Opposition is pleased to acknowledge that that is the case, but we should not pat ourselves on the back too firmly given the state of those figures, which are rising rather than falling, particularly in regional areas. Any member who understands regional Western Australia well will be aware that regional Western Australia is not sharing in the benefits of growth and development which the remainder of Western Australia is enjoying, despite the fact that those regions provide the bulk of our State's wealth.

We must be general rather than specific, because this causes me to acknowledge some obvious areas of significant economic development in the regions. The first that comes to mind is the potential for development in the mid west region. I mention that first because the Opposition has had a briefing today from Kingstream, and we are all excited about the potential in the mid west both directly from the project and from what might flow from it. The other realised potential is the development of the hot briquetted iron plant in Hedland. Those wonderful developments and the magnificent potential which is flowing from them, about which we have as much enthusiasm as the Premier and the Government, tend to mask the reality of what is going on in other areas. These are not necessarily my feelings in isolation, because I am repeating what people in the regions have told me. If a region is not on the coast and has no minerals or potential for manufacturing infrastructure development, the Government does not want to know about it. It does not want to know that people are out there any more. The people in those regions feel that no-one wants them to stay there.

I will illustrate this situation by citing a short summary of what has occurred in my home town in the last couple of years. These facts relate specifically to Merredin but they could be indicative of what has been happening in any non-coastal country town. Westrail employment is in severe decline. It was once the town's major employer, but it is under a real threat as an employer now. In addition to transfers, which caused the loss of employment among locomotive crews following the introduction of the policy of extended shifts, the work force was halved. Westrail's Merredin work force was halved as a result of the implementation of the Right Track policy which, in one fell swoop, stripped 78 jobs from a work force which was already declining.

In Merredin, whole streets no longer have an occupied house. Allbuery and Gilmore Streets contain not one single resident. Leaving aside streets in the working areas of Merredin where one in three or one in four houses are empty, we now have two entire streets which do not hold a single resident. Once, those two streets housed Westrail employees.

In the retail sector, Extra Value - one of Merredin's major supermarkets - closed its doors forever last month, putting another four people who were directly employed at the store out of work. Only one of those persons was taken on by the alternative supermarket.

The retirement of one doctor and the relocation of another means that after May this year, no obstetric care will be available in Merredin. The regional hospital, which covers an area contained by Northam on one side and the goldfields on the other, will no longer undertake surgery because there is no anaesthetist, and as of May, unless something radical happens, we will have no surgeon. The nearest medical service is in Kalgoorlie, Northam or Perth. The Commonwealth Government shut down the Commonwealth Employment Service in Merredin last year, and the nearest service is in Kalgoorlie, Northam or Midland.

The Merredin Senior High School now offers only a limited range of academic subjects. Those who want to study subjects as fundamental to gaining employment as advanced calculus are forced to do so by obtaining distance education. The land care and environment action program and community development employment program, which were once important to the youth of Merredin for getting a foothold into the work force, have been gutted by the Commonwealth Government without a single squeak of protest from the State Government.

I could go on in this vein for quite a while. I am talking about things which have happened in a little country town in the past two years. The irony is that Merredin is the safest conservative seat in the State. The Deputy Premier holds Merredin by a margin of 31.16 per cent. The only safer seat is that of Churchlands, which is held by an Independent. One of the reasons for the coalition Government's clear domination of wheatbelt electorates is that over the years it has been able to convince the electors that it takes the welfare of country people seriously. That belief is based on a myth. The coalition parties have taken for granted the generous support offered to them by the voters in the wheatbelt and country towns generally - and that has gone on for too long. His Excellency should be advised that the problems faced in regional areas are not being adequately addressed by the Government. Government policies seem to be part of the problem rather than part of the solution.

Turning to uniform power charges, a matter separately referred to in the amendment, as an example, successive Labor Governments maintained a policy of equalising power charges between similar classes of users across the State. That policy has always contained Labor's fundamental commitment to provide incentive to businesses to develop industry and to provide job opportunities in regional towns. We know that power is expensive to transmit over long distances. We also know that it is even more expensive to generate that power on-site with liquid fuel as we must do in about 26 regional centres. Centres such as Esperance, Broome and Meekatharra have always benefited from Labor's commitment to absorb the extra cost of generating that power on-site in recognition, at least in part, of the huge economic contribution which is made by people in districts such as Esperance, Broome and Meekatharra, and dozens of other similar centres.

When the Court Government found itself facing an additional fuel bill, as a result of increased federal fuel charges - I readily accept it was a Labor Government at the time - on the fuel used to generate that power, it did not seek to absorb that cost within the State's energy cost. It simply lumped the increased cost on to large and expanding commercial users in the regional towns. Effectively, that killed off any new value adding and job opportunities in those localities. That cannot be described as a commitment to regional Western Australia.

Paragraph (c) of the amendment points to the predatory nature of the Government's industrial relations strategy. Our opposition to the unfair and bullying nature of coalition industrial legislation is understood. I do not intend to bore members with a repetition of an argument that we have already lost. However, I will never give up my opposition to the Government's transparent attack on organised labour and its institutions which have done so much to form a unique society and our unmatched way of life. The direction in which the Government has led our society, by its attack on unions, is towards the kind of industrial anarchy which exists in the United States.

I do not want to live in a society which institutionalises the lawless, violent and mercenary concept of union busters, which is now a growth industry in the United States. Nor do I want to live in a society in which unions have no oversight of workers' pay and conditions; in which employers have no fear that any nefarious activities will be uncovered because the unions can no longer come into the workplace to check on those conditions; or in which employers know they will never be investigated or prosecuted by an underfunded and tame-cat Department of Productivity and Labour Relations.

It is the easiest thing in the world to point to examples of areas that need reform in the industrial relations area. I am sure we all want to support the concept of enhancement, flexibility and choice in the workplace referred to in the Governor's speech. However, we must be honest about what we are setting out to do. The Government has failed to honour its rhetoric about flexibility and choice, assuming the Government ever believed in it.

Paragraph (f) symbolises perhaps the greatest challenge of all; that is, the task of reskilling our work force to enable the resources boom to have some impact on our unemployment problem. So far the manner in which the Government has responded to that challenge has not been encouraging. The only group which seems to be doing anything in this area, certainly in drawing the public's attention to the need for training and identifying ways of turning the resources boom into something of real benefit for people and the employment situation, is the Australian Manufacturing Workers Union, an institution from which the Government deliberately separates itself. We must train people and guarantee that the developments will result in a real and direct spinoff to job creation in the resources area. However, so far we do not seem to have a Government that is willing to do anything about it.

With respect to paragraph (g), contracting out - this is the point on which I thought Hon John Halden may have read my speech, so I will not go over it again - the Government must accept the challenge laid down by Hon John Halden. All figures I have seen indicate that contracting out has resulted in a net loss to the people of Western Australia. I

have certainly not seen figures which indicate real gain. The more closely we examine the budget papers and outcomes, the more it becomes clear that whenever we see a reduction in wages and services it is more than soaked up by increases in costs of services and contracts. On the basis of the information that is at least publicly available, that suggests that costs and efficiencies are being neither shared nor experienced within those agencies. Every day we hear of reports about lousy quality of service. As Hon John Halden said, we do not have to look far to see the results of that.

In general, this has been an extremely fortunate Government. It rode to power on a wave of anti-Labor sentiment in the electorate and then benefited from a resurgence in the economy of such scale that it would make even the most mediocre administration look good. The Government should be judged by what it has done that will allow the State and its people to better survive the next set of less fortunate years. The Government should take this seriously.

Hon N.F. Moore: To which part of the amendment is this related?

Hon KIM CHANCE: This is a summary of paragraphs (d), (e), (f) and (g). We must consider the following factors: Have we decreased debt? Yes, but only a little and only by the sale of assets. Have we made any long term improvements in health and education? No; we have gone backwards in both areas. Have we improved industry infrastructure, management and development? Yes, especially by deregulation of the gas industry. Have we improved our social structures? No; we have gone backwards. Have we decreased crime? No; crime keeps on increasing. Have we improved the skills of our young people? No; because apprenticeships have fallen. We have had this argument before. I will concede that traineeships have replaced apprenticeships.

Hon N.F. Moore: Because of the need to get people trained more quickly.

Hon KIM CHANCE: Certainly. Have we advanced regional Western Australia? No; it is under more pressure than ever. Have we improved the social cohesion of our society? No; our society is more greed motivated and more divided than ever.

Hon N.F. Moore: What absolute rubbish. You are living in fairyland saying things like that. Are you suggesting this Government has made people more greedy?

Hon KIM CHANCE: Yes, in a real and direct way. It goes directly to the Government's industrial relations strategy. It has put worker against worker in every workplace into which the Government has been able to introduce its strategy.

Hon N.F. Moore: What about the 1980s?

Hon KIM CHANCE: Have we reduced unemployment? Yes, but only as a result of being at the high end of the economic cycle. There is nothing there to suggest -

Hon N.F. Moore: An accident, was it?

Hon KIM CHANCE: Not so much an accident as fortunate timing. There is little to suggest that unemployment will fall in the medium or even the long term. As the Minister was out of the Chamber on important parliamentary business he may not have heard the news, but in rural Western Australia over the past three months unemployment rose by 1.3 per cent, the highest rise in any part of Australia. Are we using our resources better? Yes, in one sense, and no in others. We still have the ludicrous situation where the cost of ore taken out by certain mines is probably less than the cost of the rail subsidy they are receiving. However, credit where it is due; certainly very good things are happening with value adding.

