



WESTERN AUSTRALIA

# **Parliamentary Debates**

**(HANSARD)**

THIRTY-FIFTH PARLIAMENT  
FIRST SESSION  
1997

LEGISLATIVE ASSEMBLY

Wednesday, 18 June 1997

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

### STATEMENT - MINISTER FOR EDUCATION

#### *Education Service Providers (Full Fee Overseas Students) Registration Act - Report*

**MR BARNETT** (Cottesloe - Minister for Education) [11.03 am]: I wish to inform the House of a report of the Education Service Providers (Full Fee Overseas Students) Registration Act 1991.

Around 11 000 full-fee paying international students come to Western Australia each year. The Education Service Providers Act has ensured the quality and viability of the industry servicing these students. More than 100 education providers are currently registered under the Act, including the universities, TAFE colleges, government senior colleges, private institutions and non-government schools.

Prompted by the failure of two private business colleges in 1989, the Act was designed to stabilise the international education industry and to protect the fees paid by its students. The legislation, which came into operation in June 1993, provided for a review after three years of its operation to determine its success in achieving these goals. The review was conducted by Stanton Partners and managed by a ministerial advisory committee chaired by Mr Don Young, retired chairman of Clough Engineering. The reviewers undertook broad consultation with the education providers, student groups and major stakeholders in assessing the operation of the Act.

The overall findings of the review are that the Act has met its objectives of mitigating the risk to students' moneys as a result of financial failure of an education service provider; and assisted in maintaining the provision of a quality service to international students. Since the Act's commencement, there has been a protracted period of stability. However, given the relative infancy of the industry, there is a need for ongoing regulation. Indeed, there is consensus from the industry that the Act should continue.

Nine specific recommendations are contained in the review report, relating to the extension of the maximum period of registration for providers; the powers of the chief executive responsible for the Act; the collection of statistical information from providers; and definitions contained in the Act. The Government will proceed with the implementation of these recommendations.

I would like to sincerely thank Stanton Partners, Mr Don Young and the committee members for their excellent work towards the review, as well as the Office of Non-Government Education for its competent administration of this legislation over the past four years.

In conclusion, Mr Speaker, I commend the review to members of this House and, in doing so, suggest that continuation of this Act will serve to maintain Western Australia's high standing in education provision, both locally and internationally. I am pleased to table the report on the review of the Education Service Providers (Full Fee Overseas Students) Registration Act 1991.

[See paper No 470.]

### BANK MERGERS (TAXING) BILL

*Returned*

Bill returned from the Council without amendment.

### BILLS (3) - INTRODUCTION AND FIRST READING

1. Cement Works (Cockburn Cement Limited) Agreement Amendment Bill.  
Bill introduced, on motion by Mr Barnett (Minister for Resources Development), and read a first time.
2. Acts Amendment (Auxiliary Judges) Bill.  
Bill introduced, on motion by Mr Prince (Minister for Health), and read a first time.
3. Water Services Coordination Amendment Bill.  
Bill introduced, on motion by Dr Hames (Minister for Water Resources), and read a first time.

**RESTRAINING ORDERS BILL***Report*

Report of Committee adopted.

*Third Reading*

**MRS van de KLASHORST** (Swan Hills - Parliamentary Secretary) [11.09 am]: I move -

That the Bill be now read a third time.

**MR RIEBELING** (Burrup) [11.10 am]: Members on this side of the House applaud the Government for bringing into this place this Bill because the concept of stand alone legislation is admirable and one that has been recommended by a number of committees into domestic violence in this State.

However, the legislation contains some weaknesses that the Opposition endeavoured to highlight during the Committee stage. Some parts of the legislation could be better drafted and better suited to the problems that mainly women have with domestic violence. The legislation will set up a new system to enable the courts of Western Australia to impose two classes of restraining order. The first is the violence restraining order, which is reserved for people who fear physical harm being done to them. The second order, the misconduct restraining order, offers a lower level of protection and the court must have a lower standard of concern to impose such an order.

That split up makes sense and it will serve the State well. However, one of the provisions of the violence restraining order that causes members on this side of the House concern is the ability for people to get back their firearms licences once an order has been issued. I note the amendments the Parliamentary Secretary to the Minister for Justice brought to the Committee yesterday. They tighten up the provisions somewhat to ensure that the use of a gun is an essential element of a respondent's job before a gun is returned to that person.

The member for Wagin pointed out that during the gun debate no person in this House objected to violent people not having guns. This legislation is designed specifically to protect those who are most vulnerable in domestic violence situations, yet they are not afforded the same protection as the general public thought was being imposed by the gun legislation. There is a watering down of the protection rather than an enhancement of it. I thought the restraining orders legislation would be tougher than the gun legislation because it is designed specifically to stop the actions of people who the court considers will be violent. I am disappointed this legislation contains provisions to ensure that a person the court has deemed to be of a violent nature will get his firearm back.

Any court would probably concede that it would be difficult to justify giving back a gun to a person under a violence restraining order. I say that for a couple of reasons. First, when a court makes a decision on whether a violence restraining order should be issued, it must come to the mind that the person has either threatened the applicant, and is capable of carrying out that threat of violence, or is a violent person. If a court comes to the conclusion that the respondent falls into one of those two categories, it is able to issue a violence restraining order. Once a court has made that decision, the respondent can make application to have his gun returned if he uses the gun for his employment. In coming to the conclusion that the person subject to the restraining order is violent or is likely to be violent, I doubt whether a court would take the next step and say that he is violent but that he is unlikely to use his weapon. The public would find it unacceptable if a court conceded to an application of that type. I hope a court never exercises that discretion and never gives back a weapon to a person in that situation.

One of the amendments that was passed yesterday puts the onus for whether a person gets back a gun onto the applicant for the restraining order. That is a backward step. When a court hears the application for the return of a gun, it will hear whether it is vital for a person's livelihood. The court in the natural process will then ask the applicant whether she objects to the respondent getting back the firearm. In a domestic violence situation, in which control and dominance are major features, the last thing an applicant for a violence restraining order wants is to be placed in a situation where she must determine whether the respondent's occupation was curtailed due to the restraining order. That task should be up to the court and it is properly in the province of the court, not in the province of the applicant. Putting the applicant in that situation, when intimidation is part of domestic violence, will lead to applicants agreeing to the return of weapons when there is still a fear in the domestic situation.

Members do not have to research the problem of restraining orders too deeply to realise that the fear that is caused by the presence of weapons in domestic violence enhances greatly the fear of the applicant. I hope the Government takes the opportunity to look as quickly as possible at the provisions it has passed on firearms and amends them in the way members on this side of the House suggested; that is, no-one subject to a violence restraining order will get a firearms licence. The only instance under the restraining orders legislation in which a firearm should be returned is under a misconduct restraining order when no threat of violence is involved in the application. The majority of

the public thinks that is the case. They are unaware that the legislation will allow certain violent people to retain their firearms, which is a backward step and should be corrected as quickly as possible.

There is a weakness in the provision for 72 hour restraining orders. The legislation provides that service of the 72 hour orders must be effected within a 24 hour period. That will limit the effectiveness of those orders. The Opposition proposed that the magistrate should have the discretion to determine how long the order will remain valid prior to service. In that way, a 72 hour order could remain current for 72 hours before it was served. That would give greater comfort to the applicant for a restraining order, and make it more difficult for a respondent to avoid service of the restraining order in the time allotted by the courts. The Parliamentary Secretary said it is envisaged that the majority of these 72 hour orders will be served instantly because there is power to restrain a respondent in custody for two hours while the telephone restraining order is obtained. Those of us who have dealt with domestic violence situations know that when the police arrive on the scene of domestic violence, the victim and the perpetrator are not always in the same spot. That is the case in approximately 50 per cent of these situations. The police and the courts will rapidly recognise that the 24 hour period specified in the legislation will reduce the effectiveness of the order, and I think the provision should be significantly changed.

The next area I shall touch on relates to clause 38(1)(e). This clause broadly defines who may take out a restraining order. It is a very wide provision that allows the police in Western Australia to apply for a restraining order on behalf of the public generally when no specific person is to be protected. A number of examples were given by the Parliamentary Secretary of how this can be used, mainly by proprietors of shops who want to stop obnoxious people entering their premises. However, it widens the powers of the police in relation to the general public too much. Clearly, a restraining order could apply to unionists at the workers' embassy across the road, and it would be quite politically foreseeable for a Government to seek to remove the unionists by using restraining order legislation. It is a very effective way of stopping people doing something the police consider to be disorderly. Provisions in other legislation allow for proper control of our community, and I do not think this Bill should contain general provisions because it will reduce the effectiveness of legislation specifically for domestic violence which we are trying to tackle.

I am also concerned that the consent provisions within the legislation do not require the courts to ascertain the type of consent that has been obtained when making consent orders for the parties. It is not necessary for the court to consider whether a restraining order is required before issuing one. Only consent is necessary, and often that consent may result from intimidation because of the nature of the relationship in most domestic violence situations. The vast majority of consent orders occur when the respondent concedes at the end of the day that he does not care what happens because he does not intend to go near the applicant any more, and a restraining order is then put in place. I am not concerned about that type of restraining order, but I am concerned when an order is obtained to water down the effects of the restraining order with the consent of the applicant as a result of the perpetrator of the assault having undue influence on the applicant.

The penalty provisions of the restraining order legislation for breaches are also of concern to the Opposition. A system has been set up whereby two levels of penalty are available. The first is for breaching a 72 hour restraining order, and the second is for breaching a longer term restraining order which has been in existence for longer than 72 hours. I hope the Government will reconsider these penalty provisions. I cannot understand how an assault on a wife or de facto alters in its severity or its impact on the victim depending upon whether the respondent is subject to a 72 hour restraining order or an order that lasts for up to two years. The legislation clearly states that breach of a 72 hour restraining order attracts a fine of \$2 000 or six months' imprisonment, and breach of a longer term restraining order attracts a fine of \$6 000 or 18 months' imprisonment. That is indicating to the judiciary that this Parliament considers it is three times more serious to breach a longer term restraining order than to breach a short term restraining order, even if the breach is exactly the same and in exactly the same circumstances. The Opposition proposed that the shorter term penalties should be removed to give courts the discretion to impose a fine from \$1 to \$6 000, or imprisonment of one day to 18 months. No minimums were specified in the Opposition's amendment, and neither were minimums set in the Government's provision. It is a backward step to make that difference between penalties for breaches of restraining orders.

I do not know a great deal about the principles of sentencing, but I do not think any court would consider that variation in penalties was justifiable if the breach of the restraining order occurred in exactly the same circumstances. The Parliamentary Secretary indicated the reason for the higher penalties for longer term restraining orders is that the respondent has had the opportunity to speak in court and put his side of the case, but the court has determined that the restraining order shall continue. However, restraining order legislation is not about that. Primarily, it is to protect victims of domestic violence from physical harm as quickly as possible. That is the purpose of issuing a 72 hour restraining order and the reason for providing for telephone restraining orders in the legislation. It does not make sense to tell people that if they go through a phone order process, they will not be protected to the same degree as they would be with the same order being made with a different time frame.

Nevertheless, it is pleasing to see the introduction of phone applications for restraining orders in this legislation. The Government will find it difficult to convince magistrates to be on a rostered 24-hour call as it will rapidly be found that the majority of domestic violence situations requiring instant access to restraining orders occur out of hours and at the most inopportune times. The volume of work on Thursday, Friday and Saturday nights may mean that the provision of one magistrate will be insufficient. I know magistrates work very hard, and a problem may arise in overworking magistrates on those rostered nights. The legislation refers to every magistrate in the State serving time on the initial six month statewide roster, and those magistrates rostered for the busy times when domestic violence is more frequent will find their task very difficult, time consuming and inconvenient. However, the proposal is a positive step which I hope will work, although I can envisage some pitfalls.

Clause 62 of the Bill causes concern as it will allow for an offence to be set aside by way of consent. As I stated yesterday, no complainant would be involved if the true defence of consent applied. If a protected person under a restraining order requested that the person subject to the order gain access to the house - that is, if true consent were involved - it is very unlikely that the protected person would ring the authorities and complain of a breach of the order.

The consent defence provision simply reinforces a weakness in the current system; namely, the Police Service regularly indicates that it does not like to charge people in domestic violence situations because complainants often withdraw complaints the next day. Consent allows the offender back into the matrimonial home or dwelling, a situation reinforced by this provision.

I imagine that the defence of consent will be used in the vast majority of cases of breach of a restraining order under the new legislation. The mistaken belief and entrapment provisions are already covered in other legislation, and the inclusion of this defence specifically weakens this Statute. Such defence reinforces the dominance of one of the parties, usually the perpetrator of domestic violence, and allows for intimidation to continue in those situations.

The provision enabling the variation and cancellation of a restraining order is a clear and simple process: If a person granted a restraining order wishes genuinely to allow the relationship to resume in an attempt to rebuild that domestic situation, ample opportunity exists in a planned and well thought out manner to lodge an application in court to allow the perpetrator back into the matrimonial home or de facto relationship. It is important that applicants for restraining orders understand their responsibilities and the consequences of their actions when a restraining order is issued, and that they have an obligation to ensure that the restraining order is not breached through their action - namely, by consent.

Most applicants for a restraining order have already been through the unpleasant process of obtaining a restraining order - it will remain unpleasant under this legislation - and they must make a conscious decision to take out that order. It should also be a conscious decision to take away that restraining order.

I moved an amendment to clause 65 in an attempt to alleviate a problem in the domestic violence area; that is, situations in which a Family Court order overrides a restraining order. As I said last night, it is important that the Family Court and the Commonwealth Government look seriously at whether a restraining order, which is designed to stop violence, should override a Family Court order. I understand that constitutionally it is not possible to do so, but I ask the State and Federal Governments to look at the process by which Family Court orders and domestic violence restraining orders are made. The Family Court is a stable environment which considers the future of a family in a marital breakup. Armed with a great deal of information, it makes an order which is binding on the parties.

However, a violence restraining order is often applied after the Family Court order has been made, and the circumstances in which the Family Court made the order change, at least in the short term, if a restraining order is deemed necessary. In view of the matters the two courts consider, a restraining order should override a Family Court order. The Family Court deals with the long term future of a domestic situation with matters such as the split of property, and the violence restraining order considers the safety of the applicant, and the children of the applicant in a number of cases. Most Western Australians would say that the primary focus of the court in that situation should be on the protection of the individual rather than on property, access and other such matters.

Although I understand we cannot amend that matter in this place, I hope the Minister for Justice will make some representations to the federal authorities to enable commonsense to prevail in this area of conflict of jurisdiction in the court system. A problem highlighted frequently is the amount of domestic violence which flows after the intervention of the Family Court. Perhaps we should consider handballing those powers to the States to moderate the behaviour involved, especially in the domestic violence situations, which unfortunately occur too frequently.

Once again, I congratulate the Government on 99 per cent of the legislation. It is a positive step and one that will benefit victims of domestic violence, but it could have been better. I am sure the Opposition's amendments will be revisited once the review occurs, whenever that might be.

**MS McHALE** (Thornlie) [11.42 am]: I refer members to the Opposition's position during debate on this very significant legislation. I said in my second reading contribution that domestic violence is a social and legal issue that has been the subject of extensive community consideration over the past 15 to 20 years. That consideration has assisted women who find themselves in violent situations, and it is pleasing that this legislation is now before the House. It is good and progressive.

Members of the Opposition have indicated their support for the legislation both in this House and in the other place. However, that does not mean we cannot make improvements to it, and that is what we have attempted to do through the member for Burrup's amendments.

This legislation affords legal protection for women who are in violent situations by providing for restraining orders to be imposed. As has been said previously, those orders are not a solution to domestic violence but a response and a useful and necessary avenue by which women can seek legal protection.

The Opposition has discussed the amendments in good faith in a genuine attempt to improve the legislation. It is therefore somewhat distressing to hear the Attorney General say that members on this side have done a disservice to women by holding up the debate. We reject that accusation; the proper and due process of this House is to examine legislation and ensure that we do the best for our community. If members opposite believe that debating legislation and proposing amendments is doing a disservice, they have a cockeyed view of the process. The Opposition's amendments have been moved in good faith and are designed to deliver a better deal to the community, and particularly to women. Members on this side have attempted to improve the legislation in a number of areas, and the member for Burrup has done a sterling job in working with the Government. He has already outlined the amendments in detail, and I will refer to a couple that are of particular concern to women who work in the domestic violence field.

The period of time before a restraining order lapses is of concern. The Opposition moved an amendment to increase that from 24 hours to the duration of the order. In that way, the order would not lapse if the perpetrator could not be found.

The firearms provision has had a degree of publicity, which indicates community interest in this issue. The Opposition moved an amendment to remove the clause allowing firearms to be retained in certain instances. It also moved to make the provisions more explicit for misconduct restraining orders.

The Opposition also raised the difficulties of consent as a defence and highlighted how women in the field saw that as a loophole limiting the opportunity to act on any breaches of a restraining order by allowing the defence that the woman allowed the perpetrator into the house. We know the impact of the Criminal Code, but the circumstances of domestic violence are very complex; it involves many psychological issues. A consent defence is not appropriate in relation to restraining orders.

The Opposition also discussed penalties for breaching restraining orders and the anomaly between breaches of a 72 hour restraining order as opposed to a longer restraining order. The penalties should be the same, because the severe implications of breaching an order, whether it be for 72 hours or two years, are essentially the same for the woman. The Opposition does not agree that the severity of breaching one is greater than the other. Unfortunately that is a flaw in the legislation and it is a great pity that government members did not accept that argument.

I appreciate the Parliamentary Secretary's efforts to accommodate the Opposition's arguments. The committee debate was very worthwhile and the Parliamentary Secretary was prepared to listen to argument and to seek advice. That was epitomised on Thursday when we adjourned to deal with the member for Wagin's comments about the firearms legislation. The debate was healthy and I thank the Parliamentary Secretary for that.

As a result of the Opposition's comments and the discussion in Committee, the legislation has been tightened up in relation to firearms. While members on this side are disappointed our amendments were not accepted, at least we have managed to improve the legislation. The tightening up of the legislation will assist women in those very precarious situations where the perpetrator legitimately has a gun for his occupation.

I believe the Attorney General told the community on radio this morning that the courts have no discretion in relation to firearms if certain conditions are met. That is not entirely accurate, because the legislation provides that the courts "may" allow the perpetrator to keep his firearm. Notwithstanding the Attorney General's perspective, the courts do have a discretion.

If any members are labouring under the misconception that members of the Opposition do not read legislation, I point out that the member for Burrup and those who took part in the debate read the Bill clause by clause and analysed it.

The firearms question is fundamental. Males violently attacking their partners use an assortment of weapons, including lethal weapons such as firearms. Firearms are used in about 11 per cent of incidents involving female victims. Members would probably respond that in those instances the court would confiscate the firearm, and that is correct. However, that scenario relates to only 11 per cent of the cases; in the majority of cases no firearm is used. In fact, other weapons, such as sharp instruments, are used more often than firearms. We were concerned about the retention of firearms not in cases where firearms have been used, because we accept that the legislation will provide for those weapons to be removed, but in cases where there is no explicit evidence that a firearm has been used in an attack but there is the threat of a firearm being used.

Notwithstanding the unwillingness of the Government, and the Minister for Justice in particular, to accept our amendments, we believe that the Bill as it now stands with the amendments that have been made is a sound piece of legislation that will further enhance the protection of women. A significant challenge is now ahead of us and the Government, and I will outline some matters that should be followed up when this legislation is enacted.

The first matter is to educate and skill the police in the management of domestic violence generally and restraining orders particularly. Less than 1 per cent of restraining orders are taken out by the police. That may be because of the prevailing attitude that violence in the home is essentially private, or because the police do not wish to get involved. I hope the Minister for Police and other Ministers will ensure that the appropriate infrastructure is put in place to enable this Bill to deliver what is intended.

We have heard that there will be a review over the next three to six months.

Mrs van de Klashorst: Six months on telephone orders.

Ms McHALE: I think the Parliamentary Secretary indicated also that the Government would review the definition of authorised person.

Mrs van de Klashorst: We will look at that.

Ms McHALE: At the moment, the police or authorised persons have the authority to serve an order, but only the police are defined as authorised persons, so that responsibility would be placed upon the police. Submissions have been received from domestic violence groups that domestic violence support workers also be defined as authorised persons. We hope that the review will be undertaken expeditiously to ensure that the definition of authorised person is expanded to extend the range of support to women. We will follow up that matter assiduously. Because this legislation is introducing new techniques which are certainly very welcome, it is critically important that there be continual review and monitoring of this legislation. Did the Parliamentary Secretary agree to insert a review clause?

Mrs van de Klashorst: No; we did not put that in.

Ms McHALE: That is a great shame. Other pieces of legislation do have a review clause. There is nothing sinister about that. It provides a formal mechanism for review and a reminder that the legislation should be reviewed. Failing that review clause, I expect and hope the Government will set up periodic reviews of some of these new initiatives, and in particular monitor the police involvement in this legislation.

The Opposition supports the Bill strongly. We have tried to improve the legislation. We are disappointed that we were not able to achieve the amendments that we sought, because they would have enhanced the Bill significantly. The challenge ahead of the Government now is to ensure that the mechanisms that are necessary to make the Bill successful are put in place, and we will be reviewing the effect of this legislation on domestic violence.

**MRS van de KLASHORST** (Swan Hills - Parliamentary Secretary) [11.55 am]: I thank the Opposition for the way it handled the Committee and third reading stages of this Bill and for its input to the Bill. This very positive Bill was introduced in response to community concerns about restraining orders. The Bill divides restraining orders into two types: A violence restraining order, which is a protection from personal violence by one person against another, in not only domestic violence situations but all situations, and a misconduct restraining order, which is for damage to property and disorderly conduct. This is a great step forward because it also allows for an order to cover incidents such as people loitering at schools or in arcades who are breaching the peace or may breach the peace.

The Opposition raised concerns about the possession of firearms. Firearms will be removed from a person who is subject to a violence restraining order, but the person can retain same subject only to one condition; namely, that the person absolutely needs a firearm in order to carry out his work. The person could be a security guard or police officer. It would be up to the magistrate and the court to decide whether that person should be given special consideration and allowed to keep his firearm. It might be on the condition that he could go to work and pick up the

firearm to use at work but must hand it back in at the conclusion of his daily work. The Opposition has been very concerned about this matter.

The amendments we moved will enable the applicant to discuss with the magistrate at the time of the hearing whether the firearm is a threat to the applicant. I envisage that in most cases the firearm will be removed from the home if the respondent has a firearm at the home, but there may be times when the applicant for a restraining order will need the respondent to remain in employment because children are involved, and if that person's employment necessitates the use of a weapon, under certain circumstances the respondent will be allowed to keep the firearm. We have strengthened the Bill to ensure that magistrates are aware of the fact that in most cases the respondent will not be allowed to keep a firearm in the home. Another concern of the Opposition relates to serving a 72 hour restraining order within 24 hours. The Bill also provides that a person issued with a restraining order can be held in custody for up to two hours if the person taking out the restraining order is under immediate threat. This was in response to concerns expressed by the Aboriginal community to a review of restraining orders conducted by the Ministry of Justice in 1995. Those provisions allow time for persons receiving an order to get themselves in order.

Some of the other issues raised by the Opposition relate to the way in which the Bill will be implemented. I mentioned during Committee that the Minister for Justice has set a timetable to implement the processes of this Bill. For example, by the end of this month training manuals will be completed for court and police staff, and training will commence by July. Parliamentary counsel is drafting regulations which will be ready by the time the Bill is promulgated; the regulations will go to the Executive Council in July. Brochures, posters and general public information will be available for the education process, which will commence in August. The staff of community agencies, such as women's refuges and other agencies involved with domestic violence, will receive training in August. Training will be coordinated with generic domestic violence training and will be conducted by the domestic violence prevention unit. In addition, a manual is being prepared for the use of magistrates and justices.

The Opposition was concerned that there should be a review. The Minister for Justice has indicated that in six months he will review telephone orders, which is an innovative provision in this State, where the police can make a telephone order to immediately restrain a person who is behaving violently towards someone. This is a wonderful step forward for women in this huge State. The Government acknowledges that the majority of restraining orders are taken out as a result of domestic violence. Women are more at risk of violence in their own homes than they are in the streets.

An important part of this legislation is the protection of children. A restraining order can be taken out on a child's behalf by a responsible adult. Also, a magistrate can grant a misconduct restraining order if he or she feels it is appropriate because a person's behaviour is likely to intimidate or offend, or to cause damage to a person's property. That is a great step forward.

I will not say much more, because we have spent days debating this Bill. I thank the Opposition for its input. This is significant legislation that responds to community concerns. It is now the job of the Government to ensure that it works in practice. I commend the Bill to the House.

Question put and passed.

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

## **PROFESSIONAL STANDARDS BILL**

### *Second Reading*

Resumed from 18 March.

**MR McGOWAN** (Rockingham) [12.06 pm]: The Opposition supports this Bill.

Mr Bloffwitch: Excellent.

Mr McGOWAN: I knew the member for Geraldton would be pleased to hear that. I am sure that he is a full bottle on this Bill. This Bill attempts to provide some certainty and sensibility in the area of liability for professional groups. I am sure everyone is aware of examples where people have received payouts where they should not have done. Certainly in the United States there have been outrageous examples of this sort of thing. That is an example of a society gone mad on litigation.

This Bill does not address the subject of laws when a person is negligent in what he or she does. The Bill attempts to address the question of liability primarily in the area of tort. Therefore, we are not addressing the issues of duty of care, remoteness, proximity, and all those issues that come into play when someone is pursuing another party in a negligence action. We are debating the simple issue of the quantum of liability and certainty in relation to liability



when a damages claim is pursued. I am reminded when dealing with this subject of something which was explained to me at law school by one of my lecturers. It was knocked into us all ad nauseam that our clients would be our worst enemies. Professional groups are in a bad state when the general view of professionals is that the person who is paying the bill is their worst enemy. That has been brought about by an overemphasis on litigation in some areas in the law of negligence, where there has been an excess of liability where perhaps it should not exist.

This Bill really addresses the issues of quantum, insurance and so on. I will first address the Bill before I go over my substantial concerns. I support the Bill. However, the Minister should really provide me and the public of Western Australia with some satisfactory answers for some of my concerns.

The Bill originated because a former Attorney General, Hon Joe Berinson, in 1991 organised the Select Committee on Professional and Occupational Liability. This followed a New South Wales experience, where that State went through a similar process. I understand that New South Wales came up with a far more cumbersome and unwieldy Bill. The select committee liaised with New South Wales to see what had happened over there. It was instrumental in putting forward the report which I have before me and upon which the Bill is based. The purpose of the Select Committee on Professional and Occupational Liability was to encourage consideration of establishing limits to civil liability of professionals and other occupational groups and the means by which limited liability could be achieved while still maintaining a proper level of protection for the public. The committee was bipartisan, comprising such luminaries as Hon Max Evans, Hon Peter Foss, Hon Mark Nevill, Hon Nick Griffiths and Hon Fred McKenzie, who has retired. The committee reported in 1994. It brought down a good report, although perhaps a tad brief. The report came up with draft proposals upon which the Professional Standards Bill is based. The committee perhaps could have liaised wider than it did but it liaised with a number of professional associations, including legal associations, medical associations, and architects', insurers' and accountants' organisations, but it appears it did not go as wide as trade associations or some of the areas which are now considered professional but formerly perhaps were not. Although all in all the report was good, it did not examine those issues widely enough.

The Bill sets out limited liability for members of professional or other occupational associations who have entered into a professional liability scheme. It is based upon pleadings over many years of various professional associations which have come to government in an attempt to get government to put some limit on liability in the area of the conduct of professional associations. They have done this because, quite frankly, insurance premiums are getting out of hand. Anyone who has practised as a solicitor knows that one really has to outlay a very substantial sum of money for legal insurance before one is able to enter into practice. That is constraining lawyers from going into law because it is really so expensive and the rewards are perhaps not what they used to be. Therefore, a number of lawyers are looking at other areas, even politics, to avoid that sort of expense. Medical practitioners' insurance premiums are extremely substantial, often up to \$100 000 a year to cover them for liability claims. This is limiting their capacity to earn a living and also the sorts of operations they do and the practice they are in because they are afraid of incurring liability.

Because insurance was becoming so expensive and because litigation was expanding, as appears to be the case in the United States, a number of professionals were being bankrupted. Consequently, we have seen develop a number of very cautious professions. Doctors are becoming increasingly very cautious, which is adding to the costs being imposed on their clients. Although I am not a doctor, I understand that they are now no longer undertaking certain procedures that they would once have undertaken. They are making sure that their clients are subjected to more tests than are perhaps needed. Doctors are steering clear of certain areas. The select committee report suggested that because of the high number of claims in obstetrics, large numbers of doctors no longer entered into practice in that area, as the member for Yokine would know. I heard him comment on the fact one night.

Dr HAMES: All the things you have said are true in the areas of obstetrics, anaesthetics and minor surgery, where general practitioners tend to test too much. This is the safety first attitude.

Mr McGOWAN: Unfortunately, this Bill does not address the laws of negligence, only quantum and liability. There is a distinction. The Parliament should be involved in an evolving process in this area, and address in the future the laws of negligence, not only quantum. I have heard the member for Yokine say before that a number of doctors are keen to get out of particular areas and are afraid to enter into some sorts of practice. It is an important point. Other examples come to mind. I would imagine, because so many people in the engineering field are afraid of the potential liability to which they are subject, that they are causing their clients far more expense than is necessary. They are going to extreme lengths, in civil engineering in particular, to ensure that buildings, roads and various structures are excessively well constructed.

As a result of the increasing insurance premiums being imposed on people in professional and other occupations, a number are now going to extreme lengths to divest themselves of their assets. It is a simple process. People in trades and professions are putting their assets into family trusts from which they are totally separate. Therefore, if they are pursued in a claim through the courts, their assets are very few. If someone sues them, their liabilities are very few

because the assets are in the names of wives, children or parents, who do not have to face the great risk of being sued over issues such as professional negligence.

As I indicated, a number of professional people are not practising in particular areas and are preferring to concentrate on particular areas of their profession. As we all know, in dentistry, medicine, law and engineering there are easy and straightforward areas and some which are more risky. A number are practising only in areas which do not incur a great deal of risk. Therefore, there is a reduction in services to the public. This reduction is prevalent in rural and regional areas where, unlike the city, there is not the preponderance of people with specialist skills. Regional Western Australia - I include the outer suburban areas - will suffer from the trend towards a dearth of skilled tradesmen and professions.

Furthermore, many tradesmen and professionals are not taking out insurance because of the high premiums and are divesting themselves of their assets. A person who pursues a claim against a tradesman or a professional may be successful in being awarded damages; however, because the tradesman or professional has no assets, that person has no prospect of receiving a payout in spite of the substantial cost he or she incurred in pursuing a legal action. The professionals, tradesmen and consumers are unhappy and many people are missing out on payments in cases of negligence.

This Bill attempts to come up with a win-win situation for all parties. It sets up schemes for individual professions. Under this Bill a profession or trade association can enter into a scheme which will enable the members of the association to obtain protection from liability. An individual dentist, doctor or lawyer is not required to remain a member of an association which enters into a scheme. These schemes will be administered by the Professional Standards Council, which will consider all applications to establish schemes and, subsequently, will monitor them. The council will be funded by a levy which will be imposed on the associations which enter into schemes.

The Bill provides for an appropriation from the Government to assist the council to get itself up and running. In any event, the Professional Standards Council will administer these schemes and 11 people with administrative and business experience will be appointed to the council. I hope they will be responsible people in their profession and have the government or industry experience which will enable them to monitor these schemes and make sure they are legitimate and are effective in protecting not only professionals, but also the public.

The process is that a professional association will make an application for a scheme to the Professional Standards Council. The council will examine the application and will either approve or not approve it. If the scheme is approved, it will go to the Attorney General who will determine whether it is satisfactory and will protect the professionals and members of the public. It is then subject to challenge in the Supreme Court by any person adversely affected by the scheme. A scheme can be subject to disallowance by the Parliament in the same way as the disallowance of regulations.

The process is involved but it provides a number of protections for the public - a lengthy approval process by the council, referral to the Minister, challenge in the Supreme Court and disallowance by the Parliament. A substantial regime of protection for the public is provided for in the Bill.

These schemes limit the liability of people who may be sued in a professional or trade capacity. The Bill limits claims above \$500 000. Claims can be limited by any one of three tests, or a combination of the three tests. They can be limited by reference to the insurance policy, by reference to the business assets of the person who is subject to the claim or by a multiple of the fee the person pays the professional. Some professionals charge substantial fees for their service. A claim against an accountancy firm would involve substantial fees. It may limit the claim by a multiple of the fee.

Mr Prince: A better example is in the engineering or architecture field where the fee is a portion of the value of the total cost of the job. From the point of view of a large fee, accountancy is not a good example. For engineers and architects, where the fee is a percentage of the total construction cost, it can obviously be a greater sum of money.

Mr McGOWAN: The reason I am using accountancy is the example in the select committee's report of the firm in Melbourne which was sued for \$150m.

Mr Prince: I have a copy of the Professional Standards Council of New South Wales 1996 annual report and three schemes are quoted - two to do with engineers and one with a lawyer. Mostly this scheme has been taken up by engineers and architects.

Mr McGOWAN: The threshold has an impact only where a professional is being sued for an amount above \$500 000. It limits its operation to a small proportion of the claims that are made.

The schemes will apply only where there is a financial loss. They will not apply where death or personal injury is involved, where a legal firm is being sued for a personal injuries claim, in the case of negligence by a lawyer in a

legal firm or to conduct involving a breach of trust, fraud or dishonesty. These are legitimate restrictions on the operation of individual schemes.

The first benefit of the Bill is that the scheme must guarantee payments if an individual successfully sues a professional body. Nothing upsets plaintiffs more than going through the expensive process of bringing a claim against a person or body and after years of litigation and spending many thousands of dollars no assets or insurance policies are available to cover the cost of those expenses. At least this scheme ensures that when people make successful claims they will receive a payout. Under the Bill professional people who enter these schemes must have insurance policies to meet those claims.

The second benefit of the scheme is that it attempts to reduce the risks involved and, hence, the premiums professionals must pay. So, it is hoped, reducing the risks and the premiums will reduce the cost of services to consumers.

The third benefit of the scheme is the Bill's provision of a disciplinary and complaints structure which will ensure no ill-doing by people involved in the schemes. I do not have a specific example, but particular groups involved in these schemes will have to make sure they are doing the right thing, otherwise a complaint can be made to the disciplinary structure and they will then have to account for their actions.

The fourth benefit of the scheme is that it will ensure that people involved in professions or trades meet minimum standards and, therefore, the public will have confidence in services being provided by professionals. People will be able to have confidence in that service because a firm should be able to stand behind the product it sells.

Finally, the Bill will encourage people in schemes to adopt risk management strategies because they will be subject to scrutiny. That will ensure that when they carry out their work they will engage in risk management. They can also seek the assistance of the professional standards council to advise on those matters.

I now raise a number of concerns to which I hope the Minister will respond during his reply. The report of the Select Committee into Professional and Occupational Liability suggested, as did the Law Society of Western Australia, that there should be a national approach to this matter. New South Wales has set up its own scheme, but I am not aware of any other States that have done so - although I am sure it would be on their legislative drawing boards - except Western Australia, which is in the process of setting up a regulatory framework.

The select committee found the Western Australian scheme to be simpler than the New South Wales scheme, which is cumbersome and complex. However, the central focus in this area, as in most areas of the law, should be on consistency across the States. Often people from interstate bring claims against professional trade associations in other States and claims can stretch across state boundaries - although I accept that they would probably be brought into one jurisdiction - so the Western Australian legislation should provide for a national approach to this issue. A haphazard approach across the States is a mistake - a mistake which has continually been made in a range of areas since federation. This is the one area in which we should reach a national agreement. Perhaps the Premier can take that up when he meets with his opposite numbers at the various Premiers' Conferences he attends.

The Law Society also says in its memorandum to this Bill that the Federal Government has little support for this scheme and that it may conflict with federal legislation, and, of course, federal legislation will prevail in those instances. The Law Society also suggests that this Bill may conflict with the Trade Practices Act, but I do not necessarily subscribe to that view because the Trade Practices Act applies only to corporations, and professionals covered by this Bill are members of partnerships and, therefore, not subject to the Trade Practices Act. However, the Law Society has expressed legitimate concern about the need for a national approach to this issue.

I am also concerned that the Bill deals with only the traditional professions of law, medicine, engineering, architecture and accounting; indeed, the second reading speech speaks almost entirely of those groups of people. When the select committee into this matter took evidence it contacted only people in those professional groups. When Hon Joe Berinson set up the select committee he believed that it should deal with occupational and trade associations as well as professional organisations. Clause 20 of the Bill does mention occupational associations. In fact, clause 4 states:

**"occupational association" means a body corporate -**

- (a) which represents the interests of persons who are members of the same occupational group; and
- (b) the membership of which is limited principally to members of that occupational group;

The definition of an "occupational group" includes a professional group and a trade group.

One would assume from reading the Bill that the process is meant to apply to all sorts of trade associations, tradesmen and occupational groups, not just those in traditional professions. Plumbers, electricians, mechanics, nurses and psychologists may all seek to enter into a scheme under this Bill, but they will face difficulties, which I will go through shortly. The Bill does not limit professions to those in the traditional professions of law, medicine, architecture, engineering and accounting. Large numbers of people now work in the areas of financial advice, psychology, speech therapy and even, as contained in a Bill on the Notice Paper, hairdressing. Journalism is another recognised profession and its members belong to professional associations, therefore I assume that those professional associations are eligible to apply for a scheme under this Act.

Mr Prince: I agree with you. This Bill is not limited to those you have called the traditional professions. Perhaps they are more attuned to the problems that go with liability for action.

Mr McGOWAN: That is the case under the Bill. The explanatory notes to the Bill refer to only traditional occupations. We must recognise that the number of people working in various trade areas far exceeds the number of accountants, engineers, lawyers and doctors who are members of occupational associations, and should have been considered more than they were when this Bill was being drafted.

Mr Prince: When this excellent Bill is passed, you will be able to go out and market that to all those groups you have mentioned.

Mr McGOWAN: Absolutely. I am just saying that perhaps the select committee could have addressed people in those occupations better. In addition, when the Professional Standards Council is set up, I hope the Government will take account of the fact that there are a range of professions and that people are appointed to it not just from the Chamber of Commerce and Industry of Western Australia, the Law Society or the Australian Medical Association, but also from the Trades and Labor Council, or even from one of the non-traditional professional bodies, such as the journalists' association.

Mr Prince: In New South Wales the council is made up of a pharmacist, an accountant, a surveyor, an ethicist, a lawyer, an engineer, a consumer advocate, an insurance person, a person involved in business management and someone from the industrial relations area. I am just saying that a wide range of people will be appointed.

Mr McGOWAN: I am merely offering a suggestion, which the Minister has answered. Often there is a tendency for the Government to assume that if people do not have formal academic qualifications or are not eminently successful in their field of business or government, they are not cut out for this sort of thing, and I do not think that is true. Boards such as this must comprise people with very wide experience, especially those from the trades areas and perhaps from the education profession, but not necessarily in excessive numbers.

I also indicate that under this Bill the threshold is held at half a million dollars. Of course, that will be of substantial benefit to those in professions - for example, engineering, law and dentistry - where claims against them can be in excess of half a million dollars. However, a great many of the claims faced by the people who are involved in the trades which I mentioned earlier will not be anywhere near half a million dollars. That gives rise to a dilemma: Do we limit the amount in the claim when someone is suing a tradesman who is in a non-traditional occupation, or do we provide a sliding scale for which people in these areas can be sued? An example was given of a claim for \$150m in the Cambridge Credit case in Victoria. It is very unlikely that an electrician, a plumber or someone involved in journalism or education would be involved in a claim of that magnitude. In fact, I suggest that people in the non-traditional professions will not, or will rarely, receive any benefit from becoming a member of one of these schemes, given the limit of \$500 000. However, I acknowledge it is a major dilemma between people who are claiming and those who are defending those claims. That point must be acknowledged, and I hope the Minister will address it subsequently.

Mr Prince: Are you suggesting that the cap - for want of a better word - for a particular group should be lower?

Mr McGOWAN: That must be considered. As it currently stands, the scheme, with a threshold of half a million dollars, will not be of much benefit to many occupational groups. Although the Law Society has difficulty with this threshold, it will be of great benefit to its members because law firms can be sued for half a million dollars; however, it is extremely unlikely that a tradesman would be sued for anywhere near that amount.

Mr Prince: The view of the overwhelming majority of those in the legal profession has been that the majority of the number of claims are for relatively small sums; for example, \$15 000 or \$20 000. There are a few claims for an enormous amount of money. The auditors are a case in point where these sums are into the millions. It can easily be conceded that people in any form of engineering could be sued for sums well in excess of half a million dollars. The people involved in the BHP DRI plant in Port Hedland are involved in a massive piece of infrastructure and the engineering is extremely complex and expensive. Contrast that with the gentleman who might come to your house

to rewire a power point. There are extremes. Here you are trying to cap those claims that from a public policy point of view would be seen to be too high for society to bear, rather than the individual.

Mr McGOWAN: I accept that; however, the downside is that a lot of small tradespeople do not receive much benefit from this limit. I am not suggesting a way out in any great depth. The Minister has had far more practice than I and he might be able to make some enlightening comments.

Mr Brown: The Minister is a lot older than you.

Mr Prince: Yes; I am 49, to be precise. Are you 26?

Mr McGOWAN: I am 29.

Mr Prince: It is only 20 years' difference.

Mr McGOWAN: The Minister is a father figure to me!

Mr Prince: I have children your age.

Mr McGOWAN: I refer to a criticism raised by the Law Society.

Mr Prince: Your first point was about the national approach; the second related to the half a million dollar cap. Is this your third point?

Mr McGOWAN: Yes. Neither the body of the Bill nor the schedule sets any parameters by which the scheme can be measured. It says that the scheme must be approved in accordance with a four pronged process: The Minister, the Professional Standards Council, disallowance by the Parliament, and the Supreme Court. The Bill does not provide for the Professional Standards Council to give the Minister any guidelines for what should be in the scheme. An example scheme is not set out, nor are any criteria set out by which the scheme can be measured.

Mr Prince: Does the Law Society want it laid out on a plate for them?

Mr McGOWAN: It provided me with some advice.

Mr Prince: I speak as a fully paid member of the Law Society.

Mr McGOWAN: In fact, the Law Society was highly critical of some areas of this legislation. It took the view that the claims are too large at present and that there are too many claims, which is quite contrary to the interests of many of their members because they make money out of claims. I assume the complaints of the Law Society are legitimate as these provisions act against the interests of a large number of its members. I take its point that criteria should exist for a professional liability scheme. Regulations should prescribe the way a scheme should be established and structured. The Law Society also suggested that the Bill should cover a wider area such as prescribing shorter limitation periods and removing liability and contract situations for torts committed to third parties with whom they are not dealing at the relevant time. The Law Society made recommendations contrary to the interests of a large number of its members.

Mr Prince: With respect, I suspect there are very few lawyers who practise in this area.

Mr McGOWAN: A large number of lawyers practise in the area of negligence.

Mr Prince: I thought you were talking about negligence and having a go at other professions.

Mr McGOWAN: No. Occupational groups and professions are well covered under this Bill and I am sure a large number of lawyers handle negligence claims.

Mr Prince: I misunderstood you.

Mr McGOWAN: Concern was also expressed about the Supreme Court's role, which is to resolve adversarial situations. The concern is that the Supreme Court is acting as an administrator and regulator of schemes with which it does not have any experience. I understand that judges are adept at working out how organisations operate. However, the Law Society's criticism was based on the fact that Supreme Court judges' training is in how to resolve adversarial matters. Professional liability schemes are administrative and should not be dealt with as adversarial matters. The Minister may like to address that in his remarks.

Mr Prince: You bet.

Mr McGOWAN: Another dilemma is that litigation is encouraged by virtue of the fact that people have insurance policies.

Mr Prince: It is almost the only thing that encourages them.

Mr McGOWAN: In many cases it is. This Bill is designed to ensure that consumers can bring claims against someone and be certain that if they succeed, at the end of the day the claim will be met, although the amount might be limited. If people are assured that an insurance policy exists, it could encourage rather than reduce the number of claims.

Mr Prince: We would not want to limit a person's legal right to bring action when they have that legal right.

Mr McGOWAN: I am not suggesting that. However, as this is a Government Bill the Government might have considered that legitimate concern in the past and have a solution. I do not know what is the answer to the problem. The intent of the Bill is to reduce the number of claims. However, increasing the number of insurance policies might encourage more claims. The situation is paradoxical. However, I am sure the Minister has considered it and will have an answer.

When the Select Committee on Professional and Occupational Liability examined this issue it took evidence from the Institute of Chartered Secretaries and Administrators of Companies. It is a group of professionals who work as directors and secretaries of companies. Naturally they are concerned about these things. Traditionally their liability has been in the area of breach of fiduciary duty and misfeasance in relation to the administration of companies. I am not sure if the Minister is aware, but under section 592 of the new Companies Law directors and their officers are liable for company debts if at the time of the debt the company is insolvent. It is a civil liability matter.

Mr Prince: That is a restatement of what was in the Companies Code, which is a restatement of common law which provides that if a director or other officer involved in the administration of a company knowingly enters into an arrangement that puts the company further into debt, but cannot pay its debts, he or she is personally liable.

Mr McGOWAN: I think the matter is resolved. It is probably not a substantive point, but if, for instance, the Institute of Chartered Secretaries and Company Administrators were to enter into a scheme, would that provision be in conflict with the provisions contained within the state Act?

As I said, the Opposition supports the Bill overall. It is a step in the right direction. I take the point that improvements in this area will be part of an evolving process because we are heading down the road of the United States of America in many respects where many people think immediately about litigation and as a result are clogging the courts. A number of spurious claims for negligence are being pursued. People are pursuing claims in the hope of reaching a settlement even though the claims are barely warranted.

Mr Prince: I will try to find you an excellent short story called "The Negotiable, the Imperative and the Furphy", which is about the proposition you are making.