We live in what I think is a beautiful and immensely rich part of the world. Our Rome is still being built; it is certainly not burning. However, in so many ways we waste opportunities of which we could be taking advantage to make this a better place now and an even better place in the future. This is not a genuinely reforming Government. The tragedy is that many of the so-called reforms which have been introduced are regressive, ideological and ill-considered.

We still have not learnt the lessons that we should have. I refer to the example of the resurrected second wave industrial relations legislation. Almost everybody understands now from the unions, industry and the general community that there is no real value in the second half of the second wave legislation. In fact that is part of the divisiveness that I suggested the Government introduced into our society. There is significant opposition to that part of the second wave legislation as there was to the first part. The first part was something the unions did not like but felt they could live with. The second part was what we all rejected as unworkable, at least politically. It is unnecessary and a load of ideological claptrap and I think everybody knows it is the product of the fevered imagination of the Minister for Labour Relations.

If the Government wants to introduce legislation, of course that is the Government's business and it is not the business of the Opposition to say what the Government can or cannot introduce. Neither does the Government have a role in telling the Opposition what it can support, introduce or oppose. What is important is the attitude of the Government to its electors. It has demonstrated sheer arrogance because not so long ago the electors gave their view of how this place should be structured. They indicated that they would no longer vote for Labor or Liberal members but would vote for people who could genuinely make decisions in this place which would make it something like a House of Review.

Hon Max Evans: We won the election so a lot of them decided to vote for the Government.

Hon KIM CHANCE: In the other place the coalition won 51 per cent of the seats with 39.9 per cent of the votes. Good on the Minister for Finance if he thinks that makes him a hero. However, five new people will be sitting in this Chamber in a few weeks' time because the people of Western Australia want them to keep their eyes on the Government.

Hon N.F. Moore: At the same time the electors gave us the biggest majority in the history of this State.

Hon KIM CHANCE: The Government was very fortunate in winning 51 per cent of the seats with less than 40 per cent of the votes. If government members think that makes them heroes, good on them, but they should remember how quickly dynamics such as those can change.

Hon N.F. Moore: You are a minority rump.

Hon KIM CHANCE: They can change very quickly.

Hon N.F. Moore: You have almost disappeared.

Hon KIM CHANCE: It is fine if the Minister believes that.

Hon N.F. Moore: If you look at the Assembly, you will see there is no room on the government benches for all its members.

Hon KIM CHANCE: It is dreadful, and I could not agree with the Minister more. However, he should look at the numbers that put them there.

Hon N.F. Moore: It was your electoral system.

Hon KIM CHANCE: I am not criticising the system, it is just an outcome. I would not feel overconfident about that outcome. If the Minister has any doubts, he should look at the sharp end of the pendulum. This legislation should be dealt with when the House is constituted in the manner the electors chose it to be. This Chamber with its present structure should not deal with this legislation, because the House represents the decision of the electors in 1993. It is legally right but morally wrong to deal with such legislation at this stage. I am not disputing the Government's right to bring on this legislation, but it is morally wrong to do so. The legislation will have an effect on this State for the next four years. The Government wants to introduce it while this House is constituted in the form set four years ago.

Hon Murray Montgomery: Do you agree that in 1989 when the Parliament did exactly the same as we are doing now and the legislation related to the petrochemical plant, it was legally right but morally wrong?

Hon KIM CHANCE: If the same dynamics existed, Hon Murray Montgomery would be right. However, the dynamics were different because there was no shift of power. The Labor Government was in a minority in this place before and after the election.

Hon Max Evans: We only stopped at guaranteeing the petrochemical plant, thank goodness.

Hon KIM CHANCE: There is a significant difference. I am not arguing against the point of view expressed by Hon Murray Montgomery, but it is not relevant to this situation.

The electors of Western Australia for the first time in 107 years have decided that the coalition parties will not have a majority in this House. Yet, with three weeks to run the Government will introduce legislation and try to push it through this place. It can do that by all means.

The DEPUTY PRESIDENT (Hon Barry House): Order! I am not quite sure which part of the amendment this relates to.

Hon KIM CHANCE: It relates to paragraph (e) and the Government's strategy on industrial relations. As far as I am concerned if the Government wants to proceed with that attitude and to demonstrate to the world that it is the most arrogant Government this State has ever had, that is fine. It should think about a couple of matters. In many ways

our parliamentary strategists would kick their heels in the air about this because Hon Tom Stephens and Hon Nick Griffiths will be placed in a wonderful negotiating position with the Democrats and the Greens. When the four representatives of those two parties join this Chamber they will not be very pleased about being deprived of the right to make a decision on this legislation. The legislation will affect every one of their electors, as much as it affects our electors.

Hon N.F. Moore: Most of them will be very much in support of it.

Hon KIM CHANCE: I do not know that. It is fine if the Minister has already determined that position. If he thinks the Greens and Democrat members of Parliament will be happy with this outcome, he has a lot to learn about politics.

Hon N.F. Moore: I am talking about the public. They think it is a good idea to have secret ballots before strikes are held.

Hon KIM CHANCE: I am telling the Minister about the processes and where the Government is making a classic technical error. I give another warning: If the Government chooses to proceed in this manner and the House is constituted in another form after 21 May, it is possible that the House may decide to overturn that legislation. If I were a member of the Greens or the Democrats and saw this stunt pulled just before I came to the Parliament, I would want to drag it back and have a look at it as a member of the new Legislative Council.

Hon N.F. Moore: There is nothing to stop them doing that.

Hon KIM CHANCE: Why is the Government taking this risk and forcing it through immediately before the House will change its character probably for all time?

Hon N.F. Moore: This House is entitled to make judgments any time it likes.

Hon KIM CHANCE: Of course it is, but where is the Minister's political judgment about the timing of controversial legislation? The Opposition has been saying for months that in the period prior to the new constitution of the House it is not a problem if the Minister introduces legislation the Opposition does not like. That is the Government's right. The fact that the Opposition does not like it is not relevant. The Opposition will vote against it and that will be the end of the matter. However, if the Government introduces legislation which is not urgent and at the same time is controversial, it is taking an awful risk. Notwithstanding the Minister's view, I think the public will not be impressed by the Government's action. The action it is proposing is a gross contempt of the electors' wishes.

HON J.A. COWDELL (South West) [10.18 pm]: I support the amendment to the Address-in-Reply, in particular the paragraph relating to the Court Government's failure to honour its pre-election pledges in relation to electoral reform. Of course, that is putting the matter mildly. The Governor's speech is a document of wholesale repudiation. This is a matter that the Assembly took some time to debate and well it should, because the Government's promise related particularly to reform of the Legislative Assembly. The Government has not repudiated its pledges with respect to this Chamber because it made no pledges about the much needed reform of this Chamber. There was a lie, a repudiation, two deceptions and a betrayal in this instance. The pledges referred to on the eve of the election were contained in the Government's formal response to recommendations 51 to 59 in the report of the Commission on Government. These are the Government's own words -

Recommendation 51

The Government accepts this recommendation as a statement of principle.

Recommendations 52 and 53

While the Government accepts that Statewide proportional voting should not be adopted for members of the Legislative Council, there are great difficulties with the suggested alternative of 35 MLCs elected . . .

The statement went on to indicate that there would be no reform of the Council. Recommendations 38 to 41, 45, and 47 to 49 relate to the Assembly, and it was made quite clear that the Government accepted these recommendations.

The reference to key recommendation 42 states -

The Government accepts the major principles of this detailed recommendation: that the current zones for the Legislative Assembly be abolished; that equality of enrolment be the basis for future redistributions; and that facilities for remote and large electoral districts be improved.

That undertaking was quite straightforward and was duly reported in the media in November 1996, just prior to the calling of the election. An article in *The West Australian* of 1 November entitled "Court backs call for voting reform" stated -

The State coalition has committed itself to introducing a new electoral system close to one vote, one value if re-elected . . . The promises were made in the Government's response to the 263 Commission on Government recommendations for post-WA Inc political reform released by Premier Court yesterday.

Of course, it indicated very clearly that -

The commitment to electoral reform in the Lower House follows last year's aborted bid by the Liberal Party to introduce a system close to one vote, one value and the Labor Party's failed High Court challenge to WA's electoral laws.

Of course, the National Party was not neglected. Comment was made about the National Party leader's stance prior to the election as follows -

But yesterday, party leader Hendy Cowan repeated his support for last year's coalition agreement that exiting metropolitan and non-metropolitan zones for the Legislative Assembly would be replaced with a system which divided total voter numbers by 57 - the number of seats - to set a quota of electors in each.

A deviation of plus or minus 15 per cent of the quota would be accepted.

I do not attribute the last statement regarding the 15 per cent to Mr Cowan; I do not believe that that was his position. Nevertheless, there was a public commitment by the Deputy Premier on behalf of the National Party as a member of the governing coalition, and he obviously had a say in the Government's formal response.

This advance was much vaunted in the Press. The *Sunday Times* - no avid supporter of the Labor Party - had a glowing editorial on 3 November extolling the Government's new-found virtue on this matter.