Mr McGOWAN: I look forward to that. The situation is paradoxical because we do not want to limit people making justifiable and legitimate claims. Nonetheless, in many areas claims are being brought in the hope of receiving a settlement. I saw an interesting movie the other night on that subject. Many people are trying to misuse the legal system to bring spurious claims for the sake of financial gain. I do not know if I agree with a speculative fee, which is one of the reasons for the explosion of litigation in America. Lawyers receive a speculative fee of one-third to one-half of the amount claimed if they are successful in making a claim against another party. The speculative fee has advantages and disadvantages.

Mr Prince: It helps the indigent claimant who has a claim.

Mr Brown: Of whom there are growing numbers.

Mr McGOWAN: A very common complaint is that people cannot afford a lawyer. Conversely if a speculative fee were to become common practice, an explosion in litigation would result because it would cost nothing to bring a claim. We face a terrible paradox. When I was at law school, in the State in which I lived, the Law Society could allow a legal firm to claim a speculative fee under strict conditions. It enabled poverty stricken clients with a good case to be represented. However, it was framed to avoid spurious claims or claims which were fishing expeditions for money and which induced the person being sued to settle to avoid going to court.

As I said, the Bill has the Opposition's support. These reforms must be part of an evolving process and the Minister must take into account all the people who are in non-traditional professions.

Debate adjourned, on motion by Mr Brown.

[Continued on page 4263.]

*Sitting suspended from 1.00 to 2.00 pm*

**[Questions without notice taken.]**

**MATTER OF PUBLIC INTEREST - UNEMPLOYMENT BENEFITS**

**THE SPEAKER** (Mr Strickland): Today I received within the prescribed time a letter from the member for Kalgoorlie in the following terms -

Pursuant to Standing Order 82A I propose that the following matter of public interest be submitted to the House for discussion today.

That this House condemns the Federal Government for the financial burden it will place on the most disadvantaged families in the community by abolishing the unemployment benefit for most 16 and 17 year olds and leaving families already struggling, as a result of increased charges imposed by the state Budget, to carry the costs.

The matter appears to be in order. If sufficient members agree to this motion, I will allow it.

[At least five members rose in their places.]

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

**MS ANWYL** (Kalgoorlie) [2.38 pm]: I move the motion.

The primary purpose of moving this motion calling on the Government to support opposition calls in this State for the Federal Government to rethink these savage changes is that not only will 25 000 16 and 17 year olds who are in receipt of unemployment benefits cease to receive those benefits, but also at least 50 000 families with children living at home who are between the ages of 18 and 20 and who are on unemployment benefits will cease to receive support. The Federal Government has yet to give any proper detail of just how many families will be affected. I urge the Government to support this motion because of the huge ramifications that will be experienced by families. As the motion says, those families are already struggling in many cases.

The Howard Government's plan to cut the dole payments will do absolutely nothing to create more jobs for our young people. That should be the focus of the debate. We have a real crisis facing young people in this country and that is the lack of available jobs once they have left school. Of the 16 and 17 year olds who are receiving payments, I understand that about 35 000 in the country receive dole payments, and that of them about 10 000 are classed as homeless youth; that is, they are not living at home and, under a variety of stringent criteria, they are classed as eligible for payments.

These changes will not come into place until 1 July next year. The State Government, therefore, has plenty of opportunity to take some steps to have these savage changes watered down. I am curious to hear from the Premier what steps are to be taken. The Minister for Youth is here. I am keen to hear from him, perhaps not today, how he considers that this will assist youth unemployment, because not one job will be created by these steps.

The Federal Government is really increasing the school leaving age to 18 years because it is saying, and I heard Minister Kemp talking on the radio today, that all 16 and 17 year olds must be in full time school or training schemes. The reality is that 60 000 young people have missed out on training schemes through TAFE schemes alone. Minister Kemp says, "I know that 60 000 have missed out on TAFE places this year but we will have the problem fixed by next year." That is a bit hard to believe. As he says, if young people of 16 or 17 years cannot find training places, they must return to full time school. I will be very keen to know in due course from the Minister for Education what funds will be expended by the State Government to make sure that year 11 and 12 places are available for those young people. Many young people choose to leave school prior to year 12. The Labor Party supports high levels of high school retention rates and young people remaining in education for as long as possible. It must be recognised that this is not suitable for all young people. Jobs are not now available and so it is necessary for there to be some real alternatives available.

Another main change will be to impose an assets test on young unemployed people between the ages of 18 and 20 years who are living at home. The assets test will start to apply with family incomes as low as \$25 000 a year. Therefore, it will start to apply to families with incomes way below the average income. It is worth looking at some examples of how the tax will apply. We are not talking here about taxing the rich; we are talking about making it almost impossible for young people to remain at home and have the support of their families because financially it will not be an option. I will give three examples of how families will be affected. Firstly, if a single mother is working full time, with a 19 year old unemployed child living at home and no other children, and she earns \$28 000

a year, she will lose \$50 a fortnight. That is a significant amount for someone in receipt of such a small income. Secondly, in the case of two parents with one unemployed 19 year old at home and no other children, where one parent is working earning \$36 000, the family will lose \$120 a fortnight. Thirdly, a family with an income of \$45 000 a year with both parents working and one unemployed 19 year old and no other children stands to lose \$210 a fortnight. Basically they will lose almost the entire allowance payable to that young person at home. It is difficult to see how that can be fair, given the current economic climate and the difficulties faced by young people seeking work. I do not know how on earth the Howard Government considers young people will be able to afford the bare necessities to attain employment; for example, new clothing to appear presentable at interviews and to apply for many jobs, and travel costs. These will not be options under these changes.

It is worth noting that an assets test will apply. I suspect that most Western Australians do not realise that the assets test will include 50 per cent of small business assets and the surrender value of life insurance policies. We are talking about an assets test that will apply not only to the rich but also to every small business person in Western Australia. There is no doubt that many families on very basic incomes will be affected; indeed, if we look at the applicable tests, which are similar to the Austudy test that now applies, a family earning \$41 000 a year will not be eligible for payments. The Howard Government will force young people who want to be independent to stay at home. Not only will they be forced to stay at home but also this whole income test will kick in with all sorts of pressures on the family which do not at present exist because adequate funds are available for the support of those children. This policy is anti-youth and anti-family.

Ordinary families are already struggling in this State because of the harsh increases imposed by the last state Budget. Various estimates are given about how much each family is paying as a result of the state Budget; they vary between \$100 and \$400 a year. I gave the example of a young person with a lot of costs associated with obtaining employment. It is well recognised that it does cost money to seek employment. Therefore, it is difficult to see how families will be able to make that money available.

Families are also struggling as a result of the many increases under the last two federal Budgets. One that causes me most concern is the incredible hike we are seeing in child care rates. It is not hard to imagine that families who have children of 16 and 17 years, who will not be eligible for unemployment benefits, will also have other children who are in child care. Families are facing an increase of \$20 a week for basic child care for each child. No relief is in sight. The public sector child care industry is closing and eventually the private sector will increase its fees. Families face real increases through changes to pharmaceutical benefits, nursing care for the elderly and the home and community care program. It is important for the Premier to display leadership by trying to reduce the effect of these changes on families.

When federal Minister, Senator Jocelyn Newman, made this announcement at the press conference in Canberra at 3.30 pm yesterday, she said, "The youth allowance recognises parents should be the first port of call." She said that, "If you want assistance, you must first go to the family." It is a transparent effort by the Government to shift the burden of supporting young people who cannot find employment from the Government to the individual family. At the same time, it is making a real effort to reduce the assistance available to young people. There is no doubt that conflict and stress within families will increase. Members should consider the reason that the Government is taking these steps.

Families will now have to provide what was previously job search support. This change is first and foremost about fudging the unemployment figures. I referred to the 35 000 16 and 17 year olds who currently receive unemployment benefits and who will no longer be eligible for these benefits. The benefits will continue to be paid to the homeless and those in extreme circumstances; for example, those who cannot attend school full time because of health problems. Immediately, 35 000 people will be taken off the unemployment statistics. The Opposition knows the Howard Government has not performed in reducing unemployment.

Although the Labor Party supports the notion of higher school retention rates, it is not a matter of converting the unemployed to full time students against their will. Effectively, that is what will happen. I cannot find evidence of planning to identify the areas of employment which need more workers and to ensure that training programs are set up in those industries. With respect to existing training opportunities, Minister Kemp admitted 60 000 young people were not able to access technical and further education courses this year. Some alarming statements have been made on university intake rates, which appear to be down.

The Opposition knows the Howard Government took \$1.5b from labour market programs. Many of these programs were working very well and were Labor initiatives. Members will be aware that SkillShare programs are closing down and a substitute program is not forthcoming. The Commonwealth Employment Service is undergoing changes that will eventually lead to complete privatisation, without any thought to how the long term unemployed will be assisted. In rural areas the LandCare environmental action program, which provided successful training for young people, ceased some time ago. It has not been replaced by another program.



The number of apprenticeships and traineeships is increasing marginally, but there has been a massive cut in the labour market component. What will the Premier do about this? He has not indicated that he will do anything. I call on him to table any correspondence that this Government has sent to the Howard Government on this issue. I have no doubt that there will be an Australia-wide outcry over this issue.

I refer to the type of assets test that will apply for 18 to 20 year olds. The outcry generated by the Federal Government's announced plans to tighten up Austudy testing resulted in a backdown by the Federal Government. Its action was widely attributed to the fact that coalition backbenchers pressured the Minister into changing the Government's position on that issue because thousands of students would be forced out of full time education.

In so far as the youth allowance changes streamline what has been a piecemeal and messy system, I support them, but the reality is that the Government is introducing these changes in an effort to fudge the unemployment figures and hide the real problems. These changes will affect Western Australian families, and the State Government would do well to recognise that it will incur a cost.

The Australian youth policy action coalition is concerned that the youth suicide rate will be further exacerbated. In addition, there are concerns about increased drug use among young people and the cost that will be incurred by the need for greater assistance to families. If members consider the programs which have been implemented by Family and Children's Services, including the better parenting program, they will find it is not difficult to conclude that problems in families will increase.

This policy will penalise the families of those young people who choose to stay at home. It is about creating a climate where young people are blamed for the unemployment rates. The current strategy will do absolutely nothing to create jobs for young people. It will cause all sorts of problems for those who are doing their very best to obtain employment.

There is no real initiative in place for job creation schemes. The Federal Government has cut \$1.5b from the schemes, but has not in a meaningful way increased the opportunities for young people to take part in training programs. The state Minister said that young people who cannot get a training place will have to go back to school until they are 18 years old. Minister Newman said this initiative is about making young people turn to their families before they turn to the taxpayer. The Minister does not reveal that those young people will not be able to seek government assistance if their families cannot support them. The very real cuts which will be made to payments will force some young people out on the streets to access real help.

**MR BOARD** (Murdoch - Minister for Youth) [3.00 pm]: I welcome the opportunity to participate in this debate. As Minister for Youth I take this opportunity to thank the Opposition for bringing the matter forward, because it is time to look at what has been achieved in Western Australia and the issues before us. Although the time is short I intend to address a number of issues. The member for Kalgoorlie has made a number of inaccurate statements about the youth allowance, but unfortunately time does not allow me to go through all of them.

Members should not be surprised that debate in Australia over some time has been about what incentives or non-incentives should be put in place for 15 to 17 year olds and how we should support and educate them. The world is becoming more competitive and the best place, no doubt, for young people is at home. Therefore, any encouragement to take them away from their homes and away from further training or education into unemployment and onto unemployment benefits is not desirable. But that has been the trend in Australia over the past 10 years. For one reason or other a growing number of young people have become unhappy with education and have thrown themselves onto unemployment benefits, left home and got into trouble. That creates a great burden for not only young people and their families but also taxpayers. I welcome any initiative that encourages young people to stay at home and any incentives to create further employment and education.

In this debate we should concentrate on what has been achieved in Western Australia. When the coalition Government came to power the Western Australian unemployment rate was the highest in Australia, as was the youth unemployment rate. However, Western Australia now has the lowest unemployment and youth unemployment rates in Australia; in fact, it is 11 per cent lower than the national average. One of the reasons for that is stimulation in the small to medium business and resource sectors. As a result a greater number of people are entering the small to medium business sector, which is the key to the future of job creation, particularly for young people. In fact, 120 000 legitimate jobs have been created in those sectors in Western Australia.

Western Australia has the lowest youth and general unemployment in Australia because real jobs have been created in the retail and service industries. It is not due to the creation of false training jobs, which are funded by subsidies of between 80 to 100 per cent. Employers in small and medium businesses in the retail or service industries must create more real jobs because they are at the coalface of the biggest growing industry in Australia. That is where a lot of work will be done for young people and that is where jobs are being created. That trend must continue.

However, that is not to say that young people, particularly 15 to 17 year olds, are not facing problems. My daughter, who is 17 in six days' time, is lucky to be sitting her Tertiary Entrance Exams. I cannot imagine how she would cope on the streets or on her own, but I know a lot of families are not as lucky as my own. I have been able to support my daughter and help her through her education, because every young person needs every stimulation the Government and the community can provide to keep them home.

Ms Anwyl: This will do the exact opposite. It will means test families where children are at home.

Mr BOARD: What the former system did was force young people out of their homes because they thought they were better off.

Ms Anwyl: No, it didn't.

Mr BOARD: Yes, it did. If we tell 16 or 17 year olds that they are better off leaving home, they will leave home. The youth allowance will do the opposite of that - but, unfortunately, we do not have time to go through the full details of that now. What it will do, however, is encourage young people to stay at home and in employment or training.

The training factor is important. Statistics show that the majority of young people who leave home and education at 15 years of age become long term unemployed. The statistics show that the earlier a person leaves school and home, the longer that person will be unemployed. That cycle must be reversed. The way to reverse it is to encourage young people into training and further education, and, hence, employment and then long term employment. That is what this new proposal is all about. It will do two things. It will stimulate the employment market and stimulate growth in real jobs. There is no point in having everybody educated, everybody staying at home and everybody training unless real jobs are created. That is why this current debate about tax reform in the marketplace is about encouraging employers, who are already overburdened by the tax system, to create real jobs. At the moment the system penalises people for job creation.

Mr Brown: Don't you pay tax if you are a small business?

Mr BOARD: The member for Bassendean is an employer so he should know that if he said to his accountant, "I have had a reasonable year. I think I will expand", the accountant would say, "Don't do that. You may have to employ somebody and then you'll be in real trouble. What you have to do is buy some property, negative gear it and you will have a better return." That is no stimulation for employment growth. We are putting bricks on employer's heads; people who really want to get on and create employment. We are penalising them in two ways.

Ms Anwyl: Do you support these changes to every single degree? You have no concern about what the Howard Government is doing here; isn't that right?

Mr BOARD: The issue was launched only yesterday and I have not received a thorough set of briefing notes.

Ms Anwyl: I got them today. They are freely available. I will give you a copy if you like.

Mr BOARD: I have not received them.

Ms Anwyl: The answer is you don't know. You don't know whether you support it or not.

Mr BOARD: Yes, I do. I support the principle.

Ms Anwyl: You support 30 000 people not getting unemployment benefits.

Mr BOARD: That is where the member is wrong. Does she know that 70 000 young people will benefit from the decision to extend rent assistance eligibility to students under the youth allowance? Does the member understand that the common youth allowance scheme is aimed directly at encouraging students to complete year 10? Students who complete year 10 are three times less likely to be unemployed than people who leave school at 15.

Ms Anwyl: We are talking about 15 and 17 year olds.

Mr BOARD: I will give the member some statistics.

Ms Anwyl: What are you quoting from?

Mr BOARD: I am quoting from briefing notes prepared for me about the youth allowance. Around 15 000 unemployed people and 19 500 students, most of whom are under 18, who are living away from home and/or independent will benefit from receiving an increased rate of payments.

Ms Anwyl interjected.

Mr BOARD: The member for Kalgoorlie can point to statistics any way she likes and I can turn those statistics around. The thrust of the youth allowance is to do something about the problem of young people leaving education and training to become long term unemployed and a problem for society and themselves because they cannot get a job. We are trying to create some incentive for young people to stay in education and training. In that way they will be able to take advantage of opportunities in employment.

Mr Brown: That policy runs absolutely contrary to what your Government has been trying to do. You have been talking about keeping families together. This provides an incentive for young people to move out of home and live independently.

Mr BOARD: No, it does not. It tells young people to stay at home, to stay in education and training because that is where their future lies. Why should we encourage people to leave home? That has been the debate right around Australia. I guarantee that the majority of Australian families will support a measure that encourages young people to stay at home with their families. Those who cannot or who are disadvantaged will be covered under the youth allowance.

The whole program is about encouraging young people to stay at home, and we are addressing a number of issues at the coalface. We recognise that not every person will succeed long term in the education program. Although many of the programs to be implemented sit slightly outside the schooling system, they will be undertaken at school premises; such as the cadet program and others such as those I raised this morning and earlier in question time. Many of those programs are about teaching kids life and survival skills. They are for kids who may not be able to succeed long term in the education program, but who will have many more skills. Employers will be keen to take them on because the kids have shown initiative and incentive and have got on with their life. This is all about creating a program which encourages young people to stay within the system, regardless of their intellect and how well they have done in the system; to gain as much training as possible before they seek employment.

It has been shown that those who leave the training or education system early become the long term unemployed. The effects of long term unemployment are tragic. Other Ministers will tell members it is time to start looking at these issues across different levels of government, and the effect on people who leave the education system early, and their effect on the juvenile justice system, and on all sorts of other community service programs. Perhaps these kids may become dysfunctional parents.

These are all effects that may occur because kids have been encouraged to leave school at an early age. We must address those issues. The world is becoming very competitive, and everything a Federal Government or a State Government can do to encourage young people to stay where they are better off - that is, with the family, and in education and training - should be supported. I commend the Opposition for bringing this matter forward because it provides an opportunity to let people in Western Australia know what is going on and what is being achieved and to deliver a positive message about what is happening in this area.

**MR RIPPER** (Belmont - Deputy Leader of the Opposition) [3.13 pm]: I support this motion. I hope the Minister for Youth will vote for it. He is a little naive -

Mr Board: I cannot vote for the motion, but I will vote for the issue.

Mr RIPPER: The Minister will vote for the issue, but not to condemn his federal colleagues who have taken away unemployment benefits from 25 000 16 to 17 year olds and have cut or removed benefits from a further 50 000 18 to 20 year olds.

The Minister said that the Government wants to encourage young people to stay at home and to get into training. People can be persuaded to take a course of action in a couple of ways - they can be given an incentive or they can be punished. The Federal Government is punishing them for taking a course of action or for being unfortunate enough to find themselves in a position to which it objects. This from a coalition which before the federal election sought to make youth unemployment a symbol of social and economic decay.

The coalition campaigned on the issue of youth unemployment and created the impression throughout the community that it would tackle this very serious problem. Surely if that were the case, the Government would provide some incentives for young people to get into training, rather than to punish those who are unfortunate enough not to have a job or to be in a training scheme. The Government might even offer them an opportunity to get involved in training.

What did the Federal Government do in its first Budget? It cut labour market programs by \$1.8b. How can the Minister say that he supports a Federal Government that is trying to get young people to stay at home and go into training, when that same Government has cut all the opportunities that should be available for them to get training?

Mr Board: Would you rather have real jobs, or subsidised jobs that do not really exist?

Mr RIPPER: Of course, we would rather have lots of jobs - perhaps the number that equates to the increase in the nation's unemployment rate over which the Federal Government is presiding. I do not think the Minister wins there either. The labour market programs which were initiated by the previous Labor Government are collapsing and are being replaced by a simplistic, poll driven, sloganistic, work for the dole scheme which will have few resources, few places and little training. This scheme involves no preparation for the future whatsoever. It is simply designed to be a sop to public opinion without in any way helping young people and their families.

I draw attention to the state context. Those families that are losing the unemployment benefit for the young people who unfortunately cannot get a job or training are also paying a lot more in state government taxes and charges. Annually they are paying an additional \$16.60 for car licences; \$4 for driver's licences; \$21 for power; \$15 for gas; \$24 for water; \$36.40 because of the doubling of the bank accounts debits tax; and at least \$104 in public transport fare increases. A household with three children using public transport to and from school and travelling two zones faces an increase in public transport fares of \$240 a year. Those increases will not be the end of this matter. This Government has said that it will raise fares to recover more of the cost of public transport. It said that it would also increase concessional fares. The same disadvantaged people will be doubly hit in the future by the State Government's public transport policies.

Families are already losing at a state level. As a result of these announcements by the Federal Government, they will lose even more. Let us look at what the Federal Government is proposing. There is an absurd parental income test for the payment of the unemployment benefit for 18 to 20 year olds. Young people will start to lose those benefits if they live in a household with an annual income of \$23 500. That is a very low household income, and at that level these cuts will start to have an impact. Let us compare that figure with current average earnings. In February 1997 the average yearly earnings for a male in Western Australia were \$36 171; for a female the figure was \$21 550. On a per person basis, average annual earnings were \$29 359.

We could also add the census figures, although they are a bit old. We can only get the figures for 1991. According to the Australian Bureau of Statistics, average household earnings were between \$25 000 and \$30 000. The figures would be quite a bit higher now than those released for 1991. I am arguing that these federal government cuts will apply at well below average earnings and will affect people who are already disadvantaged. The Australian Council of Social Services has provided a couple of case studies:

Case 1 A two parent family with 2 children (18 year old unemployed and 13 year old at school), with 1 parent in full time employment earning \$350 per week, would lose \$15.56 per week from their household income.

That not very wealthy family will lose that amount of money as a result of a federal government decision about which this State Government seems sanguine.

Case 2 A sole parent family with 2 children (17 year old unemployed and 14 year old at school), with the parent working full time earning \$420 per week, would lose \$19.05 per week from their household income.

I know from my own electorate that the existing social security system is already facing problems. People have given examples of their children in the work force taking sick leave but being unable to get sickness benefits because of the parental income test. Parents of young people who have been in the work force believe that as those young people paid taxes they should be able to collect unemployment benefits. However, under current parental income tests, those young people cannot receive the benefits. The Federal Government's intention to introduce a new common youth allowance will worsen that already unfair position.

The Minister for Youth said that the Federal Government's move would encourage people to stay at home. On the contrary, it will increase tension in families and it will encourage people to leave home. As the member for Bassendean pointed out, 16 or 17 year old young people will receive a benefit if they are living away from home. That is why, of the 35 000 teenagers who will be affected by these cuts, 25 000 who live at home will lose the benefit. The 10 000 who do not live at home will continue to receive it. The Federal Government's policy is supposed to encourage young people to stay at home; in fact they will be encouraged to leave home.

If they stay at home their parents will have less money and an extended period for which they will be responsible for their adult children. When adult children are sitting around home idle and the family budget is under pressure because of State Government increases in taxes and charges and the idle person can receive no income from the Federal Government, tensions in the family will increase. An allegedly pro-family Government is increasing stresses and strains inside the family by imposing additional responsibilities on parents.

Young unemployed people hit by these cuts will go to the Commonwealth Employment Service looking for a training scheme. No training scheme will be available because of the Federal Government's labour market cuts. They might go to their local SkillShare office looking for a course to occupy their time and prepare them for work but because

of funding cuts to SkillShare offices, nothing will be available. They might go to the Department of Social Security looking for income support but because of budget cuts no money will be available. They might get on a bus to go for a job interview. The fare will cost more because of state government increases in fares. At home in the middle of winter they might sit in front of the gas heater and their parents will pay more for gas, electricity and the cost of the whole household.

I hoped this Government would stand up for young people affected by this federal government decision. However, party politics rule supreme and it is toeing the line of Canberra. It is not prepared to defend the young people of Western Australia hit by these measures.

**MRS van de KLASHORST** (Swan Hills - Parliamentary Secretary) [3.26 pm]: I see this move as providing incentive, motivation and encouragement for young people to seek training to enable them to find work and build their self-esteem and self-worth.

Over the past four years I have taken on five long term unemployed people for six months at a time. Based on my teaching knowledge I set a proper training program so that we were able to tick each skill they acquired. Four of them are now in full time employment. They were originally unemployed because they did not have the appropriate skills. The other day one of those people sent me a bucket of flowers saying she had just had her second promotion in the bank where she is now working. Her success has resulted from the training scheme run by my office for the long term unemployed.

People say that no work is available in the community. A 23 year old constituent came into my office, who had been unemployed for eight years and who wanted my help with Homeswest. I gave my help, but at the same time asked if he was doing any training to help him find a job when the economy improved. After I had helped him the young man said, "F--- off! Why should I even think of training? I get the dole and you people can get stuffed." Those were his exact words; I have them on record in my office. That young man has no incentive to look for a job because he receives money every week. He had the ability to work if he wanted to.

I acknowledge that some genuine cases exist among very low income earners. However, we must find some way to help young unemployed people to build up their self-esteem.

My local hairdresser is closing her business on 30 June simply because she cannot get anyone to work for her, not for the want of trying to find someone. Where are all the unemployed young people? A few teenagers started working with her, but after a couple of weeks they said it was too hard and they were going back on the dole. A relation of mine who runs a security business telephoned the Commonwealth Employment Service seeking to employ a youth between 16 and 17 years of age. Of the three people sent by the CES the first one said that he did not want to work there, the second lasted three days and said it was too hard and he wanted to be at the beach, and the third did not turn up.

It is a disgrace that in Western Australia people from Adelaide are employed in the north west on a fly in, fly out basis because young Western Australians will not seek work there.

Ms Anwyl: Because they do not have the skills.

Mrs van de KLASHORST: They would become skilled if they were trained. Work is available. I am not saying work is available for everybody. However, people cannot find young people to work for them. Governments should try anything - this Government is no different - to provide incentives to young people to work. Most people in our gaols are from dysfunctional families, have misbehaved at school, have low self-esteem, have no self-worth and have been unemployed.

The Federal Government's scheme is one of myriad alternatives. Jobs are available such as in the north west, which, as the member for Kalgoorlie said, require training schemes. I support any effort by Governments to motivate people to work.

**MRS EDWARDES** (Kingsley - Minister for the Environment) [3.28 pm]: I will focus on the education and vocational training opportunities.

Mr Ripper: Do you support the cut in TAFE funding?

Mrs EDWARDES: I will get to that. Although the Government opposes this motion, it will always be concerned about any policy that disadvantages young people. David Kemp, the federal Vocational Education and Training Minister, pledged in a media statement that if insufficient training places were available for young people they would receive the youth allowance. This Government will keep him to his word.

The unemployment base in Western Australia is pretty low compared with the rest of Australia. The youth unemployment figures fell again in May to 17.3 per cent; that is, 11 per cent lower than the national average, and 10 per cent lower than in any other State. The national average is 28.3 per cent. The number of unemployed teenagers fell by 800 to 6 700, and the number of first time teenage job seekers fell by 1 300 in May. In February 1993 youth unemployment was 28.6 per cent, with a national figure of 35.4 per cent. Therefore, young people in Western Australia are in a better position now than they were in 1993. That is a result of the education, training and employment opportunities that are available to young people.

What will be the impact of the changes to the youth allowance? The proposed changes to the unemployment benefits to 16 and 17 year olds will result in more young people seeking education and training places. There will be some impact because the education and training sector in Western Australia must accommodate that age group, and that will place increased pressure on those organisations. In Western Australia it could result in around 2 000 young people requiring accommodation in those sectors.

We have been working for a number of years, and will continue to do so, to accommodate young people and make changes to the school sector by providing a greater range of vocational education and training opportunities at school as well as outside. The impact is unknown because it will depend on the rate at which young people decide to stay at school or opt for the TAFE sector. We will deal with the issue by creating and expanding opportunities for young people both within and outside the school sector.

The ministerial council met last week in Darwin. The Minister for Education attended in his own right and also represented me. The meeting discussed vocational education and training in the school sector. We will expand the provision of vocational education and training within the school sector, and that will include a much broader generic program, particularly life skills. We want to ensure that young people are satisfied to stay at school. We must ensure that the extra education and training being offered will be relevant if they opt to stay at school longer.

Currently two out of three high school students work part time. Some work up to eight hours a week, and a great many work up to 20 hours a week. We want to link that part time employment to on the job training within the structure of vocational education and training accommodated within the school sector, by expanding vocational education and training in schools. We are currently developing the framework in which that can be done. We face some difficulties which must be worked through - particularly the provision of new apprenticeships in schools. That issue is being worked out between the State and Federal Governments. Ultimately, we want to broaden the range of opportunities available to young people by giving them a greater choice.

The number of apprenticeships and traineeships will be increased. That has already happened in Western Australia. Again, that is the result of a number of changes. We have greater flexibility in employment-based training. Training does not happen only in the public sector. The apprenticeship program will be increased next year, as will the reform to the industrial relations arrangement. In 1997-98 it is proposed that 100 000 new apprenticeships and traineeships will be provided in Australia.

The industries to be targeted are technology, hospitality and tourism, sport and recreation, finance, and traditional trades. We are in the process of negotiating with the Federal Government a new Australian National Training Authority agreement to ensure that we receive a fair share of funding for the growth in apprenticeships as well as extra training as a result of demand caused not only by changes in the youth allowance provisions, but also by redirecting young people into greater opportunities.

Included in the other vocational education and training opportunities to be negotiated under the ANTA agreement is an extra 55 000 places in TAFE this year. That number is expected to grow over the next five years. We are seeking \$187m over four years to introduce school-based apprenticeships and traineeships and to expand vocational courses at secondary schools.

Although Western Australia supports new apprenticeships in schools, we have some concern about how that will operate and how the employers will be involved. We are working through the issue with the Federal Government, but it has received our support, in principle. We will expand the Pathways program, under which brokers are contracted to find jobs for school leavers. We are considering working with the Federal Government to ensure greater opportunities and choices for young people.

A change has occurred, and with change always comes some uncertainty in various sectors, but that does not mean that this change is not for the better. In this respect, the change is for the better. We believe young people deserve better than they have had in the past. Young people in Western Australia are receiving more than others receive around Australia. We are determined to ensure that situation continues.

Question put and a division taken with the following result -

## Ayes (15)

Ms Anwyl  
Mr Brown  
Mr Carpenter  
Dr Edwards  
Dr Gallop

Mr Graham  
Mr Grill  
Mr Kobelke  
Ms MacTiernan  
Mr McGinty

Mr McGowan  
Mr Riebeling  
Mr Ripper  
Mrs Roberts  
Mr Cunningham (*Teller*)

## Noes (30)

Mr Ainsworth  
Mr Baker  
Mr Barnett  
Mr Barron-Sullivan  
Mr Board  
Mr Bradshaw  
Dr Constable  
Mr Court  
Mr Cowan  
Mr Day

Mrs Edwardes  
Dr Hames  
Mr House  
Mr Johnson  
Mr Kierath  
Mr MacLean  
Mr Marshall  
Mr Masters  
Mr Minson  
Mr Omodei

Mrs Parker  
Mr Pandal  
Mr Prince  
Mr Shave  
Mr Sweetman  
Mr Tubby  
Dr Turnbull  
Mrs van de Klashorst  
Mr Wiese  
Mr Osborne (*Teller*)

## Pairs

Mr Thomas  
Mr Marlborough  
Ms McHale  
Ms Warnock

Mrs Hodson-Thomas  
Mr Nicholls  
Mr Trenorden  
Mrs Holmes

Question thus negatived.

**LIMITATION AMENDMENT BILL***Assent*

Message from the Governor received and read notifying assent to the Bill.

**PROFESSIONAL STANDARDS BILL***Second Reading*

Resumed from an earlier stage of the sitting.

**MR BROWN** (Bassendean) [3.42 pm]: I do not want to go over the areas that were so eloquently put before the Parliament by my colleague the member for Rockingham, but rather I will concentrate on some of the more philosophical issues that arise from the content of this Bill. I do that in the hope that the Minister for Health, who is representing the Attorney General in this matter, will be able to respond to some of these matters in his reply. I will contrast this Bill with the Labour Relations Legislation Amendment Bill that passed through Parliament this year in which the Government put forward a number of philosophical views on the way organisations should operate. A number of those views were said to be sacrosanct principles upon which the Government would bring forward legislation. It has been a concern of mine and of others that some Bills brought before this place to deal with ordinary working people do not reflect the same philosophical standards as Bills that deal with others in the community. In the time that is available to me today I will raise some of those matters.

One of the matters at the heart of the debate when we discussed the Labour Relations Legislation Amendment Bill earlier this year was the issue of members' rights. It was said that an organisation should not impose on its members certain obligations for political contributions and that each member should have a right to exercise those rights in a way he or she determined was appropriate. The Government puts on a set of glasses and adopts a view, and analyses that view from a philosophical perspective.

Under clause 46 of the Bill it is possible for an occupational association to require its members to hold insurance against occupational liability. The Minister indicates in the second reading speech, and it has been indicated in debate, that some members of professions hold occupational insurance. However, some members hold no insurance and choose to ride on the hope that they will not be sued and others may hold some reserves through personal assets and, therefore, believe they do not need to insure. However, this Bill will give to an occupational association the right to impose on its members the requirement to take out insurance. That is a course quite different, for example, from the Government adopting legislation, such as workers' compensation legislation, by which the Parliament

requires people in given circumstances to take out insurance for employees or contractors. The Parliament is making a decision through this legislation that there should be a mandatory requirement for people to take out insurance. Members saw the debacle last year with the strata titles legislation which imposed obligations for insurance arrangements. This Bill will pass the responsibility to associations to make a decision about whether they can compel their members to take out insurance.

Although under this legislation that can be done in a variety of ways and although there are some opting out provisions, people must nevertheless take out that insurance, whether it is insurance determined by the organisation or another form of insurance the member chooses to take out. I raise that matter in the context of what members heard over and over again in this Parliament earlier this year about the individual rights of members of organisations and the fact that the Parliament should legislate in such a way as to give members of organisations greater rights over the rights of the organisation. There is massive inconsistency in this area. There is one rule for organisations that represent primarily blue collar workers and white collar workers in the lower salary bands, and a different rule in this type of legislation. That is not unusual, because we have seen that in other legislation the Government has brought before this House. One could almost be tempted to say that it represents a class position; that there is one way for government to interact with a group of professionals and different arrangements when dealing with blue collar workers and low paid white collar workers.

I certainly invite the Minister in his response to the second reading debate to indicate to the Parliament the philosophical consistency in the legislation the Government has introduced in the past six months. The other matter I raise on philosophical consistency is that a short time ago concerns were raised in this place and in the other place about an employee who was sued for damages that arose from an accident he had at work. The accident involved some vehicle damage and the employee was taken to court by the employer who wanted him to meet the costs of that damage. It was suggested at that stage that a Bill should be introduced to prevent employees from being sued in that way, other than where there was a deliberate action on the part of the employee to either damage or destroy equipment. Members of the Government reacted to that notion with hostility and opposition. The Minister may recall that the case involved an iron ore company which sued the employee after a collision that resulted in vehicle damage. An order was obtained against the employee.

Mr Prince: I do not quite understand the point.

Mr BROWN: It was suggested, as a result of the action taken by the mining company on the basis that the employee was negligent, that it was open for a company to sue employees in that situation even though it had not been custom and practice to sue employees other than when they had willingly destroyed property rather than its happening inadvertently. If that became commonplace, employees with lower incomes than the people covered by this Bill would obviously search for some form of insurance limiting their liability. I am not sure how that would be obtained. When it was suggested that some form of protection should be provided, there was some hostility from the Government.

Again, the nature of this Bill contains evidence of philosophical inconsistency in the way the Government deals with professional groups compared with the way in which it deals with blue collar workers and lower paid white collar workers. I invite the Minister to comment on that matter.

It is important in that context to understand what this Bill seeks to do. That is clearly outlined in the long title of the Bill, "An Act to provide for the limitation of liability of members of occupational associations in certain circumstances . . ." This Bill is designed to limit the liability of members of occupational associations. How is an occupational association defined in the Bill? First, it must be a body corporate; that is, the Bill does not provide some form of limited liability for individuals, unless they are members of an association that is incorporated. A Bill went through this Parliament earlier this year that legislatively encouraged people to leave unions, and provided incentives for them to do so. Those who were union members were liable to greater penalties in certain matters. For example, penalties for strike action were imposed only on union members and those penalties do not apply to non-union members or those employed on workplace agreements. It was a very anti-union provision in the legislation to drive people from those organisations. This Bill does the reverse. It provides great encouragement for people to join associations because they cannot obtain limited liability unless they are members of an occupational association. It is an interesting juxtaposition and reveals, again, the different treatment of people in the professions compared with blue collar or lower paid white collar workers. This philosophical bent of the Government is interesting in its treatment of different groups. This is a beacon that demonstrates how the Government adopts a class position when introducing legislation such as this.

Further, the definition of "occupational association" in the Bill indicates it is an association that covers the same occupational group; that is, it does not cover employees or professionals in one industry, and others in another industry and so on. They must all be in the one occupation. Many of the professional bodies tend to be homogeneous groups. They are individuals represented by particular associations. Blue collar workers and lower paid white collar



workers tend to be members of organisations that cover people in a variety of fields. Those organisations do not cover only one occupational category. That means such groups could not set up a scheme. They probably would not want to anyway because the chances of their being sued are extremely low.

Ms MacTiernan: Not at all, bearing in mind the Coombs case.

Mr BROWN: I have already referred to that.

Ms MacTiernan: The risk is quite high.

Mr BROWN: If we accept for the moment that there is a risk, even if those groups wanted to they could not obtain the type of protection provided by this Bill because they cannot be classified in accordance with this Bill as occupational associations.

I would like to know exactly the purposes of that limitation. Also, I raise a matter touched on by the member for Rockingham regarding the guidelines for the schemes to be established under this legislation. Although some pointers can be found in the bones of the legislation, insufficient detail is provided. What will be the nature of the schemes, how will they operate, and will the Professional Standards Council produce guidelines for these schemes? I see the council's function as providing advice and a variety of other services. What schemes will be set up under this limitation is unclear. The Minister may wish to outline those matters in his response to the second reading debate.

Having represented a number of constituents before supervisory bodies, I know it has been very difficult to discover the decisions made by, and the decision making processes of, those bodies.

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

Mr BROWN: For example, the Minister will be aware that various concerns were raised about the practices of a particular member of the medical profession who had issued all sorts of opinions which were prejudicial to other people. The Medical Board, we were told, examined the matter, but we were denied access to copies of its correspondence and the rationale for its decision on this issue. The decision, and how the board arrived at that decision, was not disclosed publicly. It is a hopeless situation and a poor way to produce a remedy. If complaints will be addressed under these schemes, I hope to see a lot of openness in this process. The secrecy which surrounds many of the processes now gives the impression -

Mr Prince: The great feature of the Medical Board is that it is a creature of Statute. It is a disciplinary body in relation to medical practitioners in the same way as the Legal Practitioners Board applies to lawyers.

Ms MacTiernan: It is purely made up of medical practitioners.

Mr Prince: It is not, and you know it. If you don't know, I'm telling you it is not.

Mr BROWN: I accept that its membership is not of that kind. It is very frustrating for people who are not medicos and think they have been wronged, whether they have been wronged or not, to be told, "Look, fellow, you do not understand what we are doing. Put in your complaint, but we will not tell you what we have looked at or how we make a decision. We will make a decision but we will not tell you what it is." It is hopeless. If the Medical Board were doing a highly professional job which was second to none, and one could access the record to see the processes involved, that fact could be determined. The fact that it will not disclose this information leads one to the view that something is wrong. Justice must be done and be seen to be done.

Mr Prince: Are you referring to clause 50, "Occupational Associations (Complaints and Discipline) Code"?

Mr BROWN: Yes. I also refer to an earlier clause. The Minister can correct me if necessary, but the Bill seeks to impose a limited liability. The quid pro quo is that the schemes will be established to enhance standards in industries through codes of conduct and -

Mr Prince: Where they otherwise do not exist, for example.

Mr BROWN: That is right. Standards will be lifted. Therefore, people who think they have been aggrieved, whether they have a claim in law or some other way, could presumably take that as a complaint to that body if no other legislative action can be taken. The current method of dealing with disciplinary statutory provisions is wanting. Provisions in this Bill outline that public hearings are to be held, but I cannot see anything in the measure regarding an open process.

We can further discuss this matter in Committee. Given its importance, will the Minister place on the record the degree to which the process for dealing with these matters will be open for all to see?

Mr Prince: Schedule 3, clause 6(2)(e), states that it may conduct a hearing into the complaint, and it does not state whether it will be open or closed.

Mr BROWN: Yes. That is the issue I raise.

Mr Prince: That is a decision for the association to make.

Mr BROWN: I know; that is my concern. The current arrangements in those areas - admittedly they are not installed under this Bill - are not satisfactory. I will deal with more specific matters during Committee, but I look forward to the Minister's comments on some of those philosophical issues.

**MS MacTIERNAN** (Armadale) [4.08 pm]: I support the legislation. I know that some people believe the measure is principally designed to protect lawyers and doctors, but I do not share that view, although they may be beneficiaries of the legislation. The Opposition supports the legislation because it understands the consequences, particularly for consumers of a variety of services, that arise from very high insurance premiums paid by various professional and trade groups. Of course, this eventually is transferred into the accounts paid by the consumer. Therefore, these premiums affect the availability of services to many people. This is partly for economic reasons as premiums ramp up the cost of medical and legal services and make it more difficult for people to access such professional services. Also, in many instances, it stops young medicos or practitioners establishing practices on their own and offering services in areas not currently being serviced, which causes, in turn, a concentration of services. The member for Rockingham referred to the impact on outer metropolitan areas. That is correct. Fortunately, the number of professionals in some disciplines has increased greatly, and to some extent that has flowed into outer suburbs and country centres, but high insurance premiums are still an impediment to their activity.

For the benefit of members who are a bit sceptical about the level of burden, I will outline some of the insurance premiums that are being paid by the target groups. The standard fee in Western Australia for a partner in a law firm is now \$4 100 a year. A few years ago when WA was part of an interstate system, lawyers paid \$6 000 a year. Lawyers in New South Wales pay \$11 100 a year, partly because of the more generous judgments that are made by the courts in New South Wales, particularly in negligence cases.

Mr Prince: It might have something to do with the separation of the profession, with judges selected only from the ranks of barristers.

Ms MacTIERNAN: That could be the case.

Mr Prince: I am just speculating.

Mr Carpenter: The Minister's problem is that he has a conspiratorial mind.

Mr Prince: Nonsense!

Ms MacTIERNAN: Even at \$4 000 a year, that will factor heavily into accounts and will be a grave disincentive for young solicitors who are moving into the profession to set up practices in remote areas.

A general practitioner in Western Australia who has undertaken not to engage in surgical procedures pays an insurance premium of \$1 900 a year. If that GP decided to engage in surgical procedures, his insurance premium would shoot up to \$4 657. The insurance premium of a GP who was prepared, shock horror, to take on a few obstetrics cases would shoot up to over \$6 000. It is not simply a question of the medical practitioner paying, but also a severe discouragement to general practitioners to take on obstetrics, and the community suffers as a result.

Although some of these medical specialists are very well remunerated, the annual insurance premium of surgeons is \$13 450, and obstetricians, who are at the top of the scale, are currently paying \$29 140 per annum, so that \$29 000 must be earned before they start to take a single cent in remuneration. That will have a highly inflationary impact on the cost of obstetrics. That must lead to many doctors who practise as both a gynaecologist and obstetrician curtailing their obstetrics practices and focusing on the other part of their speciality.

Real problems arise for the community from a situation where liability is unfettered. While I acknowledge the concerns of the member for Bassendean about some of the hypocrisy in the way the Government is treating blue-collar workers in its industrial relations legislation in this State and the standards and open-ended liabilities that are being imposed on those people and on union officials, I am pleased to support this legislation because it has practical implications for the community and I think will be for the betterment of consumers.

We have a number of areas of concern. As the member for Rockingham mentioned, it is a bit unfortunate that this has not formed part of the national scheme. Perhaps the real concern is that in many instances the limits on liability sought to be imposed under this legislation will be made null and void by the capacity of disgruntled and dissatisfied clients of these professional and trade persons to take action under the Trade Practices Act. The Minister will be well

aware that sections 51 and 52A of the Trade Practices Act, which deal with deceptive and misleading conduct, can be used to advance a great number of negligence and tortious actions. While legal practitioners may be somewhat immune to this possibility because the Trade Practices Act usually applies only to corporations, many medical practitioners, accountants and auditors, and some of the other unspecified trade occupations, operate under the aegis of a corporate structure and will not gain a great deal of protection from this legislation.

Mr Prince: I understand the proposition that you are putting, but an income tax problem negates what you are saying, because under the Income Tax Assessment Act, a professional such as a doctor cannot have X, Y or Z Pty Ltd company render the account because only the individually qualified doctor, not the company, is entitled to render the account. The incorporation of medical practices largely relies on the Phillip's case and other devices, which quarantines assets of an individual doctor, but the doctor as an income earner is still liable.

Ms MacTIERNAN: There may have been some recent developments, but in the past I have received accounts from radiologists and pathologists in the name of J. Bloggs MBBS Pty Ltd. I guess we should clarify that.

Mr Prince: I understand the point you are making.

Ms MacTIERNAN: Even if there was some difficulty with doctors, many other trade groups operate, or operate largely, through the aegis of Pty Ltd companies, and they would find entering into such a scheme to be of marginal benefit. Although there would be a limit on claims by persons taking action under either common law or state Statute, there would nevertheless be no such impediment to their taking an action under section 51 of the Trade Practices Act. One would have to be somewhat pessimistic about the number of agencies, other than doctors and lawyers, that might be prepared to avail themselves of this scheme. There is also some suggestion that the scheme will not be widely used by the legal profession because the vast majority of claims are under \$200 000 and a very substantial percentage of claims above \$200 000 are in respect of settlements of personal injury claims, which in themselves are not subject to the liability cap set out in this Bill. Therefore, to a large extent it appears that this legislation will not have any great practical implications for the bulk of the legal profession. It may well be that the parties most advantaged are auditors and accountants.

Mr Prince: Legislation has been in place in New South Wales for a little while. Capping schemes have been approved for the Institution of Engineers, the Association of Consulting Engineers, the College of Investigative and Remedial Consulting Engineers and the Royal Society of New South Wales.

Ms MacTIERNAN: That is right.

Mr Prince: In that sense what you are saying is quite correct.