So, we had a clear pledge, and in the new year, following the election, the Minister for Parliamentary and Electoral Affairs, Mr Shave, was quoted in *The West Australian* of 11 February as follows -

Mr Shave said the Government would introduce an Electoral Amendment Bill this year to bring in a form of one vote one value to the Legislative Assembly but it had to recognise the interests of country voters.

The Governor's speech repudiated those firm undertakings. There is deception in the Government's formal response to the Commission on Government, in its media statements and in its assurances at the beginning of this year. We should not be surprised. In fact, in a rather vigorous debate elsewhere, we had views put stridently by that city slicker, the member for Avon, and his suburban mates, the members for Dawesville and Mandurah. The Government's repudiation of its electoral pledge to reform the Legislative Assembly boundaries is entirely in keeping with its tawdry record over the years - all show but worthless.

Over the years the coalition parties, and the Liberal Party in particular, have sought to deny the vote altogether to many sections of our community and, when that has failed, it has sought to devalue the vote of some sectors. We have had the example of the coalition parties denying the vote to various groups, particularly in respect of this Chamber. In fact, it supported the property franchise until 1964.

Hon N.F. Moore: And who introduced the change?

Hon J.A. COWDELL: Of course, the coalition introduced the amendments, but there is no virtue in introducing change after holding it up for 60 years; there is no credit, having eventually succumbed to pressure, in changing the system having held out for so long.

During World War II the Labor Government tried to introduce Bolshevik measures by giving the vote not only to property owners but also to returned servicemen. Members of the Liberal Party and the Country Party - as the National Party then was - recognised that as the thin end of the wedge of Bolshevism. They believed that the only qualification to vote for this Chamber should be the ownership of property, not that one was willing to fight and die for one's country. The coalition parties refused to pass the Labor Government's legislation to give returned servicemen a vote for this Chamber.

Those sentiments were quite apparent even in relation to local government reform in the 1980s, when members opposite tried to hang on to the property franchise for local government in this State. The vestiges are still with us. The local government legislation passed last year carried over the vote for owners and occupiers. The Government managed to establish four local government votes per holding.

The coalition parties have a proud record of denial of the vote to various groups in our community. For 40 years, they resisted the Labor Party's attempts to reform the system by granting citizenship, and therefore the vote, to Aboriginal Western Australians. They were also renowned for denying the vote to young Western Australians - the 18 to 21 year olds.

Once changes were forced, the coalition parties then attempted to devalue the currency. There was a combination of malapportionment and gerrymander. We are aware of the wonderful examples of Cabinet drawing the boundaries for the remote areas. It put all the Aboriginal electors in the Kimberley in one big seat so that their vote was not worth a great deal; it put all the mining communities in another seat to quarantine them; and it created a seat of Murchison-Eyre with 1 800 electors and a seat of Gascoyne with 3 500. If the coalition Government had to grant a vote, it made sure it was a devalued vote - a debased currency.

The coalition parties' record on electoral reform must be the worst in the Commonwealth. It has maintained that record by indicating in the Governor's speech that we will be the last bastion in the Commonwealth of vote weighting and malapportionment. Even the Tasmanian Legislative Council under a Liberal Government has started the process of reforming itself.

I conclude on the matter of electoral reform, but in particular reform of the Legislative Assembly boundaries, by referring to the arguments that have been advanced. None of them can justify the continuation of vote weighting. In the past, votes were weighted to take into account a person's ability. Extra votes were given in the United Kingdom and the eastern Australian colonies on the basis of education. People who attended the University of Sydney, the University of Melbourne, or the Universities of Oxford or Cambridge, got an extra vote on top of the vote they already got in their constituency. That was abandoned as untenable. Votes were also weighted depending on one's race or creed. We have seen that in our own tradition in respect of Catholic electors and Aboriginal electors. That was abandoned because it was weighting on the basis of section. Votes were weighted on the basis of wealth. That applied in this Chamber until 1964. One got a vote only because of one's property holdings. That has also been abandoned. We are now at the last refuge, which is a weighting of the vote on the basis of membership of a rural community. This is sometimes argued on the basis of encouraging decentralisation, although if the rural communities considered the performance of the coalition Government in Perth and particularly in Canberra these days, I do not think a strong case could be made for the delivery of decentralisation initiatives through a weighted system. There has been no delivery. The argument has changed nowadays to an argument of weighting based on need; rural communities need more and that is the basis of the weighting! That argument is untenable and is only a shield for the essential argument for the continuation of vote weighting in this State and that is the argument, purely and simply, of partisan advantage.

No-one put that more succinctly than Hon Renfrey de Garis when he was leader of the Liberal Party in the South Australian upper House. He said, when faced with the popular will of the people, that the Liberal Party knows of the permanent will of the people regardless of how they vote from election to election. It is the argument of the permanent will of the people regardless of how they vote which is the argument for the current weighted system. It is an argument of partisan advantage which cannot be sustained. We have abandoned all the other arguments for different forms of vote weighting based on education, race or creed, and wealth. Now we have only a facade of an argument based on the rural community and decentralisation, which is a false argument; it is an argument of partisan advantage.

The counter-arguments are based on the equality of all citizens, their right to be equal before the law, their right to have an equal say in the determination of the law and ensuring government has a legitimacy based on a democratic form of election. A government that is representative rather than democratically elected - we have seen the models based on corporate states - is not a legitimate or acceptable form of government. Even the governing parties nowadays will admit, as they argued very strongly after the 1989 election, that there was an injustice and there would be an injustice if any party that commanded a popular plurality, in that case 52 or 53 per cent of the vote, did not form the Government of the State. I agree with them. They argued that our system should make sure that any party or coalition of parties that enjoys a majority of popular support should form the Government. The Liberal Party has argued this both publicly and at the Commission on Government in favour of a fairness clause to ensure this happens. We cannot go anywhere near this happening if we do not end vote weighting and malapportionment in the Legislative Assembly. There is no argument for its continuing in this Chamber either.

It is on that basis that the Assembly spent some time considering this matter, and so it should have. It is something that this Chamber should also bring to the attention of His Excellency. It is for that reason that I have pleasure in supporting the amendment to the Address-in-Reply.

Amendment put and negatived.

Debate adjourned, on motion by Hon Bob Thomas.

LEAVE OF ABSENCE - HON REG DAVIES

On motion, without notice, by Hon Muriel Patterson, resolved -

That leave of absence be granted to Hon Reg Davies for four sitting days due to personal and private business.

House adjourned at 10.40 pm

QUESTIONS ON NOTICE

SHIPPING - STATESHIPS

Leases - Cancellation

18. Hon JOHN HALDEN to the Minister for Transport:

- (1) Stateships cancelled the leases of its three vessels, which is reported to have cost \$29 866 793. Has that amount been paid in full?
- (2) If no, when is this amount expected to be paid out?

Hon E.J. CHARLTON replied:

- (1) The owners of the vessels received full payment for the lease payout.
- (2) Not applicable.

SHIPPING - WESTERN AUSTRALIAN COASTAL SHIPPING COMMISSION

Expenditure

19. Hon JOHN HALDEN to the Minister for Transport:

What is the allocated expenditure for the Western Australian Coastal Shipping Commission for 1996/97?

Hon E.J. CHARLTON replied:

The Western Australian Coastal Shipping Commission has projected cash expenditure for 1996-97 of \$7 953 000 offset by projected revenue of \$1 531 000.

SHIPPING - NORTH WEST PORTS

Union Shipping - Subsidy

20. Hon JOHN HALDEN to the Minister for Transport:

- (1) Has the Government extended the subsidy to Union Shipping to continue to run a shipping service to north west ports?
- (2) If yes, when was it extended?
- (3) For what period was it extended and at what cost?

Hon E.J. CHARLTON replied:

- (1) The Government has decided to exercise the additional twelve month option available to it under the contract with Union Bulkships.
- (2) The operator of the service was recently informed of this decision.
- (3) The contract will conclude in February 1999, the cost of exercising the twelve month option having been established at the commencement of the contract.

SHIPPING - LEASING COSTS

Containers and Operating Vessels

21. Hon JOHN HALDEN to the Minister for Transport:

- (1) What are the anticipated leasing costs for -
 - (a) dry cargo containers;
 - (b) reefer cargo containers; and
 - (c) operating vessels,for 1996/97?
- (2) Who is paying for these leasing costs?
- (3) What are the anticipated lease costs to the Government over the next five years?

Hon E.J. CHARLTON replied:

- (1) Anticipated leasing costs for 1996-97 payable by the Western Australian Coastal Shipping Commission are -
 - (a) Dry cargo containers \$1 480
 - (b) Reefer cargo containers Nil
 - (c) Vessels \$1 490 000
- (2) These costs were paid by the Western Australian Coastal Shipping Commission. Vessel leasing costs were then recouped from the subcharter.
- (3) Nil.

SHIPPING - WESTERN AUSTRALIAN COASTAL SHIPPING COMMISSION

Dual Operating Grants

22. Hon JOHN HALDEN to the Minister for Transport:

- (1) Is the State Government via Treasury still providing dual operating grants to the Western Australian Coastal Shipping Commission in 1996/97?
- (2) If yes, what is the level of that grant?