Ms MacTIERNAN: Yes. We must look at how effective the legislation will be in containing costs. Nevertheless, we support the principle. We note that other suggestions have been put forward as to the way in which professional liability might be curtailed. Strong views were put forward that we should not be looking at only a bald cap but rather an apportioning of blame or culpability and ensuring that one's liability was related to the degree of culpability, so that the mere fact that one was a small part of a chain of negligence would not cause one to bear the entire brunt of a loss. This comes out particularly in the case of auditors. Auditors may have failed but it is not the auditors alone who are totally responsible for the defalcation or irresponsible conduct of company directors. Certainly, if they had done their job, in many instances the defalcations would have been discovered earlier and losses curtailed, but it is quite inappropriate often to put on them the entire liability for a disaster. There have been cases in which \$300m awards have been made against auditors in relation to certain company collapses, which seem to be quite disproportionate to the degree and extent of negligence of the auditor in the overall operation.

I understand we will move to the Committee stage, so that other matters we would like to raise can be dealt with then. An important part of the legislation is the notification of limitation of liability, which is set out in clause 45. That notification is inadequate. Although we support the notion of limitation of liability, it is absolutely imperative that that limitation be made apparent to the party contracting prior to entering into the contract.

Mr Prince: How else can you do it; with a great big sign?

Ms MacTIERNAN: No, quite simply. One could require that before a person took on services they gave to their prospective client a notification of the limitation of liability and required the prospective client to sign the acknowledgment of that limitation of liability.

Mr Prince: In the legal business one can do it by cost agreement.

Ms MacTIERNAN: It may well be that no letterhead has been handed over to the client who rocks up at an accountant and gets the accountant to provide services, or whatever other trade is involved. This limitation could be spelt out and drawn to the attention of the client.

Mr Prince: One could argue that limit to liability is not a clause of the employment of the accountant unless that notification is given to the client at the time of the contract or the service being entered into. I am the client, you are the accountant; you do not tell me you have a limitation of liability. If I engage you to do my tax return and you do it wrongly, I sue you. You cannot rely on your limitation of liabilities, because I did not know about it.

Ms MacTIERNAN: Is that how the Minister intends the scheme to operate?

Mr Prince: It is quite simple. That is why it says you "will notify".

Ms MacTIERNAN: If the scheme were to operate that way, the Minister would get himself back into the hole he was trying to dig himself out of; that is, people would not be insured for that greater sum of money.

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

Ms MacTIERNAN: The logic does extend and we can discuss that more fully.

Mr Prince: I do not think the logic is right.

Ms MacTIERNAN: I have only two minutes remaining and I would like to conclude. We must ensure that this is brought to the attention of every party before they enter into a contract with a professional or trades person.

Mr Prince: You must ensure that all documents given or caused to be given to promote or advertise - that means an advertisement in the newspaper or in the Yellow Pages -

Ms MacTIERNAN: There is no obligation to ensure that people, before they enter into an agreement, know that is the case. The Minister shakes his head, but it is an important provision, particularly when we know that not everyone in a profession will be subject to this. It could well be the case that a person contracting with an engineer or plumber for the first time may enter into no correspondence before a verbal contract has been established.

Mr Prince: If there is no notification in the Yellow Pages, the prospective client will not know there is a limitation of liability and the limitation cannot be relied on - that is that.

Ms MacTIERNAN: We will argue about that during the Committee stage, but I am not sure -

Mr Prince: Will you be here at 10 o'clock?

Ms MacTIERNAN: Yes. Notification is absolutely crucial. Liability cannot be limited without making absolutely sure that the affected party is aware. It would be far more practical to ensure that every prospective client signed an acknowledgment that they knew that a professional or trade person was under the protection of this Statute and, therefore, that their potential to claim for negligence was curtailed.

The Opposition supports the principle in general. It does not think it will be a panacea for the conundrum of increasing insurance premiums, but it is certainly a step worth trying. However, a national scheme must be implemented because otherwise this scheme will be undermined by the Trade Practices Act.

Debate adjourned, on motion by Mr Prince (Minister for Health).

## GRIEVANCE

### *Forest Protection Society - Protest*

**MR MASTERS** (Vasse) [4.31 pm]: My grievance is directed to the Minister for the Environment and concerns the ongoing controversy of the logging in the south west state forests. At the moment queries are being raised about whether the Department of Conservation and Land Management should be logging the Giblett block of karri forest in the Manjimup area.

I have been asked by a group of women, who call themselves the "real forest protesters", to put their point of view to the Parliament. Before I do, I refer to an article in the *South Western Times* of Tuesday, 3 June entitled, "Women take to trees to fight 'phoney' protests" which states -

Taking to the trees has become a popular form of protest in South West forests.

A group of Pemberton women have decided to fight fire with fire and share a perch 10 metres high in a karri tree in protest of a similar movement by an anti-logging demonstrator.

The women, members of the Forest Protection Society formed in 1989 to support the timber industry, took to the trees to fight what they described as "phoney protests" that claimed the South West was running out of forests.

More specifically, the women are aiming to counter Margaret River man Chris Lee's month long perch 30 metres up a karri tree in an attempt to save the Giblett forest block from logging.

The letter from the real forest protesters is entitled "the REAL forest protest" and states -

We, the women of south west Western Australia representing the Forest Protection Society are staging a REAL forest protest.

Our REAL forest protest is a sit-in 10 metres up a karri tree in a previously clearfelled patch of karri forest in an area known as Big Brook, north of Pemberton.

We are sick of the phoney protests that claim Western Australia and Australia, is running out of forests.

The REAL forest protest is: we risk running out of jobs and crippling communities like Pemberton, Manjimup, Nannup, Yarloop, Walpole, Northcliffe and many others in the State's south west.

There are a lot of phoney protests about old growth forest 'disappearing'.

In fact, the karri forest is actually managed so it will always be made up of more than 40% old growth trees.

Radical conservationists would have you believe that everyone thrown out of work if logging stopped would just take up jobs in the tourism industry - that's rubbish.

About 20,000 people, including lots of our friends and their families, depend on the forest and timber industry directly and indirectly for jobs.

Towns the size of Pemberton are not going to offer 20,000 people jobs in tourism.

What about the furniture makers in Perth who would lose their jobs - it's a bad joke to think they could just move their families down south and join the tourism industry.

We're protesting at the way the forest and timber industry has been singled out like something dirty.

We care about our forests in a way some critics in Perth will never understand because we live here and depend on them for jobs and recreation.

People like us who support a sustainable timber industry are the real conservationists.

Radical conservations try to use their sentimental protests against logging to take the high moral ground, but what's really behind their arguments?

The reality is the radical conservationists don't care where trees are cut down, so long as it's not in their own backyard.

Sure, forests are being logged as part of a legitimate, government regulated industry that provides livelihoods for thousands of families.

An industry that keeps thousands of people in rural communities, supporting shops and schools and hospitals.

One of the few industries that supplies a completely renewable resource.

Unless the REAL forest protest is heard, the one thing we might run out of is jobs.

Therefore we demand:

the right for our children to grow up in communities without conflict;

the right to legitimate jobs so we can provide for our children;

. . . a diverse rural economy, not one restricted to industries that are politically correct.

respect for an industry that contributes to the prosperity of our communities; and

an end to the myths about logging.

The letter is signed by Carole Evans and Jan Mayor of Pemberton, Anne Gunson and Roslyn Lawler of Manjimup, Joyce Lawler of Bunbury, Gwendoline Nidd of Northcliffe and Margaret Menzies of Perth.

Although I am happy to overwhelmingly support CALM's forest management practices, I am concerned about CALM's burning off practices. Like many people in the south west I would prefer that CALM carried out its

burning off in autumn rather than in spring. There is an ecological need to protect areas of high plant species diversity, such as water courses and around outcrops, when burning is being carried out. Also burning of smaller areas should be occurring rather than the present average, which is about 5 000 hectares.

I am happy to support CALM's forest management practices and I am grateful to the real forest protesters for the opportunity to read their letter.

I also wish to read from a couple of other newspaper articles. A front page article entitled "Academic refutes destruction claim" in the *Manjimup-Bridgetown Times* of 11 June states -

As the debate between conservationists and forest workers heated up last week the Forest Protection Society organised one of the district's biggest pro-timber rallies in recent years.

Keynote speaker, Melbourne University school of botany professor Peter Attiwill, told the 700-strong gathering in Pemberton that the State's karri forests were in good shape.

There is no wholesale destruction of forests, as claimed by conservationists.

I will skip over another article in the same edition of that newspaper entitled "Timber industry boosts tourism" and read an article from the same paper entitled "Steel spikes an act of sabotage" which states -

A local timber company and Department of Conservation and Land Management have called for people to stop placing steel spikes in saw logs.

Three circular saws valued at about \$6000 were recently wrecked at the Worsley Timber Company's Palgarup operation when workmen struck spikes such as the end of a screwdriver and 150mm by 76mm nails.

Luckily the workmen were not injured or killed, but it was an act of sabotage. We should be listening more to real forest protesters and less to those in the green movement.

[The member's time expired.]

**MRS EDWARDES** (Kingsley - Minister for the Environment) [4.39 pm]: I have had the opportunity to visit Pemberton and Manjimup and to meet the members of the Forest Protection Society. I understand that these women are concerned about their children's future. The burning practices of the Department of Conservation and Land Management have been raised many times in this House and those practices have been assessed and reviewed over the years.

The windows of opportunity for open burning are increasingly being reduced. We are again reviewing the guidelines under which the Department of Conservation and Land Management conducts open burning, to the extent that it impacts on haze and smog in both the metropolitan and regional areas. We are trying to make sure open burning practices occur when they will not create that effect, while at the same time ensuring we restore the state forest and keep it in good health.

Forest management in Western Australia has been about achieving a balance between the various uses of the forest. That means balancing the numerous demands placed on the forest by the community. Under the legislation state forests are managed by CALM for the primary purpose of nature conservation, water, recreation and tourism, and sustainable timber harvesting. One point must be made continually; that is, the jarrah and karri forests are fully regenerated, which means that all of the biodiversity remains. It is an environmentally sustainable resource use in Western Australia. Sometimes that argument gets lost.

As well as providing for areas to be harvested, the south west forests also contain a system of reserves. Those reserves are national parks, conservation parks, nature reserves as well as an extensive network of stream and road reserves from which timber harvesting is excluded. At the moment Western Australia is working towards a regional forest agreement with the Federal Government. This will include the most comprehensive, scientific, social and economic assessment of our forests that has ever been conducted in this State. The State and Federal Governments will be assisted in this regard by independent scientists and experts who will assess all of the relevant environmental and heritage data. In addition, there will be an assessment of the social and economic values of the forest to the south west communities.

I am asked constantly whether anybody will do an economic and social assessment. That will be carried out through the regional forest assessment process. It will assist in the development of resource use options which will maximise the outcomes for conservation, while at the same time minimising the impacts on economic and social values. Further an assessment of ecologically sustainable forest management will be conducted to ensure the systems and processes,

which underpin forest management, will be designed to achieve sustainability and to help identify any weaknesses or gaps within the system. We are constantly reviewing the practices that are occurring.

Between the Federal and State Governments we have encouraged all stakeholders to play a part in the whole of this regional forest assessment process. Most stakeholders are involved. I still encourage the Conservation Council of Western Australia and the Western Australian Forest Alliance to become involved, because it is important to look at how the processes will be implemented. Again I seek their involvement in this regional forest assessment process because they have a valuable part to play, in the same way as members of the forest protection society and of the community in the south west regions are involved. I will write to the ladies of the Forest Protection Society acknowledging the member's grievance today.

## GRIEVANCE - DRUG SQUAD

### *Return of Seized Money*

**MR CUNNINGHAM** (Girrawheen) [4.44 pm]: One of my constituents who lives in Alexander Heights has approached me concerning a problem he has been experiencing for over three weeks; that is, to obtain the return from the drug squad of \$17 695 which was seized during a drug raid on his Alexander Heights property on 26 May 1997. My constituent is a professional gambler; he is both a race goer and a casino player. He rents a room in a house in Alexander Heights.

When the raid took place a quantity of amphetamines was found; I think it was one gram. Subsequently my constituent was fined \$400 and ordered to pay costs of \$89. The magistrate made an order that the money seized was to be returned to him immediately. My constituent claims that he proceeded to the officers within the drug squad and requested the return of his money, only to be advised that the money was not available and he would have to wait at least two weeks before it could be returned. He was also informed - this is one of the most unusual parts of this story - that the money seized was \$18 035, which my constituent totally disputes. He says that he had only \$17 695. The great puzzle is that he has had offered to him an additional \$340.

He got the run around for about two weeks and then he approached me requesting assistance for the return of his money. My constituent states that he has spoken to a Detective Bonshore in the drug squad, who has provided him with several explanations, to say the least, about why his money has not been returned. He has been given excuses, such as the person who was to authorise the return of the money was on holidays and that officer forgot to process the relevant documents; and the money is held at the Reserve Bank of Australia - another unusual procedure. My constituent was told that Detective Bonshore had the steps in place for the return of the money.

I am sure members will agree that, based on the claims made by my constituent, this matter has been handled in a most unsatisfactory way and is very much open to innuendo. Surely the drug squad must have a specific procedure for the return of seized property. I am seeking assistance from the Minister for Police to clarify this situation. I seek the Minister's urgent investigation and response to the questions raised by my constituent. I ask the Minister to outline the procedure for holding seized property, in this case, money. If it is held in the Reserve Bank, why can the money not be withdrawn immediately? Is the money held on some short term money market? This is what I, my constituent and many other people believe has happened. If the money is earning interest, who benefits from the interest when the seized money is returned to its owner? What authority does the drug squad have to place seized money in the bank? Surely, if the money were to be produced as evidence, even though this was not the case in this situation, it would need to be on hand. Who was responsible for the return of the money? Given the claims made by my constituent, only one officer appears to be responsible, and this would surely be a matter of concern for the Police Service. My constituent advised that he was told that the person responsible for arranging the release of the money had gone on holiday. Is there only one person who can arrange for the release of this property? Given the information provided and the claims made by my constituent, everybody in this Chamber will agree that the police look unprofessional.

Mrs Roberts: For how long have they had his money now?

Mr CUNNINGHAM: It is nearly a month, and they have been very shoddy in their handling of the situation. I am most perturbed about the claims of my constituent. I am sure members will agree that this matter requires the Minister's urgent investigation. I assured my constituent that I would put forward his case. Since he gave me his case to handle, in only the past few hours a message has been received that he may get the money on Friday. However, this matter must be investigated. It is a serious matter and answers must be provided. I look forward to the Minister's response to these concerns.

**MR DAY** (Darling Range - Minister for Police) [4.51 pm]: I thank the member for Girrawheen for some notice of this grievance. The facts that have been advised to me are broadly as follows: On the afternoon of Monday, 26 May this year detectives from the drug squad executed a search warrant under the provisions of the Misuse of Drugs Act.

The person concerned was present at that address and was found in possession of a quantity of amphetamine and an amount of cash. This person was subsequently arrested and the drugs and cash were seized. The cash was counted in the person's presence and an amount of \$17 695 was agreed on by the person who was arrested and the police. The cash was then sealed in a security bag and the following day it was banked at the Reserve Bank in accordance with the requirements of the Financial Administration and Audit Act. When the money was later counted at the Reserve Bank, the security bag was found to contain \$18 035. Obviously I am not in a position to explain that discrepancy, except to suggest that perhaps they got the amount wrong in the first place when the money was counted at his premises. There is a difference of \$340. If there is another more sinister explanation, I want to be advised of it. I am not suggesting that is the case.

The money was held under the provisions of the Misuse of Drugs Act under holding order numbers that were issued by a justice of the peace. When the person who was arrested appeared in court on 30 May 1997, a request for an order for forfeiture was made by the police. The presiding magistrate declined to order forfeiture and ordered that the money be returned to the person. Since his appearance in court, a request has been made to the finance branch of the Police Service to raise a cheque for \$18 035 in favour of the person to whom the money is to be returned. I am advised that certain administrative delays have occurred, including obtaining written verification of the court order.

This person was in contact with a senior officer of the drug squad yesterday and he was informed that he should be able to collect the cheque tomorrow - Thursday, 19 June. I am advised also that the matter has been dealt with in accordance with provisions of the Misuse of Drugs Act and the requirements of the Financial Administration and Audit Act and the standard operating procedures of the Police Service.

Mrs Roberts: It is clearly not satisfactory to take so long after the magistrate ordered that the money be given back. The police must do something about their administrative procedures.

Mr DAY: It is obviously appropriate that the money is deposited in a government bank account. It takes some time to release it from that account. I do not think the delay has been extraordinarily long. The person appeared in court on 30 May; it is now 18 June. That is not a huge lapse of time.

Mrs Roberts: The magistrate told him he thought he would get it back within a day or two. He thought that would be normal.

Mr DAY: Perhaps. Apparently there was a delay in obtaining written verification of the court order. I am not making excuses; I am passing on information.

Mrs Roberts: My advice is that it normally takes less than two weeks. This has taken more than that.

Mr DAY: In this case the return of the money has taken slightly less than three weeks. I do not think it is a matter of great moment that it has taken another few days. It would have been better if it had not taken that extra time, but if it took some time for the court order to be verified, I can understand the delay. In no way do I defend the delay. However, I also make the point that I do not think the delay has been extraordinarily long. If the person makes contact with the crime operations division tomorrow, he will be provided with a cheque tomorrow.

The member for Girrawheen asked whether any interest is payable on the money that is held. Generally no interest is payable. The cash is held in a police suspense account which in turn is held in Treasury. Presumably Treasury invests the money on the short term money market and a small amount of interest would be earned. The amount would be very small and it is probably not worth the administrative costs to pay it over. If the person concerned wants to make an approach for an act of grace payment, that will be considered, even though it would be only a small amount.

Mrs Roberts: He's already got \$340.

Mr DAY: The member for Midland implicitly agrees that he has done quite well and is probably fairly happy and will not need to come forward for an act of grace payment. I thank the member for her support.

Mr Cunningham: It is not his money.

Mr DAY: Perhaps he had more than he thought he had.

Mr Cunningham: No, he can add up.

Mr DAY: The member for Girrawheen asked also about the procedure for the refund of cash. The advice I have is that generally officers investigating a case approach the finance branch of the Police Service, which in turn approaches Treasury for a cheque to be drawn and to be issued to the person concerned.



Mr Cunningham: When do they do that?

Mr DAY: I do not know exactly when. I am talking about the general procedure involved. The advice given to me is that the person will be provided with a cheque tomorrow. The member for Girrawheen asked who is responsible for the return of the money. My advice is that it depends on the case as to whether the money must be kept to be produced as evidence in court or whether it can be banked. That provides a reasonable amount of information about how this matter has been handled.

Mr Cunningham: Do you believe the handling was sloppy and shoddy?

Mr DAY: I would not go so far as to say that. It is only three weeks since the person appeared in court. I do not think there has been an extraordinary delay. I believe it would have been better if the person had been paid earlier, but considering all the circumstances, the period was not unreasonable.

#### GRIEVANCE - *LEEWIN* SAIL TRAINING SHIP

**MRS van de KLASHORST** (Swan Hills - Parliamentary Secretary) [4.58 pm]: I address my grievance to the Minister for Youth. My grievance is on behalf of a constituent who is involved with the sail training ship *Leeuwin*. The *Leeuwin* has operated since May 1987. It has not received any government subsidy for its recurrent funding, but on two occasions it has received Lotteries Commission grants for major equipment purchases and also government sponsorships for young ambassadors participating in Sail Indonesia 95 celebrations. Over the past few years about 30 per cent of trainees on the *Leeuwin* were either long term unemployed or youth at risk. Most trainees came from Western Australia, although some came from the Northern Territory. The important point is that they were funded under a contract with the Federal Government by the Department of Employment, Education, Training and Youth Affairs and they were counting on that funding to continue. Funding has been discontinued and they will now need some other assistance to continue the programs.

The foundation has not stood still; it has done something to help itself. In an effort to supplement its income, special eco voyages are run four times year, costing \$1 850 per berth. It has also conducted day and weekend sails, produced merchandise and pursued general fundraising ideas.

Although it has been a wonderful part of the shipping life of this State, unfortunately the ship is now 10 years old. Her maintenance costs are increasing and many items such as life rafts need replacing. The foundation wants to maintain the ship as a class 1A passenger ship, which is very costly. It has been faced with continuing cash shortfalls and the voyage occupancy rate is dropping. The loss of the DEETYA revenue means that it is impossible to continue and to find new markets. Due to financial constraints, the directors have been forced to suspend trading for the winter months. Unfortunately, seven staff members have been retrenched to reduce trading expenses. A minimum program of day and weekend sails, short voyages and public inspections is being conducted over the winter months with volunteer crew when they are available. Everything has been put on hold to allow some breathing space in which to find funding for future operations. It was hoped that the winter layoff would provide an opportunity to undertake some long overdue maintenance so the ship will be in top condition in spring.

The Leeuwin Ocean Adventure Foundation Ltd is looking for corporate sponsors. It is proposed to establish a youth award scheme that will keep down the price of training for young people in our community. The proposal involves 12 award voyages, six school holiday voyages and four eco adventure voyages, as well as the other fundraising programs. The foundation is currently trying to find a solution, but time is running out - spring is just around the corner. If the foundation wants to start operations again next spring, it will need to rehire staff, attract an assurance of funding and start advertising its programs.

As this is a private organisation, I am not sure what the Government can do. However, my constituent has asked me to raise this issue. He is very involved, and concerned that Western Australia will lose this very valuable asset. Can the Minister assist in any way to keep the ship sailing so our young people can be trained and these wonderful and valuable programs can continue?

**MR BOARD** (Murdoch - Minister for Youth) [5.04 pm]: I thank the member for Swan Hills for raising this issue, because it is of concern not only to me but also to the whole Western Australian community. The STS *Leeuwin* training program is first class. The Leeuwin Ocean Adventure Foundation Ltd was established as an independent, non-profit making organisation primarily to provide sail training adventures. The programs were not necessarily to be focused on youth but were intended to enhance leadership skills and to encourage people to communicate through sail training. Anyone who has been involved in a sail training exercise or who has been at sea for any time knows that the experience leads to cooperation and communication in a way that brings out leadership potential. From that point of view, I support the STS *Leeuwin* program; it has been very worthwhile for the 10 years it has been operating. Many people I know personally have benefited from the program and none of the letters to newspapers that I have read have contained any negative comment about it.

It is disappointing that the foundation has lost the sail training commitments that it requires. It is looking for full utilisation so that it can maintain the vessel. As members will know, vessels of this quality, and particularly of this age, have very high maintenance costs and require a great deal of work, notwithstanding that much of that work is done by volunteers.

As Minister for Youth, I was approached by the foundation, I believe because its members were not sure where else they could go. I have encouraged and supported the group and told it that the Government will do everything it can to support it and in some way help it find a resolution to the problem.

Part of the problem is that the programs are becoming increasingly more expensive - a 10 day voyage costs about \$1 250. That is an expensive program for a young person or family and many other training facilities offering that kind of course are charging much lower prices. The foundation is at a disadvantage in that it has an expensive operation. I suggested that it introduce some program flexibility because it tended to be locked into 10 day programs that did not suit all people, not only because of their cost but also because of their duration.

The foundation is trying to encourage participation by the private sector. Now that it has been restructured and has a new marketing manager, I hope it will be able to attract many more private sector clients who will utilise the ship for short term management training programs. Many training facility operators in Western Australia have packaged their product for the private sector and have done particularly well. The foundation is looking at changing the program format and making programs more available and attractive to other participants. It is looking for 450 berths per year to replace those no longer required by the Department of Employment, Education, Training and Youth Affairs for its long term employment training programs. It appears that the program no longer provided a direct relationship to the work force and restructuring led to the cutback. That leaves the foundation at a disadvantage and it has come to the State Government for assistance.

Meetings have been held involving representatives of the Departments of Education, Employment and Training, Sport and Recreation, Aboriginal Affairs, Health, Family and Children's Services, Justice, Tourism, the Arts, Local Government, Environment, Police and the Office of Multicultural Interests. The Government has brought them together because in some way each area involves training. The agencies have been requested to examine programs in which they might be able to use the *Leeuwin*. If there is some way they can package their training in order to utilise the *Leeuwin*, that would be a great advantage. If all government agencies looked at developing such packages, the 450 berths would be utilised.

We have had two meetings now with the operators of the STS *Leeuwin* and three meetings with government agencies to look at how we might utilise the ship. I feel positive that between us we will be able to offer a package to the operator that will ensure the ship is fully operative.

## GRIEVANCE - EDUCATION DEPARTMENT

### *Teachers - Central Desert*

**MR RIPPER** (Belmont - Deputy Leader of the Opposition) [5.10 pm]: My grievance is to the Minister for Education. I am advocating on behalf of seven teachers who have worked in the Ngaanyatjarra lands in the Central Desert. These seven teachers refused to sign a workplace agreement presented to them by the Education Department. They remained loyal to the State School Teachers Union of Western Australia and to union principles. They wanted to sign an enterprise bargaining agreement that had originally been proposed by the Education Department. They have been exploited by this Government because they have refused to kowtow to the Government's industrial ideology. They are losing \$10 000 a year in salary and many other benefits. Under the award under which they currently work they receive an extra \$5 000 a year for the difficulties of working in that remote location.

Mr Barnett: Did they refuse to sign a workplace agreement or an enterprise agreement?

Mr RIPPER: It may have been a collective workplace agreement. They wanted to sign an enterprise bargaining agreement. They were offered a workplace agreement, and they refused to sign that. As a consequence they are paid only \$5 000 a year above the standard pay to teachers in other areas for the difficulties of working in that remote location, whereas people who have signed the workplace agreement receive an additional \$14 500 per annum. There are other differences between the conditions of those people who signed the workplace agreement and those who work under the award. Those who signed the workplace agreement receive three months' paid leave after serving three years, or six months' leave after serving four years. They receive a paid bereavement flight back to the metropolitan area, maternity and paternity leave, preferential transfer rights after three years and an extra freight allowance. The teachers who remain on the award and who refused to sign the workplace agreement do not receive those benefits.

I am advised that seven teachers who either formerly worked or who presently work in the area are suffering this disadvantage. One of them is Rose Kraljevich, who was a temporary teacher in 1995. She was displaced from her

job as she refused to sign the workplace agreement. I am advised this was the first occasion that any temporary teacher in the Ngaanyatjarra lands had lost her job to someone entering the area. Another teacher is John Pope, who was the longest serving administrator of a school in the area. He had served for four years. He transferred out of the area after six months, largely due to the fact that he was earning less than first year principals coming into the area who had signed a workplace agreement. Karen Bigwood and Natalie Dawson are both permanent teachers who transferred out of the area at the end of the 1996. Each of these teachers lost 12 months of the higher salary rate and other benefits. Three teachers are still serving in the area. Caroline Snook and Graeme Auckett have three and four years of service in this area respectively. Effectively they are 18 months behind in the extra entitlements received by their colleagues on the workplace agreement. In salary terms alone, leaving aside those other fringe benefits, they have lost around \$15 000. The last teacher is Mr Tim Gray, an administrator in his fourth year in the area. He too has lost 18 months of the additional payments and all of those fringe benefits.

Mr Barnett: Why haven't they signed up?

Mr RIPPER: Because they believe they should be signing an enterprise bargaining agreement with the Education Department. They understood that was what was originally proposed by the Education Department. Apparently there was a late intervention by - guess who? - the Minister for Labour Relations, and the enterprise bargaining agreement became instead a workplace agreement. That is the ideological stance we have come to expect from that Minister.

It is not as though they are doing anything less than people employed on the workplace agreement. I have a copy of a letter from the Minister for Education to Mr Gray, the principal of the Jameson Remote Community School. The Minister states in that letter that there was no concern that any members of the remote teaching service would not perform professionally in keeping with their normal high standards of performance. They are doing the same work; their service is valued, but they are not receiving the same pay.

Mr Barnett: What date is the letter?

Mr RIPPER: It is dated 19 March 1996. The Minister also states in that letter -

I understand that discussions are to commence shortly between the Education Department and the State Teachers' Union during which these and related issues will be raised.

The Minister is referring to what he describes as a number of equity issues concerning levels of pay and conditions. That enterprise bargaining agreement should be finalised. These teachers should be put on the same level and conditions as their colleagues on the workplace agreement. In addition, in all justice and fairness, they should be given back pay for the time they have worked in these difficult and remote locations for \$10 000 a year less than the people who signed the workplace agreement. It is a simple case of equal pay for equal work. These seven teachers - even the ones who have left the area - would be entitled to back pay. I do not believe these teachers should be discriminated against because they refused to kowtow to this Government's industrial relations ideology. I implore the Minister to settle this matter quickly and to put these teachers on the same salary level and conditions as those who have signed the workplace agreement.

**MR BARNETT** (Cottesloe - Minister for Education) [5.17 pm]: There was some confusion on the other side of the House about notifying the Government of this grievance. I was aware there was an education grievance; however, I thought it was on security in schools, not this topic. I have not had an opportunity to look into this case. Therefore, I am very much constrained in what I can say.

When I took over the Education portfolio the debate about workplace agreements, enterprise bargaining and the award was still going on. At that stage some teachers had signed workplace agreements, although we had moved down the path of an enterprise bargaining agreement. That was finally settled and that industrial action concluded. At the time the teachers who signed a workplace agreement received the additional pay several weeks before others who ultimately went into the enterprise bargaining agreement. It was argued by the State School Teachers Union that everyone should be backdated to the first pay. I refused to agree to that. People who had taken a conscious decision to move into workplace agreements had done so willingly. They had given up benefits and changed their conditions of employment and they deserved to be rewarded for that. I do not think that reward should be paid to those who chose not to go onto workplace agreements. That is the right balance of interest.

At the same time I made it clear that it is desirable in a large system such as the Education Department - at least at that stage of its industrial relations evolution - that teachers who do the same work should receive the same salary and conditions. That is part of the reason we ended up with an enterprise bargaining agreement rather than individual workplace agreements.

I do not have details of this case in front of me. I will look at it. Having heard the benefits of signing a workplace agreement, I am amazed that these teachers did not choose to do so, and if they have lost benefits to that extent, they must have a strong philosophical position which they are prepared to pay for.

Mr Ripper: Unjustly and unfairly.

Mr BARNETT: I do not know that. At the end of the day I do not like to see differing rates of pay and conditions in areas where people are working in close contact with each other in the same environment and undertaking the same tasks and responsibilities. I will look at the circumstances of those teachers and get back to the member and to those teachers in due course.

The ACTING SPEAKER (Mr Ainsworth): Grievances noted.

### SELECT COMMITTEE INTO HEROIN USE

#### *Establishment*

**MR McGINTY** (Fremantle) [5.20 pm]: I move -

- (1) That a select committee of the Legislative Assembly be appointed to inquire into and report upon -
  - (a)
    - (i) the incidence of heroin use in Western Australia;
    - (ii) health effects of heroin use;
    - (iii) deaths caused by heroin use;
  - (b) the dangers of heroin consumption;
  - (c) the adequacy or otherwise of facilities and treatment for persons who are dependent upon heroin, including recommendations as to facilities and treatments appropriate to be provided;
  - (d) the provision of health, welfare and community support services available to deal with heroin consumption and its consequences;
  - (e) the adequacy of the provisions of the Misuse of Drugs Act 1989, and associated state or federal legislation (and their inter-relationship) in achieving the objective of the detection and prosecution of illicit drug dealers or traffickers in Western Australia;
  - (f) the relationship between dependence on heroin and the incidence of crime;
  - (g) ways in which the public and especially young people can be more fully informed of the dangers associated with heroin use including education programs to discourage people from heroin use;
  - (h) the role of schools both in the distribution of heroin and in educating and supporting young people in discouraging heroin use and dependency; and
  - (i) the relationship between heroin use and other illicit drug use including any consequential recommendations relating to those other drugs.
- (2) That the committee have power to send for persons and papers, to sit on days over which the House stands adjourned, to move from place to place and to report from time to time.
- (3) That the committee finally report on 26 November 1998.

The dramatic increase in the number of young people in this State who have died from heroin use in the last few years is causing enormous concern in the community. In the late 1980s or early 1990s one could count on one's fingers the number of people who died each year from a heroin overdose. Today, our young people are dying at the rate of one a week from heroin overdose. It is an enormous escalation and the shocking waste of life is causing widespread concern in the community.

The St John Ambulance Association told me that it is now picking up almost two heroin overdose cases per day on the streets of Perth. Ten per cent of the people who are picked up by ambulance die. The others live through that experience. This problem is properly categorised as an epidemic or certainly a crisis.

This motion is about life and death. I know people who have died from a heroin overdose. I have friends whose children are addicted to heroin. It is a tragedy of enormous proportions for those families. I urge this Parliament

through this debate tonight to do more than the traditional, political posturing of saying, "We are tough on drugs and we want to increase the detection, apprehension and punishment of drug pushers." That is the easy side to the equation. It is something on which members on both sides of the House and the community agree. The book should be thrown at those people who prey on innocent young people and who make their money from selling drugs which ultimately kill young people. These people deserve no sympathy or support. If the select committee proposed by the Government recommends tougher penalties for drug pushers, members on this side of the House will agree to it.

It is interesting to contrast this motion with the motion which appears directly above it on the Notice Paper in the name of the member for Joondalup. The Government wants to look at only the detection and prosecution of drug pushers. That is the problem with the Government's proposition and that is the reason the Opposition has moved this motion, which it believes is comprehensive and takes into account all aspects of this epidemic or crisis.

To deal properly with all the ramifications of the heroin problem, a select committee must look at the effectiveness of the Misuse of Drugs Act and what the Parliament can do to amend that law to make the detection and prosecution of illicit drug dealers or traffickers in Western Australia more effective. The big problem in the past is that the Parliament has been ineffective in that approach. The increased penalties for drug pushers have not reduced the consumption of heroin, nor have they been effective in catching the so-called Mr Bigs - the drug traffickers and drug pushers. I am not against doing that again, but if we rely solely on prohibition, we will be left out in the cold because it simply has not worked in the past.

I can give no better practical example than the State's maximum security prison, where heroin is freely available. Earlier this year three prisoners overdosed on heroin and one of them died. If we cannot stop heroin from being taken into a limited area which is surrounded by walls and barbed wire and is patrolled by armed guards, I do not know how we can stop it crossing the State's vast coastline and finding its way onto the streets. We should never give up the fight, but some reality should come into this debate. We should do away with the political sabre rattling and rhetoric, which is designed to show the community that the Government is tough on drugs, and bring some reality into the debate. We must acknowledge that if we cannot stop heroin being taken into prisons, we cannot stop it being distributed on the streets. We must try to stop people from dying on the streets from this noxious trade and extend a compassionate hand both to the families and the users of these drugs to help the users stay alive and to minimise some of the deleterious consequences of their unfortunate addiction. That is the reason the motion I have moved looks at not only the health effects of heroin and the deaths caused by heroin use, but also the dangers of heroin consumption. It is time all these matters were addressed in one comprehensive investigation of this question.

There has been a debate in the community on the adequacy of the facilities for, and treatment of, persons who are dependent on heroin. The review of the task force on drug abuse included a recommendation that the range of facilities currently offered by the Alcohol and Drug Authority should be privatised and distributed to private organisations. Is that a good move to take in light of the reality of the heroin issues affecting the community?

A debate has ensued on whether ambulances should carry Narcan to revive people who have overdosed on heroin. The St John Ambulance Association is about to reintroduce Narcan into ambulances because twice a day they pick up somebody who has overdosed. Although there is a measure of controversy about this drug, it should be introduced so that ambulance officers can treat people who are suffering from heroin overdose. Perhaps there is a need for a discussion on whether it is the appropriate thing to do.

The issue of methadone is controversial. I understand it is not available to people under the age of 18. It is certainly not available in the prisons. Perhaps it should be. The incidence of heroin use by, and addiction of, prisoners is extremely high. It is an issue the Government, which is locked into one policy direction, will not address. However, if its first priority is to save lives, it must consider the harder questions rather than the simple questions of increasing penalties and the detection and prosecution of illicit drug users.

They are some of the issues we must examine closely in a bipartisan way. Our only hope is for all the political parties to put to one side political posturing and cheap point scoring and work together to consider what should be done to provide a solution. The best recent example of that is the guns debate, where both political parties acknowledged the Port Arthur tragedy. That bipartisan approach saw a historic change in the gun laws of this country.

We can do that here in Western Australia by appointing a parliamentary select committee with the broadest possible terms of reference to examine all the issues associated with heroin use in Western Australia, not just the one limited criminal justice dimension to the argument. The recommendation for the committee's terms of reference refers to the provision of health, welfare and community support services to deal with heroin consumption and its consequences. This is aimed at parents. A change to the Misuse of Drugs Act to toughen the penalties or lower the standard of proof will do very little to help parents, certainly in the short term. It is important, but it is not the most crucial element of how to extend support to parents. I have spoken to many parents who have gone through hell on earth because their children have recently died from heroin overdoses.

We must examine their role and the Government's role and the way it can provide support to keep those people alive. Generally speaking, we must be able to work from an appreciation that a drug addict has a medical problem. In the same way people with arthritis or cancer are given the resources of the State to help with their problem, so should the people who have the misfortune of being dependent on heroin. From what people tell me those services are inadequate, to the extent they even exist.

It is legendary throughout the community that people who have developed an addiction to heroin turn to crime to pay for the habit. The robberies of pharmacies, shops and other places are numerous. We all hear stories about the number of criminals in the State's prisons as a result not necessarily directly of heroin addiction, but of committing crimes to pay for that addiction. I have not seen it quantified and we should understand that relationship. People involved in the pharmacy industry to whom I have spoken want something done to protect them and other people who work in pharmacies from people who are driven to attempt armed holdups or engage in threatening behaviour by the need to get money to feed their habit. We must address that problem and achieve the proper figures to enable us to make sound policy decisions for the future.

The terms of reference then refer to education. Parents to whom I speak talk to me about the importance of informing not only our young people but also parents of what heroin is and what it does to people. I hope that a better informed community, not just young people who might otherwise take heroin but people and policy makers, will then know what it is dealing with.

Neither in this State nor anywhere in Australia do we have adequate educational programs in our schools or the broader community to make the public aware of what is happening and therefore better able to cope with it and adopt preventive strategies. Educational programs, which are important in discouraging people from heroin use and enabling people who are caught in its tangle to cope better, are sadly lacking.

Most of us are concerned about our schools being distribution playgrounds. It is time we examined the extent to which drugs are being distributed to school children on school grounds. Schools have a very important role in the educational process about which I have just spoken. The pivotal role of schools in the heroin debate as it affects our young people must be covered by a specific term of reference.

Finally, I would like to see the relationship between heroin and other illicit drug use examined with a view to making consequential changes to the law. Heroin is an extremely dangerous drug. To illustrate this I refer to a number of parents to whom I have spoken or who have written to the Opposition about this problem. I emphasise the need for a broadly based inquiry into this matter and that the objective should be the prevention of deaths from heroin.

Flowing from those "case studies", a number of issues can be adduced to direct the Parliament properly on the issues it should be considering for future policy initiatives in heroin abuse. This week the Opposition received a letter from a parent of a heroin addict. I will read it to the House because many people will relate to it. It is extremely sad, but it raises a number of questions which indicate support for a more broadly based inquiry than that which the Government proposes. The letter reads -

I would like to enquire as to your views of the drug problem in our society today.

I have a 21 yr old daughter who has a heroin habit.

When we first became aware of her problem we contacted the Alcohol and Drug authority and the Central Drug Unit. Both places had little to offer except 'When the user is ready to give up they will do so, you can't do anything except support them'. They then went on to ask how we were managing, a very nice thought but absolutely useless in so far as helping us with a very serious problem. It was mentioned that a support group for parents and friends was available.

For the next 12 months my husband and I tried whatever we could find to help the situation including Doctors, hospitalisation, psychologists, social workers, religious camp, staying with relatives in a country town.

During this time we continued to pay bills and rent, buy food, petrol etc. Social Security also continued to pay out.

It took 12-18 months to realize that by helping we were just prolonging or enabling her drug habit.

By this stage her drug using boyfriend is jailed for armed robbery and Kristen is now on her own.

The combination of us not supplying money etc and loss of the boyfriend to do the same thing, she now turns to crime to fund her habit.

She writes the car off while under the influence of drugs. She breaks a chemist shop window and is arrested. She goes to court for these charges plus shoplifting and spends three weeks on remand in Bandyup Womens Prison. When she goes back to court for sentencing she gets the best possible result - probation with conditions. She is out one day and she is using heroin again.

From that time there has been more stealing, she has overdosed three times that we are aware of and she has buried at least two of her friends.

Kristen has had various court appearances all to no avail as she is remanded for various reasons and/or has managed to find someone to bail her each time. Between each court appearance she commits more crime.

As of today she has failed to appear at court and has had a bench warrant issued for her arrest. I have been told by her legal aid lawyer that she will not be given bail when she is picked up this time.

I have no desire to see my daughter behind bars but I live in hope that a stint in jail will break her habit as well as pay her debt to society.

This is a very simplified version of the past 20 months of our lives. There would be a multitude of distasteful events of which we have no idea.

I do not know of solutions but I would like to pose some questions -

Why are there so many illegal drugs so readily available?

Why aren't there more arrests of people importing illegal drugs?

Why does it appear that some people are above the law? e.g. John Kizon. Does this mean there are people in high places taking bribes or being threatened?

Why are drugs available in jail?

Why does Social Security continue to hand out money, not only fortnightly payments but loans as well?

Why is support not more readily available to users and their immediate family/friends e.g. Kristen was to go to Palmerston House but had to wait a week for an appointment. (Much too long in a drug users life.)

Why is so little information given to the general public when it is such a wide reaching problem?

These few questions are just some of the thoughts that go through our heads.

We have been attending the parents and friends support group at Palmerston House for the past 10 weeks and have finally found something constructive to work with.

We are but one family affected by drug use.

Can you as our local member of parliament find any of the answers to what we all realize is a growing problem in our society?

I would like to be able to say that this Parliament has established a select committee to try to provide the answers to those questions, relating to the penalties that should be imposed, and to consider why people are not being charged; whether the effectiveness of the detection and enforcement provisions of the Misuse of Drugs Act are working; and to address the issue of information and support, and health related issues. If we simply adopt the resolution moved by the government member, by and large, we will not be in a position to answer those questions formally through the select committee process. Most members would like to be able to respond to their constituents who write in those terms, and say that we acknowledge it is a big problem and we will look at it in its entirety. The motion drafted by the Opposition is designed to that.

I would like to relate two more examples to the House. Firstly, I wish to talk about a parent whose 17 year old daughter, Skye, overdosed only last month. The father Mr Peter Walton said to me that it is hard being a parent these days. Parents need support and education, and when they have such a child, they feel that they are on their own. He said his daughter was first involved with heroin in the latter part of last year. A user-dealer was in the house she was sharing and while she, rather exceptionally, had never been involved with the police, the father was not in a position to say that she had never been involved in any criminal activity to support her habit. She spent the last weekend of her life - Mother's Day weekend this year - with her grandmother. They know that for that weekend she was free of heroin, and that may well have contributed to her untimely death on 17 May. We have seen pictures of this young woman on television, and we know what a tragedy it was for the family concerned. We know that she was picked

up in a hotel toilet on the Tuesday before she died. She was on life support for five days but never regained consciousness. It is a shocking way to end a young, talented life.

Again, the issues that Mr Walton raised with me were ones of support for parents; education for the community; and support for users, to appreciate they have a medical condition and problem. Certainly, prosecute the drug traffickers - everyone agrees with that - but let us focus on the issues of concern to parents. As I said earlier, I know of people who have died of heroin overdoses. I know of people who are addicted to heroin. No longer can we marginalise these people by saying they are on the fringes of society, they are the dregs of society, they are dirty individuals - because they are not. This is a problem the scale of which is reaching into middle class Western Australia, and is striking down our children. That is why we must do the right thing by the people of this State - those who have a child who is addicted, a child who has died, as well as those in the future; and there will be thousands who will face that problem - and offer them the support that we, as a Parliament, must offer.

I wish to relate a discussion I had today with the father of a young woman who died 18 months ago. He said that in the short term the major step we must take is to stop young people from dying. That must be the up-front, short term policy objective. In the long and medium term many other steps need to be taken. I took notes while I spoke to this man, and I will run through the issues because they exemplify the need for the broad approach that I advocate. He said that education is the essential element, both in a general sense and in specific school programs - not unlike the first letter I read. He referred to youth employment, self-esteem, and the perception people have about their future, as being very important. He said that he supported wholeheartedly increased penalties for drug pushers. However, he made the point that it is one thing to pass a law which increased penalties for drug traffickers, but it is up to the courts to enforce those penalties and to use the increased penalties to ensure that drug pushers were brought to justice. He spoke of the loss of morale in enforcement agencies when courts did not use the full strength of the law against people such as drug pushers, and he said that that was having a debilitating effect as well.

The father advocated a compassionate understanding of the problem of drug users. He said we should be addressing it as a health problem, not as a legal problem. He spoke of the possible corruption of our enforcement agencies. He was of the view that because so much money was involved we would always have at least a potential problem of corruption in our enforcement agencies - the police, the Commonwealth Police and the Commonwealth Customs Service. He said that as an alternative to prohibition the Canberra trial should be tried because unless we try it we will not know whether it could save a life or several lives. He said that we should be a bit soft and more compassionate on the users who have this medical affliction, but as heavy as hell on the pushers. We should be doing everything to encourage our youth not to become pushers.

He was also very critical of the social security arrangements which enabled his daughter to leave home. He recognised the need for a safety net but he criticised the use by young people of social security, to take advantage of loopholes to move away from parental supervision. In their mid teens young people are asserting their character and are perhaps rebellious, and young people in their mid teens can do certain things and still survive. They are things everyone in this place has done to varying degrees, and has survived.

Mrs Parker: How old was the daughter?

Mr McGINTY: She was 21 when she died.

Mrs Parker: How old was she when she started to receive the living away from home allowance?

Mr McGINTY: She was 16 or 17 years of age. In light of the current debate it is an interesting point to make. The father of this young woman made the point that we survived most of the things many of us may have done in that age group, and it was part of the character building process. However, if heroin becomes part of that rebellion, it kills people. That is an interesting point and brings in the question of appropriate services, educational programs and the things we can do for teenagers as they go through that period. He further made the point about his daughter, Naomi, that people can live with someone and not know that person is a heroin user. He made a point about the groups with which young people become associated and the influence they have. He told me that at the age of 16 or 17 years his daughter had returned from being an exchange student in Japan, when she had an argument with her parents about the company she was keeping and left home. That, unfortunately, is not an uncommon occurrence, but he went on to say the Department of Social Security picked her up and enabled her to live away from home. He felt the rights of parents were being undermined. He often drove around the streets of Perth at night looking for her, and took her home when he sometimes found her. In that context she became involved with heroin, and some time later was arrested on a very serious offence after a stolen car was used to ram a glass window in a shopping centre where her friends were stealing to fund their drug habit. By now she was 18 years of age and in a sense was fortunate in that she was placed on probation.