Hon E.J. CHARLTON replied:

- (1) The entity of the Western Australian Coastal Shipping Commission is being maintained in order to retain insurance cover for ex-employees of the commission. As a result Treasury continues to fund the commission to enable it to meet its liabilities.
- (2) Funding for 1996-97 is expected to be \$6 422 000.

SHIPPING - WESTERN AUSTRALIAN COASTAL SHIPPING COMMISSION

Staff

23. Hon JOHN HALDEN to the Minister for Transport:

- (1) In 1996/97 how many officers are, or were, employed by the Western Australian Coastal Shipping Commission?
- (2) How many officers are currently employed by the Western Australian Coastal Shipping Commission?
- (3) What is the anticipated salary these officers will receive?

Hon E.J. CHARLTON replied:

- (1) At 1 July 1996 the Western Australian Coastal Shipping Commission had eight employees in addition to its commissioners.
- (2) As at 12 March 1997, seven employees remain on the commission payroll. Three employees are undergoing redeployment; one is receiving seaman's compensation payments and three are carrying out commission duties.
- (3) The estimated salary cost for 1996-97 for all these officers is \$310 000.

AIRPORT - PERTH

Purchase - Government Assistance

33. Hon JOHN HALDEN to the Minister for Transport:

- (1) Has the Government been involved in any bid, or assisting in any bid, for the purchase of Perth Airport?
- (2) If so, what is the nature of the Government's involvement?
- (3) If the Government has provided assistance, who has received it?

Hon E.J. CHARLTON replied:

- (1) The Government has no direct involvement with any of the consortia bidding for the lease of Perth Airport. However, the Government has actively assisted all bidding consortia in order to achieve the best possible outcome for Western Australia from the leasing process.
- (2) Assistance has been provided to all consortia in the form of information on the Government's aviation policy priorities. As one of these priorities is the development of aviation infrastructure and services in regional areas, names of contacts in the regions were also provided. Consortia have also been advised of how the Government would wish to manage its ongoing relationship with the new operator.
- (3) All bidding consortia have received the information referred to in (2).

TRANSPORT - MARITIME

Recurrent Expenditure

54. Hon JOHN HALDEN to the Minister for Transport:

With reference to the 1995/96 Department of Transport Annual Report, at page 109, paragraph 45.2 Recurrent Expenditure, Maritime (+\$4 310 000), would the Minister provide a breakdown of what the additional expenditure was required for and how much additional expenditure was provided to each item?

Hon E.J. CHARLTON replied:

The amount of \$4 310 000 shown at page 109, point 45.2 of the Department of Transport's 1995-96 annual report is the variation between the estimated expenditure for the year and the actual expenditure. The components of the variation are shown on page 86 of the department's annual report.

Maritime policy	\$2 359 000
(includes cost of north west shipping arrangement \$2 067 000)	
Maritime safety	\$ 866 000
Coastal and Facilities Management	\$1 085 000

JUSTICE, MINISTRY OF - LAND

Acquisitions

60. Hon JOHN HALDEN to the Attorney General:

- (1) What land acquisitions were made by the Ministry of Justice in -
 - (a) 1994/95;
 - (b) 1995/96; and
 - (c) 1996/97?
- (2) What were the acquisitions and how much was paid for each acquisition?

Hon PETER FOSS replied:

- (1) None.
- (2) Not applicable.

JUSTICE, MINISTRY OF - SERVICES AND CONTRACTS

Expenditure

61. Hon JOHN HALDEN to the Attorney General:

What is the Ministry of Justice's expenditure and estimated expenditure on services and contracts for -

- (a) 1995/96; and
- (b) 1996/97?

Hon PETER FOSS replied:

- (a) \$44 518 000.
- (b) \$53 958 000.

ROADS - BROOME-ONE ARM POINT

Upgrading

68. Hon TOM STEPHENS to the Minister for Transport:

- (1) Does the Government have any intention of providing additional funds to assist in the upgrading of the road to One Arm Point, via Broome?
- (2) If so, when are these works to be performed and finalised?
- (3) If not, why not?

Hon E.J. CHARLTON replied:

- (1)-(3) In 1996-97, \$200 000 has been provided to the Shire of Broome to assist it in improving and maintaining the One Arm Point Road.

GENDER REASSIGNMENT BILL - INTRODUCTION

110. Hon N.D. GRIFFITHS to the Attorney General:

With respect to the Attorney General's media release of 7 April 1996 in which he said amongst other things "A Gender Reassignment Bill was in the progress of being drafted and it would be introduced in Parliament later this year" -

- (1) Was a Gender Reassignment Bill drafted?
- (2) If yes, why was it not introduced into the Parliament in 1996?
- (3) If not, will one be drafted in 1997?
- (4) Will a Gender Reassignment Bill be introduced into the Parliament in 1997?
- (5) If so, when?
- (6) If not, why not?

Hon PETER FOSS replied:

- (1) Yes.
- (2) The Bill could not be finalised prior to the early rising of Parliament for the state election.
- (3) Not applicable.
- (4) Yes.
- (5) The Gender Reassignment Bill was introduced into Parliament in the Legislative Council on 12 March 1997.
- (6) Not applicable.

YOUNG OFFENDERS ACT - SECTION 58(2)*Compliance Records*

111. Hon N.D. GRIFFITHS to the Attorney General:

- (1) Are records now kept of applications for orders for payment by responsible adults pursuant to section 58(2) of the Young Offenders Act 1994?
- (2) When did such records commence to be kept?
- (3) Since the commencement of the keeping of such records, how many such applications have been made and how many orders have been made pursuant to such applications?

Hon PETER FOSS replied:

- (1) Section 58 of the Young Offenders Act 1994 gives the court the discretion to make an order that an adult be responsible for an order made against a juvenile offender for payment of money, either instead of the juvenile or in default of the juvenile making payment. As such, these matters are not in the form of applications. Individual records are kept where such orders have been made.
- (2) Records are maintained of all such orders made since the Act came into operation on 13 March 1995.

- (3) Significant resources are required to search the records of all Children's Courts in order to answer this question and therefore I have directed that such resources are not to be allocated to that task. However, I am advised the general perception is that few orders pursuant to section 58 have been made.

DRIVERS' LICENCES - SUSPENSION ORDERS

113. Hon N.D. GRIFFITHS to the Attorney General:

- (1) In each month since, and including, January 1995 pursuant to the Fines, Penalties and Infringement Notice Enforcement Act 1994 how many licence suspension orders have been made in each of the following categories -
- (a) holding or obtaining a driver's licence;
 - (b) holding or obtaining a vehicle licence in respect of vehicles specified in the order; and
 - (c) holding or obtaining a vehicle licence in respect of any vehicle?
- (2) With respect to each month from, and including, January 1995, how many licence suspension orders have been cancelled in each of the following categories -
- (a) holding or obtaining a driver's licence;
 - (b) holding or obtaining a vehicle licence in respect of vehicles specified in the order; and
 - (c) holding or obtaining a vehicle licence in respect of any vehicle?
- (3) With respect to each month from, and including, January 1995, how many licence suspension orders have been cancelled pursuant to section 20(2) of the Fines, Penalties and Infringement Notice Enforcement Act 1994 in each of the following categories -
- (a) holding or obtaining a driver's licence;
 - (b) holding or obtaining a vehicle licence in respect of vehicles specified in the order; and
 - (c) holding or obtaining a vehicle licence in respect of any vehicle?

Hon PETER FOSS replied:

- | | | | |
|-----|-----|----------------|-------|
| (1) | (a) | January 1995 | 0 |
| | | February 1995 | 0 |
| | | March 1995 | 0 |
| | | April 1995 | 1 152 |
| | | May 1995 | 7 086 |
| | | June 1995 | 5 560 |
| | | July 1995 | 4 237 |
| | | August 1995 | 371 |
| | | September 1995 | 0 |
| | | October 1995 | 0 |
| | | November 1995 | 0 |
| | | December 1995 | 675 |
| | | January 1996 | 3 241 |
| | | February 1996 | 8 802 |
| | | March 1996 | 4 221 |
| | | April 1996 | 5 002 |
| | | May 1996 | 4 785 |
| | | June 1996 | 9 253 |
| | | July 1996 | 2 920 |
| | | August 1996 | 2 503 |
| | | September 1996 | 1 990 |
| | | October 1996 | 2 464 |
| | | November 1996 | 2 115 |
| | | December 1996 | 2 232 |
| | | January 1997 | 2 083 |
| | | February 1997 | 1 526 |
| | (b) | January 1995 | 0 |
| | | February 1995 | 0 |
| | | March 1995 | 0 |
| | | April 1995 | 150 |
| | | May 1995 | 1 455 |
| | | June 1995 | 633 |
| | | July 1995 | 294 |

August 1995	21
September 1995	0
October 1995	0
November 1995	0
December 1995	45
January 1996	450
February 1996	1 742
March 1996	417
April 1996	378
May 1996	1 302
June 1996	2 537
July 1996	554
August 1996	403
September 1996	461
October 1996	447
November 1996	319
December 1996	597
January 1997	314
February 1997	196

(c) January 1995 to February 1997 0

(2)	(a)	January 1995	0
		February 1995	0
		March 1995	0
		April 1995	252
		May 1995	1 305
		June 1995	898
		July 1995	981
		August 1995	760
		September 1995	298
		October 1995	197
		November 1995	225
		December 1995	820
		January 1996	736
		February 1996	1 361
		March 1996	1 428
		April 1996	1 540
		May 1996	1 695
		June 1996	1 781
		July 1996	2 014
		August 1996	1 881
		September 1996	1 512
		October 1996	1 720
		November 1996	1 538
		December 1996	1 529
		January 1997	1 556
		February 1997	1 354

(b)	January 1995	0
	February 1995	0
	March 1995	0
	April 1995	40
	May 1995	304
	June 1995	220
	July 1995	207
	August 1995	120
	September 1995	36
	October 1995	16
	November 1995	81
	December 1995	188
	January 1996	113
	February 1996	326
	March 1996	350
	April 1996	300
	May 1996	379
	June 1996	497
	July 1996	519
	August 1996	382
	September 1996	331
	October 1996	393
	November 1996	338
	December 1996	309
	January 1997	357

February 1997 260

(c) January 1995 to February 1997 0

- (3) The fines enforcement computer system does not provide statistical information in regard to the number of licence suspension orders lifted pursuant to section 20(2) of the Fines, Penalties and Infringement Notices Enforcement Act 1994.

SENIORS - INTERNATIONAL YEAR OF OLDER PERSONS

Government Commitment

126. Hon CHERYL DAVENPORT to the Minister for Transport representing the Minister for Seniors:

Given that the International Year of Older Persons is to be held in 1999, what planning and financial commitment does the Western Australian Government intend to provide to celebrate and promote participation for seniors in events throughout the year?

Hon E.J. CHARLTON replied:

The Government of Western Australia is well aware that 1999 is the International Year of Older Persons and has already taken steps to ensure that it is marked in an appropriate manner. Detailed planning is being undertaken by the Office of Seniors Interests. It is relevant to note in this respect that, as a result of an initiative of my predecessor as Minister for Seniors, the Health and Community Services Ministerial Council established in October 1996 a Healthy Ageing Task Force which is chaired by the Director of the Office of Seniors Interest. Among the terms of reference of this task force were -

"Develop a nationally coordinated approach to the celebration of the International Year of Older Persons.

Prepare recommendations on how Australia might contribute to the development of aged care and the promotion of Healthy Ageing in neighbouring developing nations."

Thus Western Australia has been instrumental not only in drawing national attention to this important International Year but in signalling its potential as a catalyst for export of age related goods and services.

At a state level, the Office of Seniors Interests is currently working on a state plan on ageing which will identify initiatives capable of being introduced during the International Year.

ADOPTIONS - INFORMATION

Waiting Times

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

- (1) What is the current waiting time for information for all participants in the adoption triangle?
- (2) How many Information and Contact Vetoes have been placed by all participants in the adoption triangle since the Act was proclaimed on 1 January 1995?

Hon E.J. CHARLTON replied:

- (1) The current waiting time for information can vary between two and 12 weeks depending on whether the request is for identifying and/or non-identifying information.
- (2) 710 individuals have placed information and/or contact vetoes since the Adoption Act 1994 was proclaimed on 1 January 1995.

COURTS - MAGIC COMPUTER SYSTEM

Development and Costs

134. Hon N.D. GRIFFITHS to the Minister for Justice:

- (1) Did the Auditor General recently report that there are substantial problems with the MAGIC computer system of the Courts of Petty Sessions and that little use is made of the information stored in MAGIC?
- (2) What has the development and implementation of this system cost to date?

- (3) What additional costs are likely to be incurred to make the system comply with the specifications required by its end users?
- (4) Who developed this system?
- (5) Who was consulted in its development?
- (6) What modifications and enhancements has the system undergone?
- (7) Were those modifications and enhancements successful?
- (8) Who undertook those modifications and enhancements?
- (9) What was the cost of those modifications and enhancements?
- (10) When is it expected those modifications and enhancements will be completed?
- (11) Considering the reported cost and the inadequacy of the MAGIC system, has the Minister or ministry sought legal advice on what options the ministry has to recover the costs associated with the development and implementation of this failed system and the consequent loss of productivity by the courts?
- (12) If yes -
 - (a) has the ministry sought to recover those costs; and
 - (b) if not, why not?
- (13) What is the estimated cost to the ministry of the failure of the MAGIC system to fulfil its promise?

Hon PETER FOSS replied:

- (1) The Auditor General stated that the MAGIC system did not meet management information objectives, but met the operational requirements of the Court.
- (2) \$1.4m.
- (3) MAGIC has been fully completed.
- (4) Ministry of Justice.
- (5) Courts staff and judicial officers.
- (6)-(10) The Ministry of Justice has combined the MAGIC and the Children's Court systems. The new system has successfully been implemented at 11 Magistrates' Courts sites and the Children's Courts. Final costings cannot be determined until the new system is fully implemented in December 1997.
- (11) Not applicable. The MAGIC system met its operational objectives.
- (12) Not applicable.
- (13) Not applicable.

LEGAL AID - COMMISSION

Library Facilities

135. Hon N.D. GRIFFITHS to the Minister for Justice:

- (1) Which non-metropolitan offices of the Legal Aid Commission possess legal library facilities?
- (2) To what extent are those facilities open to use by members of the local and visiting legal profession?
- (3) What criteria are used in determining acquisitions for libraries at non-metropolitan offices of the LAC?
- (4) What was the cost of acquisitions for and maintenance of these libraries in the last financial year?
- (5) Who is responsible for auditing these libraries to ensure their contents are not lost or misplaced and missing volumes are located?
- (6) Is a central catalogue of non-metropolitan LAC holdings maintained and, if so, by whom?
- (7) In the last financial year, what was the value of lost or missing non-metropolitan LAC office library acquisitions?

Hon PETER FOSS replied:

- (1) Kimberley Regional Office (Broome)
Pilbara Regional Office (South Hedland)
Goldfields Regional Office (Kalgoorlie)
Southwest and Great Southern Regional Office (Bunbury)
- (2) The libraries are available for use by the legal profession.
- (3) No formal criteria exist. Acquisitions are based on the texts and services required to service the work of the office.
- (4) In the 1995-96 financial year the cost of acquisitions for the maintenance of non-metropolitan regional office libraries was \$41 448.05.
- (5) Perth library is responsible for auditing of stock, but regional offices carry out informal checks to keep track of contents.
- (6) Yes, this is performed by the Perth library.
- (7) This information is not available.

COURTS - NON-METROPOLITAN

Library Facilities

136. Hon N.D. GRIFFITHS to the Minister for Justice:

- (1) Which non-metropolitan courts possess legal library facilities?
- (2) To what extent are those facilities open to use by members of the local and visiting legal profession?
- (3) What criteria are used in determining acquisitions for libraries at non-metropolitan courts?
- (4) What was the cost of acquisitions for and maintenance of these libraries in the last financial year?
- (5) Who is responsible for auditing these libraries to ensure their contents are not lost or misplaced and missing volumes are located?
- (6) Is a central catalogue of non-metropolitan court library holdings maintained and, if so, by whom?
- (7) In the last financial year what was the value of lost or missing non-metropolitan courthouse library acquisitions?

Hon PETER FOSS replied:

- (1) Only those courts with a resident magistrate have a full "standard collection" library. Circuit courts have limited facilities.
- (2) Libraries are for the exclusive use by the resident magistrate and visiting judicial officers; however, the magistrate may, at his discretion, allow others access.
- (3) Acquisitions are subject to a "standard collection" as determined by the Library Review of 1993. All requests for acquisitions are lodged with the Magistrates' Library Committee and are subject to available funds.
- (4) \$39 001.90 for 1995-96 period.
- (5) The Managing Registrar at each location is responsible for the maintenance of the library. Audits of libraries are conducted by the Ministry of Justice library manager and a senior librarian.
- (6) Yes, by the Ministry of Justice library.
- (7) The value of missing or lost library material was estimated at \$760 for the period 1995-96.

COURTS - PETTY SESSIONS

Facilities

137. Hon N.D. GRIFFITHS to the Minister for Justice:

- (1) Which of the courthouses housing Courts of Petty Sessions possess -

- (a) dedicated private interviewing facilities for the legal profession and its clients and witnesses;
 - (b) facilities for vulnerable witnesses including young children and alleged victims of domestic or other violence;
 - (c) cold water drinking fountains; and
 - (d) toilets dedicated for use by -
 - (i) the general public and witnesses; and
 - (ii) disabled persons?
- (2) For those courts which do not possess toilets for use by the public, witnesses or disabled persons, where are the nearest toilets available for use by those persons in relation to the courthouse?

Hon PETER FOSS replied:

- (1)-(2) A survey of the Ministry of Justice and Department of Minerals and Energy Courts of Petty Sessions managed by managing registrars is currently being conducted to obtain this information. I will respond in detail to the member's question once the results of this survey are available.

BICYCLE PATHS - PARLIAMENTARY PRECINCT

Cost and Usage

139. Hon TOM STEPHENS to the Minister for Transport:

- (1) What was the total cost involved in constructing an additional bike path on the edge of the parliamentary precinct, adjacent to the Mitchell Freeway?
- (2) What additional length of bike path has been added to the Perth City bicycle route links as a result of this work?
- (3) What are the estimates for daily usage of this additional bike path?