The ACTING SPEAKER (Mr Ainsworth): Order! The background conversation is far too loud for Hansard.



Mr McGINTY: She had been placed on probation for two years as a result of those offences, and the conditions the court quite wisely imposed were that she live at home and attend drug testing and rehabilitation for two years. The father said there is a real problem with the justice system for people in the age group of 16 to 18 years. Many people he had spoken to thought that once they turned 18, facing the full brunt of the adult criminal justice system had a modifying effect on their behaviour and they ceased to offend. He said that in between there were real issues of the justice system, the role of parents, the freedom of the individual youngster and the responsibility of that youngster. He said there was a strong interaction. He said his daughter lived drug free for two years because she was living at home and because of the conditions imposed by the court. During that time she had a young baby, Breehanna, but the lack of educational opportunities and employment prospects caused her to become depressed with her situation. About one month before she died she started using heroin again. That was about 18 months ago. The parents found out she was using heroin again when Naomi was found unconscious in a toilet at the Dog Swamp shopping centre with her boyfriend and child. The methadone program was considered, but within a short period she overdosed in a telephone booth and died at the tender age of 21 years.

The points emerging from these tragic case studies is that parents want to be involved in rehabilitation programs and they want to be able to influence things for the betterment of their children. School programs are crucially important but, overwhelmingly, there is recognition that prohibition has not worked. Although we should not give up on it, we must also look at other ways of offering that sort of assistance. These three examples illustrate a problem that is not simply one of law enforcement or a matter of setting out to catch the Mr Bigs of the drug world. That is done very poorly at the moment. I cannot remember the last time a so-called Mr Big of the drug world, as distinct from a person who retails drugs on the streets, was caught and appropriately dealt with by the criminal justice system. It is not a reason to give up, but it is a reason to sound a note of caution about relying on that absolutely as a strategy to be employed.

I appreciate that the Government wishes to undertake a series of initiatives to deal with this matter. In recent days, there has been an extension of the methadone program to general practitioners in the community. It is an admirable step, and it is available as a harm minimisation measure whereby people no longer have to wait to get onto the program as they did at the beginning of this year. A couple of months ago those who wanted to make an appointment with the Alcohol and Drug Authority to be considered for the methadone program were told to wait until November or December. We have heard already that one of the parents to whom I have referred tonight said that a week is too long in a drug user's life. Nine months is an eternity and it is totally inappropriate, but that is how long people had to wait for an appointment at the Alcohol and Drug Authority. I recognise that some people may have been taken on the program earlier because of a cancellation, but there are not enough harm minimisation measures designed to protect people and to offer a helping hand to the people who have incurred this medical condition. Unfortunately, young people generally fit into that category.

The reason we are now faced with a crisis - it is not unique to Western Australia but is occurring throughout the country - is that there has been a measure of complacency in the past few years. A heroin epidemic has now caught up with the community to the extent of the figures to which I referred earlier. First, the number of deaths has escalated dramatically over the past few years. Although we knew this anecdotally, today I received a copy of the research carried out jointly by Curtin University and St John Ambulance Australia entitled "An Overview of Narcotic (Heroin) Overdoses Managed by the Western Australian Ambulance Service". It states that in 1996 a total of 1 701 cases of overdose were picked up by the ambulance service; in other words, 4.6 cases each and every day of the year. Of that total, 588 were heroin overdoses, which is just over 1.5 cases a day. A study was carried out for the two month period November to December 1996. During that time 98 cases of heroin overdose were picked up by St John Ambulance, 10 per cent of whom died at the scene. Of the remaining cases, upon the arrival of the paramedics, most required significant medical treatment and many still required it when they arrived at the hospital. The study concludes -

Narcotic overdose presents a significant part of ambulance service caseload. Approximately 10% of patients die at the scene. Of those requiring prehospital care almost 60% require ventilation with approximately one third of these still requiring ventilation on arrival at hospital. It could be expected that about 250 narcotic OD patients per year will require ventilating when paramedics arrive. Of these approximately sixty patients will still need ventilating when they reach hospital. While aspiration is most likely to occur prior to ambulance paramedics arriving, a significant number - approximately 20 to 30 cases per year - will possibly occur during paramedic care.

*Sitting suspended from 6.00 to 7.30 pm*

Before the dinner suspension, I indicated that the Government's policy had prohibition as its central element, and no doubt this had its origins in the report of the Task Force on Drug Abuse prepared for the Premier in 1995. This was

released some 12 months before the election and served a political purpose but, unfortunately, it got the facts wrong in respect of heroin.

Volume 2 of the report stated in relation to the use of opiates that predominantly, "heroin has remained steady"; it referred to the number of criminal charges fluctuating within a limited range over the last decade; and it stated that the number of calls to the Alcohol and Drug Information Service had not varied greatly. The report downplays the significance of heroin in the community, and I think the authors of the report would be somewhat embarrassed to see the dramatic increase in the number of heroin-related deaths and the epidemic of heroin overdoses in our community. Page 345 of volume 2 of the report stated in relation to heroin -

Research indicates that heroin use is statistically rare in Australia, and that prevalence has probably changed little since the 1970s.

Frankly, in the light of what we all know now, remembering that this report is less than two years old, it was either misleading or was designed to achieve a certain objective in taking emphasis away from the killer drug of heroin. It was a much heralded government policy initiative, yet most people would shake their head about the report's lack of emphasis on, and recommendations dealing with, this most lethal of drugs.

This offers an additional reason to favour the establishment of a heroin select committee with the broadest possible terms of reference: A government policy must be wrong if it is formed on the basis that heroin use in Australia is statistically rare and its prevalence in the community has not varied much over the last couple of decades. The emphasis of the report is on cannabis, and this has led to limited government initiatives dealing with heroin. Therefore, the call must be made for the foundation of the existing policy to be revisited.

In conclusion, I hope this matter can be brought to a vote tonight as widespread community concern is evident on this issue, and people deserve to know how the political parties will line up. I hope that, prior to completing private members' business today, we will vote so people know where the two major political parties stand.

I was rather concerned watching the ABC TV news tonight to see the Premier's dismissive comments on this motion for a select committee with wide ranging terms of reference. He described the motion on the Notice Paper from the Liberal side of Parliament as being simple in its terms, and sufficiently wide ranging to allow all matters to be considered.

A simple understanding of the English language will highlight the difference between the two terms of reference before the House. The motion to establish the select committee from the Liberal side of the House has the narrowest possible terms of reference concentrating on the important but singular issue of detecting and prosecuting illegal drug dealers. It does not deal with the other range of matters covered in the Labor Party motion.

This is not a motion about which we should be scoring cheap political points. I went to the Minister for Health some three weeks ago and put this suggestion to him for a constructive, wide ranging inquiry to produce a policy which could be endorsed by both sides of the Parliament. I put that proposition in good faith to the Minister. I do not suggest that the motion of the member for Joondalup was not being considered at the time; however, to my knowledge, the first proposition for a parliamentary select committee was made by me to the Minister for Health in a bona fide attempt to have the Parliament deal with this serious and wide ranging matter. It was not, as suggested by a member opposite in this morning's *The West Australian*, a stunt or gimmick or "a cheap copy of the Government's own plan for a select committee proposed last week".

This debate needs more than that approach. As I said at the outset, this debate is about life and death and cuts across political boundaries. I make the plea to the Government to deal with this issue recognising that it grips the community. We must put aside any notion of cheap political point scoring. In good faith I suggested the inquiry to the Minister for Health about three weeks ago to produce a joint basis on which to proceed to resolve some of the difficult issues involved.

I know a number of matters raised from time to time in this debate about heroin present grave political difficulties to both parties from various points of view. However, my approach was an endeavour to say, "Let's put politics to one side. Let's look at two things: In criminal justice, let's consider how to throw the book at the traffickers, but at the same time, let's be compassionate to those who have the unfortunate addiction to heroin, their parents and others associated with them. Let's consider it in the broadest sense."

Mr Prince: When you raised it with me, the member for Joondalup had already raised the matter.

Mr McGINTY: Was that with the Minister?

Mr Prince: Through other means.

Mr McGINTY: I was not aware of that.

Mr Prince: I cannot tell you exactly.

Mr McGINTY: That is fine. I was not criticising the Minister. I said it in good faith, without any knowledge of what the member for Joondalup had said. I want to get it onto the agenda. I make a plea that we put to one side any suggestions that it is a cheap stunt, because it is not that, and any semantic arguments about the meaning of words. Many issues need to be addressed. Let us come up with, by whatever means, a committee chaired by the member for Joondalup that will enable all those issues to be addressed. Although I am only a bush lawyer, I know damned well that the words used in the member for Joondalup's motion will not enable that committee to inquire into the raft of matters that I have listed in the motion. It is not appropriate on an issue like this, when people are dying in the streets and are being picked up from heroin overdoses by our ambulance service on a daily basis, for these matters to be the subject of political point scoring. I urge members to support this motion because it is not about politics but about good health outcomes and saving lives.

**DR EDWARDS** (Maylands) [7.41 pm]: I formally second the motion. Heroin was around in the 1970s, and, unfortunately, it is back in fashion in Perth today, in a way that was not predicted. There is no doubt, because many people are saying it and the statistics are showing it, that heroin is the drug of choice of young people at the moment.

Three factors make heroin the problem that it is. Firstly, it is widely available and has effectively flooded the streets of Perth. It has been said that it is easier to get heroin than to order a pizza. That is a sad statement. Secondly, heroin is cheap. In the 1970s, the price of a gram of heroin was about \$500, but now the price varies between \$40 and \$60, and it has been reported that on occasions it is as low as \$12. Because heroin is very cheap, it is accessible to people who want it. Thirdly, the heroin on the streets at the moment is of high quality. According to the drug squad, the quality is around 80 per cent pure. Australia-wide, heroin is thought to be about 60 per cent pure, but a few years ago it was only 16 to 20 per cent pure. Heroin has therefore increased in strength. The other sad factor about heroin is that obviously there is a demand for it in the community, because people are using it and people are dying from it.

Like the member for Fremantle, I know someone who has died from a heroin overdose. When we know of a young person who was in our life, perhaps peripherally but was close to our family, it brings home to us that it is not a problem of other people or of some class or group of people but is a problem that is touching the lives of all members and their families.

One of the health aspects of the heroin problem that we are seeing is its severity. To Anzac Day 1997 - that is, in the first four months of 1997 - 1 302 drug overdose cases had been picked up by St John Ambulance Australia. That is 10 cases a day. That is a horrendous number.

Mr Prince: All heroin?

Dr EDWARDS: No. That can be compared with a total of 1 700 overdose cases for the whole of 1996. We are probably set to even treble the number of drug overdoses from whatever cause, because it covers more than just heroin.

Mr Prince: In the context of the debate tonight about a select committee to deal with heroin, you need to break down those figures.

Dr EDWARDS: I will do that in a moment. As many cases of drug overdose occurred in the first one-third of 1997 as occurred in the whole of 1996. Unfortunately, the proportion of overdoses from heroin is increasing, because, let us face it, not many people are overdosing on other drugs at the moment. One tragedy is that our young people are most affected. The other tragedy is the stories that are coming out about the victims.

I want to make a few comments about the story in the media about the man whose body was left at Dog Swamp Shopping Centre. This case has not received much publicity. It involved a young man who had separated from his wife and family but was looking forward to getting back with them in the near future. However, that has been denied to his family because he is now dead. This man and two other people used the drug in a car at the same time. They all passed out, and perhaps the other two also went quite close to stopping to breathe, but when the other two men came to and realised that the third man was not breathing and was quite cold, they were too scared to take him to a hospital in case the police arrested them. Ultimately they called an ambulance, but by that time it was too late.

We should not moralise about this issue. We should try to solve the practical problems. We need to put out our arms to those people who are directly affected, and we need to prevent the deaths. At least 26 people have died this year in Western Australia as a result of drug overdoses. That is comparable with the metropolitan road toll. We need to pay more attention to this problem. We have had a select committees on road safety, and we have campaigns and

measures to tackle road safety. We need to take the same sorts of measures to this crisis where people are dying from heroin overdoses.

The magnitude of the problem is reflected in the fact that St John Ambulance is attending about 330 cases a month of people who need assistance because they have overdosed on drugs. The number of people taken to hospital as a consequence of a heroin overdose gives us another picture of the situation. In 1996, 105 people were admitted to hospital as a consequence of a heroin overdose. To demonstrate how this problem has escalated in the past few years, in 1995 the figure was 60, or 45 fewer; but in 1993 it was only 15. We cannot ignore the problem but must take considered and thoughtful steps to tackle the problem.

What should be done? It goes without saying that we would all like to see the Mr Bigs arrested and put away so that they were off the streets and heroin did not come into this country. However, if it were that easy to solve the problem, we would not have the problem that we have now. There is no doubt that efforts directed solely at the criminal justice side leave behind the people who are already in the clutches of heroin and whose lives are being severely disrupted and who are affecting in drastic ways the lives of their families. In addition to looking at the criminal justice side, we should also ensure that, as the member for Fremantle said, we extend the hand of compassion to people who are caught up in the web of heroin.

We also need to take more preventive measures. We need to stop the demand. We need to stop the interest and the curiosity that leads people to try heroin once, to try it again, and then to be hooked on it. We need to tackle all those different fronts at the same time so that we have a full and proper package of measures.

I turn now to health care services for people who are dependent on heroin. I was somewhat disappointed by the Minister for Health's response to my questions in the Health budget Estimates Committee about the Alcohol and Drug Authority. I hope that funding for the work of this authority will be assured, because there is no doubt that that work is needed desperately and that the authority is doing a good job.

The Alcohol and Drug Authority's annual report for 1995-96 was tabled at the end of last year. The report said that an increasing number of clients were citing opiates as the drug that was causing them a problem. This came from people who made telephone calls to get information and advice and people who were dependent on heroin and wanted to enter the residential treatment service. It was also reflected in all outpatient services. Coincident with that, the ADA reported a huge increase in demand for services. It had 873 clients who were admitted to hospital to detoxify from drugs. It noticed an increased incidence of people with opiate dependency. Overall the ADA was 59 per cent over the number of services it had been contracted to perform for the Health Department. It exceeded its budget on some of the services by nearly 60 per cent. That shows that many people out there know they have a problem and desperately want help. Similarly, outpatient services increased by 35 per cent over the number of services that the ADA had been contracted to perform for the Health Department. The telephone information service also recorded unprecedented growth. It had 18 500 calls, which was 15 per cent up on the number of calls in the previous year.

The reference to the number of calls to the information service makes a very significant point; that is, that people were ringing about heroin. The increase in concern about heroin was 40 per cent, whereas concern about amphetamines dropped away, as did the concern about cannabis. Those calls reflect what is going on in the community. People are using cannabis and possibly the incidence is going up, but people know it will not kill them. It is generally said out on the streets that amphetamine usage has dropped because people do not like it as a drug. That gap has been filled by heroin, which is killing people. We need the ADA or whatever results from the revision of services to continue with better funding, given the fact that demand has outstripped the number of services contracted by the Health Department. There was also an increase in demand for methadone. I believe all members of the House support the Government's initiatives to get general practitioners to prescribe methadone. These sorts of programs should be valued. The annual report points out that the methadone treatment program costs \$4 a day per client, whereas residential detoxification costs \$275 a day. There is a huge gap between those two costs. The court diversion service costs \$491 per case. I assume, therefore, that the methadone program is cost effective.

Mr Prince: I do not think there is any doubt about that. The problem is having sufficient numbers of trained people to administer the program. It cannot be seen in isolation as the one and only panacea. There must be a number of programs because there are a number of different ways in which people relieve themselves of their habits.

Dr EDWARDS: We all appreciate the value of the methadone program and the moves by the Government to have that program more out in the community with the involvement of GPs.

One issue which is not adequately tackled is how we manage people of less than 18 years of age. They cannot gain access to the methadone program. That may be positive, because there is no doubt that methadone is extremely addictive - that is the whole nature of the program. However, it means that people under 18 years of age who are

dependent on heroin and opiates do not have access to the same level of treatment and support. It is extremely unclear in the community exactly what is available for that group of people. Given that we are seeing huge jumps in the number of young people using heroin, the area must be tackled. Much more must be done so that young people do not try heroin, never use it regularly and never become addicted to it. We want to be in a situation where we do not have people dying from heroin the first time they use it, the second time or after five years. We must tackle the problem because it is such a terrible waste of life.

To get to young people we need appropriate messages. The Minister may enlighten me on something. A huge billboard near Barrack Street bridge is about alcohol and 100 per cent control. I assume that it depicts a man throwing up in a toilet. The big slogan is "Losers spend more time on the phone". I do not understand that. I recently asked my teenage stepchildren, one of whom is aged 16 years and the other is 13, what they thought. They had no idea either, although they had some pretty interesting variations.

Mr Prince: The poster was developed by 16 year olds and trialed on 16 year olds. It was explained to me, because I did not understand it. When it was explained I thought, "Ah, yes, it looks like a mobile phone." That is why current jargon for a toilet is a phone.

Dr EDWARDS: My 16 year old stepdaughter explained that if people really abuse alcohol, they spend a whole lot of time throwing up, and then they have to use the phone to tell their friends that they cannot go to the next party.

Mr Prince: Whatever, it got the message over.

Dr EDWARDS: In the car we certainly discussed what it meant.

Mr Prince: In other words, it got to that target group who spoke to you about it.

Dr EDWARDS: I spoke to them. I said that I did not understand it.

Mr Prince: It got to the target group and the parents of the group.

Mr Riebeling interjected.

The SPEAKER: Order!

Dr EDWARDS: We need experts and children to design the programs and then proper evaluation to show that they are working, that we are on the right track and that we are targeting our money and spending it sensibly. We must do more of those activities in a bipartisan manner, which is the spirit in which this motion was moved.

It has become apparent in only the past few months, when parents and families of people who have died of heroin have spoken out, how dreadful is the use of heroin. I certainly had no idea until I spoke to families who were directly affected about the dreadful reality that they live with, the manipulation that goes on, the lies that are told, and the heartbreak that occurs to everyone. Although we are all talking about the deaths of young people, it also involves the deaths of some of the families, because the tragedy is that bad.

It is likely that the heroin problem will persist for the near future. Recently, Australia was given a very strong warning by a visiting United States health authority who was lecturing about drug abuse. She pointed out that the global trend is for increasingly pure heroin. She estimated that it was here for what she called the long haul and that the problem was here to stay. She also pointed to a shift in dealer tactics, which involves targeting young affluent people, making it very cheap at the beginning and getting them hooked. She predicted with the increased numbers of young people dependent on heroin we would see a huge demand for treatment services. I am not confident at the moment with the services available in this State that we could meet that demand when it comes.

I refer to another American article. With some horror the article pointed out that two people who were found dead from a heroin drug overdose were the most unlikely users. The story must be similar here. In the case in the article from America the two young people who were found dead were both private university students. They were politically conservative. One had been a member of the Young Republicans. They were both natural athletes; in fact, one was a champion. They both came from very close-knit families. One of the students who was living away from home telephoned his family nearly every night. However, it is thought that they are typical of the younger people who are now experimenting with heroin and who, because of the nature of the drug, sometimes get caught out and do not wake up after a dose. One of the dramatic concerns in the article is that as heroin becomes purer and purer, it will become easier to snort or sniff and people will not inject it.

The same article asks the question: What is going on with all of this and what are we going to do to solve it? A former chief of police who had worked in both Missouri and California said that after 35 years as a police officer what was happening did not surprise him because the bottom line was it was well known in the countries where heroin was grown cheaply that it fetched a huge price on the streets of developed countries. He also said -

All the cops, armies, prisons, and executions in the world cannot impede a market with that kind of tax-free profit margin.

He went on to comment on all the types of people involved in the drug trade. But the issue throughout the article was that we should be looking not only at the health and the prevention sides but also the criminal justice side of the problem; we should be mounting a war on a huge number of fronts to tackle this issue properly.

Earlier this month five state and territory Directors of Public Prosecutions made an unprecedented statement about the drug problem. I conclude by quoting the New South Wales DPP, Nicholas Cowdery, QC, who said -

We need to mount an active, widespread and properly led search for a better way.

The Opposition is calling for bipartisan support on the motion before the House tonight. All of us should be working together in a united way to tackle this problem which could affect any of our children.

**MRS PARKER** (Ballajura - Minister for Family and Children's Services) [8.02 pm]: Tonight I speak as the Minister responsible for the Western Australian drug strategy. No member would dispute that the House is discussing a serious issue. The heroin problem has increased over the past 18 months because, as the member for Maylands said, it is more readily available and cheaper than it has ever been. There is also no contest about the purity and the quality of heroin that people can buy on the street.

One may like to criticise those who have commented over the past few years on the availability of heroin. The member for Fremantle certainly criticised the task force report because it failed to predict the changes in the drug's availability, price and demand in the community. But he fails to acknowledge that the change in the availability and price of heroin has taken a lot of people by surprise. In a 1994 article even Professor Bill Saunders, a great proponent of drug law reform in Western Australia, said that heroin was out of fashion as a recreational drug.

There are many reasons why, outside this State and nation, heroin has become a more desirable drug and a drug of choice. Even something as obscure to us in Western Australia as the withdrawal of the former Soviet Union forces from Afghanistan has had an impact on what happens in this State. When that civil war ended, the economy of Afghanistan was so devastated that the Afghans turned to producing the profitable cash crop of heroin. A large amount of heroin was put onto the world market, which resulted in it being widely available around the world. It has also meant that the drug being sold on the streets of Perth is 80 per cent pure and its prices are way below what they have been, dropping in the last 18 months from between \$80 and \$90 to \$20 and below.

Heroin use among young people is another trend and it is widely available, but it is more dangerous and much cheaper than any other drug. Previously a heroin user was likely to be aged between 28 and 40 years of age, but we now find that younger people are able to afford to buy this devastating drug. For not much more than a large packet of cigarettes young people can start to experiment with it. Of course, that certainly sets the stage for dangerous consequences. Therefore, I do not think it is fair to criticise a report of some years ago that was not able to predict this significant change.

Many of the recommendations of the task force have already been implemented. Those that have not been implemented are proceeding. The Government recognises that more should be done, and that the best way to address this serious issue is to approach it in a bipartisan way. However, a bipartisan approach can only be achieved on the understanding of two guiding principles. The first is that drugs are harmful to users, families and the community -

Mr McGinty: We agree with that.

Mrs PARKER: That is good. Therefore, our policy framework must first and foremost reflect our opposition to drug abuse.

Mr McGinty: We have agreement on that.

Mrs PARKER: That is also good. The member for Fremantle said that the Government should take a multifaceted approach to this issue, which includes law enforcement, education, health and community support. The Government and I have always supported that approach.

Perhaps I am confused about the member for Fremantle's position, because I understood that his position in the past was to legalise some drugs.

Mr McGinty: Never.