Hon E.J. CHARLTON replied:

- (1) The cost of the Parliament House dual use path is \$700 000.
- (2) The Parliament House dual-use path links Malcolm Street with George Street, a distance of 350 metres. However this link joins the north and south bike paths ensuring greater benefits for bike users.
- (3) A 1995 bicycle cordon count of the Central Business District counted 453 cyclists using the paths and road system in the vicinity of Parliament House over a three hour period from 7.00 am to 10.00 am.

COURTS - BROOME COURTHOUSE

Maintenance

141. Hon TOM STEPHENS to the Minister for Justice:

- (1) Has the Minister received representations from the Broome Shire Council for funding to perform urgent maintenance and other works on the Broome Courthouse?
- (2) What maintenance and other works are required or outstanding on the courthouse?
- (3) What maintenance and other works are proposed in the current financial year?
- (4) What is being done to prevent further deterioration of this historic building?

Hon PETER FOSS replied:

- (1) Yes.
- (2) Restoration maintenance.
- (3) Routine maintenance; breakdown and repairs.
- (4) A regional courts accommodation program has been developed. Broome Courthouse restoration has been given a high priority within the program. The program is currently under consideration by the Government.

LOCAL GOVERNMENT - BROOME SHIRE

Storm Damage - Cost

143. Hon TOM STEPHENS to the Minister for Transport:

- (1) Following the heavy rains and storms in Broome earlier this year, what are the estimated repair costs to streets, roads and paths in:
 - (a) urban areas; and
 - (b) non-urban areas,of the Broome Shire?
- (2) What additional funds will the Government make available to enable the Broome Shire to repair damage to this infrastructure?

Hon E.J. CHARLTON replied:

- (1)
 - (a) \$200 000.
 - (b) \$300 000.
- (2) Main Roads and the Shire of Broome will undertake a joint inspection of the damage. Where abnormal damage occurs funding is allocated on the basis of 100 per cent for opening up costs and 2:1 Main Roads:Local Government for reinstatement costs.

TRANSPORT - COMMONWEALTH TRANSPORT BUDGET

Allocation

155. Hon CHERYL DAVENPORT to the Minister for Transport:

- (1) Has the Senate "Black-Spot" Consultative Committee agreed that Western Australia will receive \$4.8m from the Commonwealth Transport Budget?
- (2) Has the Commonwealth Transport Minister agreed to the allocation?
- (3) If not, when might approval be granted?
- (4) If so, over what time frame will the \$4.8m be received?
- (5) Will the Minister table the "Black-Spot" projects which are approved along with estimated completion dates?

Hon E.J. CHARLTON replied:

- (1)-(3) The State Black Spot Consultative Panel has forwarded its recommendations to the federal Minister in relation to the specific projects and approval of this submission is expected shortly.
- (4) Payment of 20 per cent of the approved program is paid immediately on approval and the remaining funds can be recouped as works are undertaken.
- (5) Yes, when the information is available.

COURTS - DISTRICT

Exhibits

169. Hon N.D. GRIFFITHS to the Attorney General:

With respect to the photograph of District Court orderly, Richard Forsyth, with District Court exhibits published in *The West Australian* on 7 March 1997 -

- (1) Where was the photograph taken?
- (2) At what time, and on what date was it taken?
- (3) Was Mr Forsyth on duty when it was taken?
- (4) On what authority did Mr Forsyth introduce himself and the exhibits to be photographed?
- (5) Why was such authority given?

- (6) Who gave the authority?
- (7) What precedent is there for the production of court exhibits with respect to a matter when there is an appeal pending and another person has a trial pending with respect to the matter?

Hon PETER FOSS replied:

- (1) Court 5.4 Central Law Courts.
- (2) 1.30 pm, 6 March 1997.
- (3) Yes.
- (4) Permission of trial judge.
- (5) Media and public interest. Permission was refused to photograph exhibits during the trial.
- (6) Trial judge.
- (7) Photographs of exhibits have been released after the conclusion of trials to the media upon request.

PRISONS - PRIVATISATION

Security

173. Hon N.D. GRIFFITHS to the Minister for Justice:

- (1) What current or proposed prisons or prison services are to be privatised in whole or in part?
- (2) Who among the stakeholders in prisons and prison services has been consulted?
- (3) What steps are, or will be, taken to make sure privatisation of prisons and prison services does not result in a reduced level of security placing prisoners and the public at risk?

Hon PETER FOSS replied:

- (1)-(3) Cabinet is yet to consider these issues and therefore no details are available at this time.

HEALTH - ABORIGINAL MEDICAL SERVICE

Mobile Clinic - Broome

183. Hon MARK NEVILL to the Minister for Finance representing the Minister for Health:

Further to question on notice 404 of 1996 -

- (1) When was the contract signed?
- (2) When was the vehicle obtained?

Hon MAX EVANS replied:

- (1) The agreement was made on 9 June 1994.
- (2) Kimberley Aboriginal Medical Services' Council advised that the vehicle was obtained on 18 January 1995.

POLICE - PERTH MINT INQUIRY

Police Notebooks

188. Hon MARK NEVILL to the Attorney General:

I refer to the Mickelberg case -

- (1) Is it correct that the Western Australia Police Force has not provided to the Supreme Court 10 out of 11 police note books used in the Perth Mint inquiry?
- (2) Why have not each of these notebooks been produced?

Hon PETER FOSS replied:

The question relates to a matter which is before the Court of Criminal Appeal and is sub judice.

MICKELBERG CASE - DIRECTOR OF PUBLIC PROSECUTIONS

Police Running Sheets

190. Hon MARK NEVILL to the Attorney General:

I refer to the Mickelberg case -

- (1) Why has not Mr S. Pallaras of the Director of Public Prosecutions office produced to Mr R. Mickelberg a copy of the police running sheets relevant to the Perth Mint inquiry?
- (2) Did the Chief Justice request this information be provided to Mr R. Mickelberg on Monday, 24 February 1997?
- (3) Was it Mr Pallaras' understanding that he would provide a copy of the police running sheets to the Supreme Court?

Hon PETER FOSS replied:

The question relates to a matter which is before the Court of Criminal Appeal and is sub judice.

QUESTIONS WITHOUT NOTICE

GOVERNMENT ADVERTISING - MARKETFORCE ADVERTISING

Reports

95. Hon TOM STEPHENS to the Leader of the House representing the Premier:

I refer to the advertising carried out by the Government during 1994, 1995, and 1996 and coordinated by Marketforce Advertising and ask -

- (1) Does Marketforce provide reports on an annual or more frequent basis to the Government setting out advertising carried out by, for, or on behalf of the Government?
- (2) Will the Premier table the reports supplied to the Government by Marketforce detailing the advertising carried out by the Government during 1994, 1995 and 1996?
- (3) If the Government does not have reports for these periods, will the Government request Marketforce to provide it with reports covering these periods? If not, why not?

Hon N.F. MOORE replied:

- (1)-(3) I thank the member for some notice of the question. Media Decisions holds the Government's master media contract through which the advertising rates charged by the media are negotiated and also conducts the Government's campaign advertising. I am informed that as the campaign and non-campaign contracts which operate under the master media contract have been run by two separate companies, it may take some time to provide details for the specific years requested by the member. However, the Government will endeavour to supply that information when it becomes available.

ROADS - PERTH-BUNBURY

Peel Deviation - Environmental Impact

96. Hon J.A. SCOTT to the Minister representing the Minister for the Environment:

I refer the Minister to the public environmental review for the Perth-Bunbury highway Peel deviation and ask -

- (1) Was the Commonwealth Government advised about the potential environmental impact of the Peel deviation on the Ramsar wetlands contained in the study area of the proposal?
- (2) If yes -
 - (a) when was that notification made; and
 - (b) by which department or other body was it made?
- (3) If no notice was given, why was no notice given?

Hon MAX EVANS replied:

I thank the member for some notice of the question.

- (1)-(2) No formal notification was provided but a copy of the public environmental review was provided within the last two weeks by the Department of Environmental Protection.
- (3) As it is assumed that the Ramsar wetlands being referred to is the Peel-Yalgorup system - in particular, areas of the Peel-Harvey Estuary - the proposed Peel deviation will pass well to the east of these areas and no impact on these important wetland areas is expected.

PRISONS - PAROLE AND REMISSIONS

Report

97. Hon N.D. GRIFFITHS to the Attorney General:

- (1) Has the Attorney received a report from District Court Chief Judge Hammond on parole and remission?
- (2) If so, when was the report received?
- (3) Will the Attorney table the report?
- (4) When will the Attorney table the report?
- (5) If not, why not?

Hon PETER FOSS replied:

- (1)-(5) I received a preliminary report from the chief judge. He suggested he would like some guidance from me so that the committee could complete its inquiry. It is a discussion of the issues it has considered, the suggestion as to where it should go next, and a request for direction from me. I have replied to that request for direction and that committee will consult and finally give me a report. I will not table that because it was in the nature of a discussion and a request for me to give guidance about where it will go next. When I finally get a report indicating what should be done, I will table that. I got the report just before Christmas. I considered it and replied in the way requested.

TOURISM - ELLE CAMPAIGN

Butler

98. Hon TOM STEPHENS to the Minister for Tourism:

- (1) Did the WA taxpayer pay for the services of the butler known as Brook, who was deployed during the visit to WA of Ms Elle Macpherson?
- (2) What was the total cost including transport, travel and accommodation for Brook's involvement in this visit?

Hon N.F. MOORE replied:

- (1)-(2) I have received a number of questions about certain aspects of the production of advertising using Elle Macpherson and conducted by the Western Australian Tourism Commission. Questions were asked by Hon Tom Stephens - he has another on the Notice Paper today - and members of the other House. All the accounts are yet to be finalised. I propose to provide the House with a list of all the expenditure associated with this activity so that members can read it instead of salivating over every question they might like to ask.

Hon Tom Stephens: I am not that sort of person!

Hon N.F. MOORE: I am not suggesting the Leader of the Opposition is salivating over Elle; I am suggesting that he is salivating over the question. When all the accounts have been finalised I will make the information available. One of the difficulties associated with this question is that this person was involved in travelling on a charter operation with a number of other people. Does the Leader of the Opposition want me to allocate one-twentieth of an aircraft to that person so that we can work out that person's costs?

Hon Tom Stephens: The total costs will be terrific.

Hon N.F. MOORE: I propose giving a list of all expenditure to the Leader of the Opposition.

Hon Tom Stephens: Do you think we paid for the services of the butler?

Hon N.F. MOORE: The Leader of the Opposition will know in due course. I will make the information available to the House as soon as it is available.

TAXATION - GOODS AND SERVICES TAX

State-based - Impact

99. Hon JOHN HALDEN to the Minister for Finance:

I refer the Minister to the statement to Parliament by the Deputy Leader of the Liberal Party that he favours a state-based consumption tax and that a goods and services tax in Australia is inevitable.

- (1) Has the Government examined the impact of a goods and services tax on the Western Australian economy?
- (2) If yes, what is that impact?
- (3) Do studies of the cost of compliance by business with a GST show that the compliance costs burden falls most heavily on small business?
- (4) Does he agree that to be effective, a GST must be imposed on a broad range of goods and services, including goods and services currently untaxed or subject to concessional rates of tax?
- (5) Do these services include those provided by state and local government and by the health, education, tourism and hospitality industries?

Hon MAX EVANS replied:

- (1)-(5) The answer is simple. The High Court and the Constitution make it clear that the State cannot raise any taxes. That is why there is a business franchise fee on alcohol, petrol and tobacco. The Federal Government is still trying to work out what it can do about a GST.

Hon John Halden: You are challenging it at this moment in the High Court.

Hon MAX EVANS: We are challenging to retain what we have at present. The Arafura case challenged the fuel business franchise levy. The present case relates to two duty free shops which are challenging the tobacco tax. They are trying to have it thrown out so that they can get a refund of the money. The Solicitors General all say that their States want to retain the taxing right rather than impose a business franchise fee, which involves charging a fee this month for what was sold last month. They want to have a direct base rather than this sham of a business franchise fee. The Solicitor General wants to make sure there is some certainty. I read in the Press today that Sir Daryl Dawson is retiring from the High Court and Sir Gerard Brennan will be retiring in 10 months. It will then be a completely different ball game and nobody knows which way the voting will go. The vote against a change to the Constitution was 7-0 and the vote on the Capital Distributors case was 4-3. That case involved a tax on videos produced in Canberra. It was a great worry to this State because it would have unscrambled all the taxes. A Bill before the Parliament will stop retrospectivity of refunds of taxes which run into hundreds of millions of dollars. It is up to the Federal Government to decide what it will do with a GST. This Government is trying to protect the tax base it already has.

ROADS - PERTH-BUNBURY

Peel Deviation - Environmental Impact

100. Hon J.A. SCOTT to the Minister for Transport:

Some notice of this question has been given. I refer the Minister to the Perth-Bunbury Highway - Peel deviation public environmental review.

- (1) Will the Minister advise whether the State Government notified or liaised with the Commonwealth Government on the potential environmental impact of the Peel deviation on the Ramsar wetlands, contained within the study area of the proposal as provided for in the Main Roads Western Australia environmental manual briefs, document 2700/004-2, page 8 of 39, clause 313?
- (2) If yes -
 - (a) when was the notification made; and
 - (b) by which department or other body was it made?
- (3) If no notification or liaison was undertaken, why was that the case?

Hon E.J. CHARLTON replied:

I agree with the answer Hon Max Evans gave to a similar question.

GLOBAL DANCE FOUNDATION - FUNDING**101. Hon TOM STEPHENS to the Minister for Tourism:**

I refer the Minister to the funding arrangements between the Government and the association known as Global Dance Foundation Incorporated.

- (1) Did the Chairman of the Global Dance Foundation, Mr Peter Reynolds, or any other representative of this association approach any Minister in 1995 for support for funding for this association?
- (2) If yes, which Minister was approached, what was the nature of that approach and when was the approach made?
- (3) How much has the Tourism Commission paid Global Dance to date?
- (4) Were any guarantees sought or obtained from members of the board of Global Dance or any of the association's members for the performance of any of the association's obligations pursuant to any funding agreements with the Government?
- (5) If no guarantees were sought, why not?
- (6) Will the World Dance Congress be held - as Global Dance still claims on its Internet pages - in August 1997?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The Global Dance Foundation was formed in May 1995 for a number of purposes, including the management of the proposed World Dance Congress. Mr Reynolds approached the Minister for Tourism in April 1994 with the concept of the World Dance Congress and he was referred to the Western Australian Tourism Commission. I do not know whether he approached any other Ministers. This question is addressed to the Minister for Tourism and the answer is based on my knowledge of the situation.
- (2) The then Minister for Tourism. The approach, which was in April 1994, was to discuss the concept of the World Dance Congress and particularly government funding.
- (3) \$430 000.
- (4) The contract has a performance clause whereby if the number of delegates and performers registered for the event is less than the prescribed number in the contract - that is, less than 2 500 - Global Dance Foundation will refund part or all of the government funding in accordance with the prescribed formula in the contract.
- (5) As mentioned above, the contract has a performance clause and additional default clauses.
- (6) While there has been a proposal by the Global Dance Foundation to postpone the event, the Tourism Commission has advised the foundation that it will consider the proposal only if certain terms and conditions are accepted by the foundation. Those conditions have not yet been accepted and negotiations are continuing. Until then, the event is technically still scheduled for August 1997, but the Tourism Commission has been advised by the foundation that it has in fact refused to take registrations since July 1996 when concerns appeared regarding the potential to raise sponsorship to stage the event in 1997.

ROADS - PERTH-BUNBURY*Peel Deviation - Environmental Impact***102. Hon J.A. SCOTT to the Minister for Transport:**

- (1) Is the Minister aware that the Ramsar wetlands agreement states that not only the area covered by the agreement, but also any projects or developments which occur outside that area but impact on the Ramsar area, should be regarded as important to the agreement?
- (2) This being the case, the Perth-Bunbury highway Peel deviation passes through the catchment area of the Peel and Harvey regions. Can he now tell me whether liaison has been made with Main Roads Western Australia under the regulations laid down?

Hon E.J. CHARLTON replied:

- (1)-(2) The road is not intended to go near the area referred to by the member. Therefore, it does not have to be subject to that approval.

GLOBAL DANCE FOUNDATION - INCORPORATION

Application Date and Board Membership

103. Hon TOM STEPHENS to the Minister representing the Minister for Fair Trading:

- (1) Is Global Dance Foundation Incorporated an association incorporated under the Associations Incorporation Act?
- (2) When did this organisation lodge its application for incorporation?
- (3) When was it incorporated?
- (4) What were the names and addresses of the members of the board of Global Dance -
- (a) at the time of its incorporation;
 - (b) at 31 July 1995; and
 - (c) at 18 March 1997?
- (5) How many members did Global Dance have on the dates above?
- (6) Is this association required to disclose to the public -
- (a) its financial statement; and
 - (b) the names and addresses of its board members?
- (7) If not, why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2)-(3) 1 June 1995.
- (4) There is no requirement under the Associations Incorporation Act to lodge such details with the Ministry of Fair Trading.
- (5) There is no requirement under the Associations Incorporation Act to lodge such details with the Ministry of Fair Trading. However, the Act requires that the association have at least six members.
- (6) No.
- (7) Such information is not required under the Associations Incorporation Act. However, the association must make such information available to its members.

FISHERIES - COMMUNICATIONS PLAN

Cost

104. Hon KIM CHANCE to the Minister representing the Minister for Fisheries:

- (1) Was the Fisheries Department instructed to employ a former staff member of the Minister for Resources Development to devise a communications plan for the Fisheries Department; if so, who issued the instruction?
- (2) Was the staff member provided with a level 7 salary, training, an office and a car for the purpose of preparing a communications plan; if so, what was the cost of the package and how long did the staff member work on the communications plan?
- (3) Was a consultant later hired to progress the construction of the plan?

- (4) Did the staff member hire a journalist - level 6 - to assist with the plan; if so, was that position advertised according to public service guidelines?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) No.
- (2) The agency's communication plan is ongoing. The staff member's contract provides for a level 7 salary and car.
- (3) Yes.
- (4) I am advised that the agency has employed a journalist on a short term contract. The position was cleared by the Office of Mobility and more than one applicant was approached.

HEALTH - GONOCOCCAL CONJUNCTIVITIS

Kimberley

105. Hon MARK NEVILL to the Minister representing the Minister for Health:

I refer to the recent outbreak of gonococcal conjunctivitis in the Kimberley.

- (1) In what areas has the main outbreak occurred?
- (2) What action has the Health Department taken to contain the outbreak?
- (3) What action has been taken to trace the source of the outbreak?
- (4) What education programs are being put in place so that this disease is not confused with more common staphylococcal infections?
- (5) What actions are being taken and recommended to control or eliminate the outbreak?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The outbreak has been in one area of the East Kimberley region.
- (2) Staff from the public health unit and the local health staff have investigated and treated those affected.
- (3) Investigations are continuing into the outbreak.
- (4) Education is an integral component of all health care programs.
- (5) Investigations, treatment and education as previously stated.

PUBLIC TRUSTEE - FEES

Increase

106. Hon N.D. GRIFFITHS to the Attorney General:

With reference to the Public Trustee Amendment Regulations 1997 tabled yesterday, the second schedule has now been amended so that the Public Trustee's fees with respect to a deceased person's estate have been raised from 3.75 per cent to 4 per cent for the first \$200 000 of gross capital value of an estate.

- (1) What is the reason for the increase?
- (2) What public announcements have been made other than in the *Government Gazette* and the tabling of the document?
- (3) Is this part of a plan to make the Public Trustee a viable target for privatisation?

Hon PETER FOSS replied:

- (1)-(3) The reason for increasing the percentage is to bring the Public Trustee into line with its competition in the private sector. The nature of the work of the Public Trustee requires me, almost daily, to write down its fee, because it has a wide variety of small estates for which it does not charge the percentage rate. Although the

trustee is entitled to do that, in cases where the principal asset is a residence it often charges only for time worked. That means on a swings and roundabouts type of measure it is very difficult for the Public Trustee to pay its way, because it does not have a reasonable range of estates. It is important, where it is appropriate that a percentage fee be charged, that it be commensurate with what is charged by the private trustee companies. Overall the member will find that its fees are considerably less than those of its competition. It is important, where it is capable and reasonable to recover fees, that those fees be sufficiently high to enable it to maintain itself. I do not know how many estates the trustee administers each day; however, this week I signed about eight or nine authorisations not to charge full fees, where the write down is quite considerable. I have no problem with the trustee charging a full fee on those estates where that is appropriate.

ROADS - SERVETUS STREET

Pamphlet, Distribution in Armadale

107. Hon TOM STEPHENS to the Minister for Transport:

- (1) Can the Minister indicate why Main Roads Western Australia distributed a pamphlet called the "Servetus St Link" in Armadale on 17 March 1997?
- (2) How many of the pamphlets were issued in -
 - (a) Armadale; and
 - (b) the metropolitan area?
- (3) What was the cost of producing the pamphlet?
- (4) What was the cost of distributing the pamphlet?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) A limited number of the Servetus Street link brochures was distributed to the Armadale area in error. A similar brochure has also been produced for the Bedforddale Hill project.

Hon Tom Stephens: On Servetus Street?

Hon E.J. CHARLTON: This is to confuse everybody. Main Roads Western Australia is working to trick people! The Bedforddale Hill brochure was delivered to the Australia Post delivery centre with a Bedforddale Hill project newsletter at the beginning of this week. Boxes containing the Bedforddale Hill brochures also contained some left over Servetus Street link brochures which were inadvertently placed inside the Bedforddale Hill project newsletter by Australia Post and distributed in the Armadale area. We are blaming Australia Post. We will find out in due course whether that is right.

- (2)
 - (a) 700 Bedforddale Hill project newsletters were distributed to the Armadale area. It is believed that only a few Servetus Street link brochures were delivered in this way.
 - (b) No other Servetus Street link brochures have been issued in the metropolitan area.
- (3) The cost was \$866.
- (4) \$8.20 per hundred.

FISHERIES - CHIEF EXECUTIVE OFFICER

Contract

108. Hon KIM CHANCE to the Minister representing the Minister for Fisheries:

- (1) What is the current term of contract for the chief executive officer of the Fisheries Department?
- (2) What was the last term of contract for that CEO?
- (3) Why has the Minister not acted to confer a more secure term of contract for this chief executive officer?
- (4) Has the Minister deliberately created an unstable tenure in the CEO's position, and if so, why has this unsatisfactory situation been so structured?

Hon Max Evans: Kim is on a fishing trip.

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1)-(4) The term of appointment of the Executive Director of the Fisheries Department expired on 14 November 1996. I understand that the Public Sector Management Office is progressing the appointments process.

STILLBIRTH AND NEONATAL DEATH SUPPORT GROUP

Funding

109. Hon CHERYL DAVENPORT to the Minister representing the Minister for Health:

I asked this question last week and the Minister now says he has an answer. Monday, 24 February was the day of action chosen by the Stillbirth and Neonatal Death Support Group to target the Health Commissioner about funding for the organisation. Will the Minister indicate how many written, fax and telephone support messages were received by the Health Commissioner and/or the Health Department?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

The Health Department received and responded to 707 SANDS support messages.

HOSPITALS

Funding Shortfall

110. Hon JOHN HALDEN to the Minister representing the Minister for Health:

In response to question without notice 55 asked in the other place yesterday the Minister for Health said -

It is a matter of being able to cope with the demand which has been 11.8 per cent in the past three years and is growing by 3 per cent per annum, in a budget which has a finite amount of money, and with the Commonwealth having refused two weeks ago to pay for the extra load that is being placed on the public system as a result of the more than 2 per cent drop-out rate of private health insurance.

I remind the Minister of his answer to my question without notice 25 in which he said -

However, it is clear that the current level of Commonwealth support for public hospitals is not sufficient and the situation will get worse unless there is additional funding . . .

The Minister further said, "Together with the State and Territory Health Ministers, the Minister for Health emphasised the need for additional funding to Dr Wooldridge at a meeting of Health Ministers last week."

- (1) How much additional funding was requested by State and Territory Ministers at the meeting of Health Ministers referred to above?
- (2) How much additional money does the Minister believe, or has he requested that the Commonwealth provide to Western Australia to maintain the health care system in Western Australia?
- (3) Has the Health Department received or applied for additional funding above its 1996-97 budget allocation?
- (4) If so, how much and for what purpose?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(2) Ministers have emphasised the shortfalls in current commonwealth funding. The level of additional funding required will be determined in the context of the forthcoming Medicare negotiations.
- (3) Yes, the Health Department recently received confirmation that supplementation of \$11.1m will be granted for 1996-97. In addition, the department experienced workers' compensation premium increases totalling \$4.2m, and if required to pay this increase, additional funding will be sought. This matter is unresolved.
- (4) The increase of \$11.1m as outlined in (3) will be applied as follows: Utilisation of additional Lotteries Commission moneys for general health service funding, \$5.2m; HealthCare Linen liabilities on sale, \$5.3m; Task Force on Drug Abuse, \$.03m; and health promotion service, \$0.3m.

TRANSPORT - AIR

Abrolhos

111. Hon KIM CHANCE to the Minister representing the Minister for Fisheries:

- (1) Can the Minister advise the House why fixed wing air services between Abrolhos Islands airstrips and mainland centres have been contracted to a monopoly operator when direct Dongara-Abrolhos services can be provided at a lower cost by another operator?
- (2) Is the Minister for Fisheries monitoring the service as it is currently provided, to ensure that he is satisfied that all conditions are being met?
- (3) Why was the task of tendering for the service devolved to a private company, the Geraldton Fishermen's Co-operative Ltd, and why was the cooperative granted the status of authorised air service provider without any apparent call for tenders or proper public process of any kind?
- (4) Will the Minister undertake to ensure that a more competitive service will be available to Abrolhos fishermen in 1998 and a more publicly accountable means of designating the authorised air service provider will be put in place?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1)-(3) The Minister has the power under section 121(2)(c) of the Fish Resources Management Act to regulate the entry to the Abrolhos Islands by aircraft. On 24 March 1977 the Minister of the day granted exclusive permission for the use of aircraft in the reserve to Geraldton Fishermen's Co-operative Ltd. The cooperative has been providing a safe, efficient and reliable 12 monthly service for fishermen to the islands at minimal administrative cost to the Government. To provide the current service, the cooperative undertook a tender process to choose the operator or operators, both fixed wing and helicopter, which would act as its agent in providing air services to the islands from Geraldton, Dongara and Kalbarri. The Fisheries Department monitors the service provided.
- (4) During 1997 a review of the Abrolhos Islands air service arrangements will be undertaken by the Fisheries Department of Western Australia and the outcomes will be considered by the Minister for Fisheries. The Minister for Transport might inquire about the outcome as well.

PRISONS - PRISONERS

Impact of Legislation

112. Hon JOHN HALDEN to the Attorney General:

Yesterday in question time the Attorney General revealed that he had received advice from his department about the cost to the State over the next five years for the proclamation of the Criminal Code Amendment Act (No 2). Can the Attorney General now tell us the recurrent and capital implications for the Ministry of Justice?

Hon PETER FOSS replied:

I thank the member for some notice of this question. No. The budgetary implication of the reports on projected requirements for prison beds, including the effects of any legislated changes, have not been finalised.