Mrs PARKER: He certainly agreed with the policy of decriminalisation.

Ms Anwyl: You are very confused.

Mrs PARKER: I know the member for Kalgoorlie has stated in her electorate's local media that she is opposed to the legalisation of drugs; but confusion still exists. There is potential for a bipartisan approach on the issue if our positions are more congruent.

The second guiding principle that the Government ascribes to is harm reduction measures which recognise the need for strategies to reduce the risk and harm to those continuing to use drugs. We do not have a problem with that.

Mr McGinty: We agree on those two principles without qualification.

Mrs PARKER: However, we must ensure that whatever we do, we must not encourage or normalise the use of drugs.

Mr McGinty: In that context we might be able to say, "Let's agree on making the terms wide enough to agree and get on with it."

Mrs PARKER: That is right, but I would appreciate it if the member for Fremantle let me place a few more statements on the record.

The terms of reference for the select committee seek to inquire into a number of issues to which we already have the answers. The community does not want another report; it does not want another inquiry; it does not want something that will gather dust or be a good door stop. It wants action.

The Premier commissioned a task force into this matter some years ago. It consulted widely across Western Australia and reported back, making a number of recommendations. We have seen a significant range of responses across agencies. There has already been acknowledgment of the methadone program and a commitment by general practitioners to getting it into the suburbs. We certainly do know about the incidence of heroin uses and about the health ethics. I have spoken to a range of people affected by drug use in our community and to users, as have other members. The users to whom I have spoken acknowledge that it is a very harmful and devastating drug to live with and they want to move away from it. We are also aware of the dangers of heroin consumption and its relationship to crime. Another member will comment on the lighter drugs, known as gateway drugs.

I will clarify a few issues that I do not feel have been well aired. I refer to the Australian Capital Territory proposed heroin trial. There has been much debate about this trial and this State's support, or the lack of it, for the trial, and questions about whether we should go down that path. In examining this issue, any members who have spoken to those affected by heroin use will agree it is a very sobering experience. It certainly was for me when I spoke to both users and grieving parents. I have been moved significantly by the information I have gained in the debate on this matter and the research I have conducted. There is no contention about that tonight. However, I will clarify some points concerning the ACT trial. If we are to find a reasonable response, we must ensure we have a hard-headed examination of the issues and that they are objective. We must deal with the facts as we find them and not be selective. The trial proposed by an independent member in the ACT Government follows a similar trial still being conducted in Switzerland.

Ms MacTiernan: By the ACT Government.

Mrs PARKER: Yes. That trial is being based on a model similar to that being trialled which is often quoted -

Ms MacTiernan: That is absolutely not true.

Mrs PARKER: The member has changed her mind from a couple of weeks ago at the public meeting.

Ms MacTiernan: This is not based on the same model at all. It is a far more scientifically rigorous model.

Mrs PARKER: The position of the member at the beginning of the meeting changed by the end of the meeting, and she is still ascribing to that view. We allowed opposition members to speak without interruption, and I would appreciate the same privilege because time is short. If we are talking about a bipartisan approach, it is reasonable for all members to be able to present a view.

In considering the ACT trial and the relevance of the Swiss trial to Western Australia, I draw attention to a comment that was made by a director of the trial at its outset in 1991. He stated that a medicalisation of the drug problem as seen in this experiment does not represent a definitive solution to the drug problem; instead, it represents a partial step toward normalisation.

The State Government opposes any policy which would lead to the normalisation of drug use in our society. The Swiss federal council also made a decision to proceed with the trial following evidence of the size of the heroin dependent population, which per capita is 25 per cent larger than ours, and a lot of public pressure. We certainly have public pressure to deal with the heroin problem in Australia today, and I do not debate there is a need for a response. However, we must make sure that it is based on fact, and that it is hard headed and objective.

My understanding of the ACT model is that it is similar to that undertaken in Switzerland. There are certainly good reasons for the model to be similar, which I will explain in a moment. The trial in Switzerland is for people aged 20 years or older, who have already had at least two years of daily heroin use and have previously failed twice at a drug treatment, either methadone or detoxification, and who are markedly deteriorated physically, psychologically and socially.

In considering the debate that has raged across Western Australia and Australia, our great concern is for our young and inexperienced users who are being affected by heroin overdose, with a number of them dying tragically, and the entrance criteria for participants in this trial and others that are proposed. These young and inexperienced users should not have access to a trial or program, should it be in use - and for good reason; that is, if a program provides three doses of heroin a day to a new or inexperienced user, it will facilitate longer term addiction.

Dr Edwards: Don't you agree that that happens with methadone?

Mrs PARKER: Very young people are not being given access to methadone, either.

Dr Edwards: We agree with you. None of us is suggesting that young people should be given heroin.

Mrs PARKER: We must be very careful in this regard. When a 17 year old tragically dies of a heroin overdose we very often have calls for the legalisation of prescription dose heroin to solve the problem.

Dr Edwards: If that person is a first time or second time user, that is irrelevant, I think.

Mrs PARKER: That is right; there is a fallacy in that argument.

Dr Edwards: We have effectively said the same thing. We must be clear that common ground is being described.

Mrs PARKER: That is right.

Dr Edwards: My comments have been consistent with some of yours.

Mrs PARKER: Absolutely. I do not have an argument with that. I am trying to make sure we understand and objectively divide the facts of this argument. If we are to have a bipartisan approach, we must work out what we agree on and perhaps what we do not agree on, and establish whether there is enough congruence in our respective positions. I believe there is; however, I want to go through this process because it is very important that we separate the emotion - I am not saying that it is not justified - for those young teenagers, who are inexperienced users who would not be helped by the heroin program. When a 16, a 17 or an 18 year old is in danger of overdosing, we need other programs and options for them. There is no debate about that. We need a multifaceted approach. There are some problems with the trial in Switzerland. There is no control group. No examination or record is kept of any of those participants and of the other illicit drugs which those people may be accessing.

In the latest data that has been released, we find 40 per cent of the people on that program are also addicted to cocaine. The trial has not reported finally, but my assumption - it is not tested, and I look forward to its being tested in the final report towards the end of this year by the Swiss - is that if the dealers cannot sell one illicit drug, they will promote another drug, notwithstanding a maintenance dose of heroin for users in circulation with peer groups that would include people from the drug scene and dealers.

Ms MacTiernan: Surely the committee can look at that. The committee is not here to say, "Let's follow the Swiss heroin trial." It is here to say, "Let us look at all the different strategies."

Mrs PARKER: Yes, but I want to divide some of the claims that are being made. It is easy to grasp at a quick fix solution, but there is none.

Mr McGinty: There is no quick fix solution.

Mrs PARKER: That is right. We must be careful, because there is often a great chorus that prescription dose heroin is the panacea to the high incidence of heroin overdose in new, young heroin users because it is cheaper and more pure. I make that point because it has not been made and acknowledged widely before. I was not aware of it until in the course of my responsibility for this portfolio I researched the issue. We must be careful about taking on something that will give us a hope for a quick result, because it does not exist.

The results that are claimed in interim reports about prescription dose heroin are similar to those for the methadone program. Seventy-three per cent of addicts are still in treatment after six months. However, of people in the Swiss program, 11 per cent die as a result of drug related illness, accident or overdose after they leave the trial. Similar results to that can be achieved by methadone without the problem of sending the wrong message to the community that heroin use is acceptable. The Minister for Health hopes to have a chance to speak in this debate tonight about



the priority of this State to the methadone program. I am pleased the member for Maylands acknowledged this Government's commitment to ensuring methadone is more available.

Members must acknowledge the comments of those in other jurisdictions on this matter. Western Australia is not alone in dealing with this problem. Heroin is cheaper, more available and more pure in many countries. The World Health Organisation at a meeting in March of the United Nations Commission on Narcotic Drugs reported there was no scientific evidence to support the view that controlled availability of heroin for addicts was or could be an effective form of treatment. The World Health Organisation concluded that any treatment that would be likely to have limited application would include the heroin program. It recommended that member states strengthen and apply proven methods of rehabilitation as a treatment, such as oral methadone, which is a much longer lasting opiate and is easier to administer.

The State Government has a fundamental opposition to the trial. I reiterate that there are problems with providing prescription doses of heroin to deal with young and inexperienced drug users: It does not address that problem. Prescription doses are for people who have a long history of heroin addiction.

Ms MacTiernan: On your own analysis, methadone doesn't deal with them either.

Mrs PARKER: That is right. I am trying to divide some of the claims about the prescription trial of heroin being a panacea. A multifaceted response is required. After the Task Force on Drug Abuse reported, the Government undertook a wide ranging response. A problem involved in any policy change on something like the heroin trial is the message that is sent to the community. It is important that young people and their parents have good information to ensure they make more informed choices.

Mr Riebeling: The message is not working at the moment.

Mrs PARKER: I note the member for Fremantle said the Government needed to get messages out to the schools. I agree with him. I do not know whether he noted that six to eight weeks ago the Premier launched at the Radisson Observation City Hotel the new schools drug education program for Western Australia. That program was developed as a result of a recommendation of the task force. A special group was formed that included representatives of the Western Australian government school system, the Catholic school system and the Association of Independent Schools. Those people combined to develop a curriculum. With the broad support of those systems, which represent every school in this State, the school drug education program has commenced. Questions have been asked in the House about that program.

Mr Riebeling: There have been drug education programs for years. That is not new.

Mrs PARKER: This program is a much more significant commitment. A new curriculum has been developed and an extensive education of teachers has taken place. In the past the Government has not supported the teachers in presenting specialised information. The other people who must be educated are adults, particularly those with teenage children. The response of children to discussing drug use with their parents can be twofold. First, they may adopt a code of silence and protect their peers and those who they know are involved in drugs. Secondly, research shows that young people will stop discussing the matter with their parents if they suspect their parents do not know what they are talking about. Our research found that parents are ignorant about the drug scene and about the experiences of their children and their exposure to a range of drugs. The Government published a drug information booklet for parents, which has been widely accepted. I acknowledge the Government must provide parents with another stage of information. That is a critical part of the education process to enable good communication between parents and children about what is going on, so parents can provide informed guidance and support for their children.

The other area of support must be for the users. The Minister for Health will touch on a few programs the Government has undertaken to ensure users are warned about the new strength of some drugs. Fitpacks contain warnings about heroin and its high quality and the danger of mixing it. Those initiatives have been in place for some months. The Government has responded to the issue.

The Government does not want to adopt a policy position that will allow a normalisation of drug use in our community. The messages we send through education programs and public relations and advertising is that drugs are harmful. That is an important part of the Government's drug education program. I mentioned previously that we must be careful about the Trojan Horse effect: If we allow normalisation to occur through some programs, it will result in a broad acceptance of drug use in our community. Instead of its being a marginal activity that can be limited, it will become mainstream.

Ms MacTiernan: Do you think we need to do something about alcohol consumption if that is the case? Isn't that part of the problem?

Mrs PARKER: The member for Maylands spoke about 100 per cent control.

Ms MacTiernan: I refer to the normalisation effect - the parent with the glass of wine in the hand saying that drugs are bad.

Mrs PARKER: Although heroin is the main focus of this debate, one of the problems I have with the select committee as recommended by the member for Fremantle is that it deals only with heroin. I do not back away from the fact that we have a problem with heroin in Australia and Western Australia, and we must respond to it. However, alcohol remains the most devastating drug in our community.

Ms MacTiernan: Legalising alcohol has achieved this normalisation the Minister is so keen for us to avoid.

Mrs PARKER: Is the member a proponent of legalising drugs?

Ms MacTiernan: If the Minister thinks normalisation is the key and that resistance to normalisation must be the centrepiece of the drug policy, how does she square away having legal alcohol and Governments proposing to relax alcohol laws?

Mrs PARKER: Alcohol remains the most damaging drug in our community.

Ms MacTiernan: But perfectly legal.

Mrs PARKER: A lot of money will be spent getting the message out that we must have 100 per cent control and more moderate use.

Ms MacTiernan: But it is legal nevertheless.

Mrs PARKER: It is.

Several members interjected.

Mrs PARKER: The Government will not capitulate to drugs in our community and it will not involve itself in the politics of surrender.

Mr Riebeling: The Government's policy has failed.

Mrs PARKER: I am rather confused about the Labor Party's policy. The messages I am getting are very mixed. Do members opposite believe in decriminalisation and legalisation? The messages I am getting are all over the place. It would be interesting -

Mr Riebeling: You will hear my views when I speak.

Mrs PARKER: I am interested in hearing the Opposition's policy, because we have not heard it.

Mr Riebeling: Is the Government's policy working?

Mrs PARKER: No single strategy will provide a solution and there is no quick fix solution.

Ms MacTiernan: We agree.

Mrs PARKER: If we are to have a bipartisan approach, we must go down this path.

I will provide details of some of the experiences of countries that have gone down the legalisation path. In Sweden, most drugs were available on prescription between 1965 and 1967 -

Ms MacTiernan: That is not the argument; there is nothing in this motion that says we should legalise, normalise or whatever.

Mrs PARKER: I am answering a range of questions about normalisation, which results from either decriminalisation or legalisation. I will give a few snapshots of what has happened in countries that have gone down this path so that members can consider them in this debate.

In the brief period that most drugs were available on prescription in Sweden, deaths doubled, crime increased and the crime committed by individuals receiving prescriptions also increased. After that experience, the policy was reversed to emphasise opposition to drug abuse and comprehensive strategies of law enforcement, prevention and treatment were introduced. Since that reversal of policy, drug use rates have decreased.

Ms MacTiernan: Do you know how many people are dying each week from heroin overdose?

Mrs PARKER: We have data in -

Dr Constable: One person dies every 16 hours in Australia.

Mrs PARKER: In the first four months of this year, coroner's inquiries confirmed that 25 people died as a result of heroin overdose in Western Australia. In the fifth month, five deaths were attributed to heroin overdose, but they have not been confirmed by a coronial inquiry. Data from the Chemistry Centre and the coroner's office shows that that figure is greater than the 1996 figure, but the incidence in 1995 was similar to the present situation.

I refer to the process of mainstreaming drugs in our community. In the Netherlands, decriminalisation of cannabis and the effective decriminalisation of other small amounts of drugs occurred in 1976. Between 1984 and 1992, cannabis use among adolescents doubled, crime increased by 60 per cent and the number of organised crime groups increased from three to 93.

Ms MacTiernan: Where is the control group? If that figure has any validity whatsoever, why did the Dutch Government last year adopt a policy, after having extensively reviewed its performance over the past 10 years and concluded -

Mrs PARKER: The free availability of cannabis was devastating to use rates, crime rates and the incidence of organised crime groups. The notion that decriminalisation will rid us of the criminal element and profit in drugs does not stand up to scrutiny. Italy is the one country that has not backed away from decriminalisation of small amounts of heroin and it experiences the highest incidence of heroin addiction, with 300 000 addicts.

The Government has adopted a range of strategies and has implemented most of the task force recommendations. We must always respond to what is happening in the community and ensure that our response is appropriate. This Government will not gamble on the future of Western Australians, particularly young Western Australians, with policies such as the provision of free heroin. I agree that we need a broad-ranging strategy. I will be interested throughout this debate to see whether we can find some common ground, enlarge the terms of reference for the member for Joondalup's committee and share research.

Ms MacTiernan: Do you support the motion?

Mrs PARKER: I do not support a select committee examining only heroin and looking at some matters on which we already have the information.

Ms MacTiernan: Which is what?

Mrs PARKER: We know the incidence of heroin use in Western Australia.

Mr McGinty: No you do not.

Mr Carpenter: What is the incidence in Western Australia?

Mrs PARKER: I have already given the number of deaths.

Mr Carpenter: What is the incidence of heroin use?

Mrs PARKER: I cannot provide that information now.

Mr Carpenter: Because no-one knows.

Mr Prince: Information from the Alcohol and Drug Information Service shows that there has been a 79 per cent increase in opiate or related calls in the last measured period.

Mr Riebeling: Is it the biggest drug problem at the moment?

Mr Prince: No.

Mr Riebeling: What is?

Mr Prince: Alcohol.

Mr Riebeling: I mean illegal drug use. Is it the biggest problem?

Mr Prince: The data would say cannabis is the biggest problem.

Several members interjected.

The SPEAKER: The Minister for Family and Children's Services has the floor, and she has hardly been able to get a word in for one minute.

Mrs PARKER: It is an important debate and we should have some discussion across the floor. I am happy for some interjections. The Health Minister will address a number of issues.

Alcohol is the most readily available and the most abused drug. If heroin were decriminalised, it would be more used and abused. That is a simple principle. I will be interested to listen to this debate. I do not support the motion as it stands. We need solutions to this problem.

Mr Riebeling: What about paragraph (f)?

Mrs PARKER: I would support paragraph (d), although I would like to replace "welfare" with "education". That is important. I will not continue as I am aware a number of other members wish to speak. I have made some general commentary on the Government's position. The Government believes in a multifaceted approach. I acknowledge that a single response is not enough. Law enforcement, health, education and support services in our community cannot respond on their own. We need a comprehensive response from all of those areas. I do not accept the comment that enforcement has not worked, and that we must give up on that. If I recall correctly, that was the position of the member for Fremantle, who said that prohibition had not worked. I do not think that we can give up. Giving up says that we will allow drugs into our community and that means legalising drugs.

Mr McGinty: The Minister is setting up a straw man. I never said anything of the sort. I said exactly the opposite.

Mrs PARKER: I made some notes when the member was speaking. He said that enforcement was singularly ineffective.

Mr McGinty: I said it has not worked, but let us not give up the fight. Why set up a straw man and then knock it down and make a big fellow of yourself?

Mrs PARKER: No; I said there has been wide ranging agreement. I am pleased that the member for Fremantle -

Mr McGinty: You are going to vote against the motion.

Mrs PARKER: Because I do not agree that we should go down the path of all these inquiries.

Mr McGinty: The Minister will support a motion that is limited to catching drug traffickers.

Mrs PARKER: That is not what I have said.

Mr McGinty: That is what your motion says.

Mrs PARKER: No, I have I said that in order to have a reasonable debate I am prepared - as the member has discussed today with the leader of government business in the House - to consider extending the range -

Mr McGinty: How good of the Minister! She sits there pretending she knows all the answers when she knows damn well that she does not have the answers and she needs to get out there and look for them.

Mrs PARKER: I said there is no quick fix; no magic wand. There are serious problems.

Mr McGinty: Yet the Minister will not support a motion that enables that inquiry to take place.

Mr Prince: We started working on this two years ago.

Mr McGinty: Two years ago you came up with a report that said heroin was not a problem. How many hundreds of people have died since then?

Mrs PARKER: Two years ago people were not aware of the trend towards heroin and its availability. It was dramatically different from what we face today. All members in this Chamber recognise that the landscape has changed dramatically.

Mr McGinty: Yet the Minister is going to vote against a motion that will do something about it. That is not very clever!

The SPEAKER: Order! Perhaps the Minister will address her remarks to the Chair.

Mrs PARKER: The Government has two guiding principles: First, it is opposed to drug use and all drugs cause harm; and, second, it is committed to a policy and practice of harm minimisation, so that supports are in place in the community for those who are involved with drugs. I look forward to listening to the remainder of this debate to find out whether members are prepared not simply to play politics, but to find a bipartisan approach, accepting some common principles and delivering to the people of Western Australia some effective responses that could help.

**MS MacTIERNAN** (Armadale) [8.44 pm]: I was disappointed by the Minister's contribution. I have been unable to follow the argument that she has put - if it was an argument. It is important to look at what we are debating tonight. This is a motion to set up a committee to investigate and inquire into the incidence and use of heroin in Western Australia and the various ways in which we might deal with this problem. What is the Minister's objection to this?

Why would the Minister not want to do this? The Minister has agreed with us that we have a very real problem in Western Australia. On the Minister's own admission, 30 people have died this year alone from heroin use. There is no further need to demonstrate that this is a real problem. We all agree that we have a real problem that must be addressed in a multifaceted way.

The motion that we are debating suggests that is the way in which we should go. It looks at the whole gamut of possible ways in which we might deal with this problem through education, treatment, expansion of the methadone program, and looking at the law enforcement provisions of the Misuse of Drugs Act. The whole gamut of possible strategies is encompassed within this broadly-based motion. How does the Minister justify her opposition to it?

Trying to put some logic into what was pretty much a stream of consciousness effort, the Minister first said that we already had a report - the task force reported in 1995.

Mrs Parker: That is not correct.

Ms MacTIERNAN: The Minister said that. The Minister said she did not want more reports because a report had been produced in 1995.

Mrs Parker: I went on to say that the landscape had changed.

Ms MacTIERNAN: Exactly. On the Minister's own admission this report says that heroin is not a problem in Western Australia - it does not deal with the problem.

Mrs Parker: It is not as if we have just found that out. The members knows the Government will release the next stage of its response to the drug problem in this State next Thursday, which is the international day of action on drug abuse.

Ms MacTIERNAN: Two young people are dying every week from drug overdoses and the Minister's response is to wait until 26 June. Every time the Minister is put on the spot she says the Government has a big surprise for us on 26 June. I do not think we can wait.

Mrs Parker: This select committee will not come up with any answers until the end of next year. You can wait a bit longer.

Ms MacTIERNAN: Rather than keeping the State in this advanced state of suspense waiting for this great solution on 26 June, the Minister -

Mrs Parker: I will not release anything that has not been well rehearsed.

Ms MacTIERNAN: The Minister has decided what she will do.

Mrs Parker: I want a multifaceted interagency response. I will not respond in an ad hoc way to political pressure with something that does not have substance or a solid foundation for its decisions or directions. The member has come in here with a select committee report. We are aware of the problem. We are working on it.

Ms MacTIERNAN: I have given the Minister a fairly long run.

The SPEAKER: Order! I have allowed a large number of interjections, partly because the member on her feet was accepting them; however, the Minister has gone beyond what is acceptable.

Ms MacTIERNAN: I was attempting to resist answering the interjection, but in the interests of hearing the Minister's comment I let her continue.

The Minister said the report did not deal with the problem of heroin and she added that was because the landscape had changed.

Mrs Parker: That is not true.

Ms MacTIERNAN: The Minister did say that and I agree that the landscape has changed.

Mrs Parker: I said the comments about heroin which were made a couple of years ago are not necessarily valid now.

Ms MacTIERNAN: The problem I am asking the Minister to turn her mind to is not that of alcohol, cannabis or the other issues which might have been dealt with quite adequately in that report. I am asking her to focus on the problem that is actually killing our children and so far this year has resulted in at least 30 deaths. All the other stuff is not the subject of this debate. The Minister's first explanation was that we did not need another report and that is the reason she would not support this motion. On her admission, the report which was prepared in 1995 got it wrong on heroin.

Mrs Parker: It did not get it wrong.

Ms MacTIERNAN: It said it was not a big issue in Perth. It is a very big issue.

Several members interjected.

Ms MacTIERNAN: I can debate at length the reasons that the people who wrote the report should have been aware that this would become a problem; however, I will not focus on that. Let us put that to one side and acknowledge that they did not address the heroin problem in great detail because, on their analysis, the heroin problem was not a big one in the overall context of drug use in Perth. The landscape has changed and previously we have given accounts as to why those people should have known that. Information readily available at that time would have made it clear to them that this would happen. This report came out in 1995 and, at the end of the day, it is clear it did not address the problem that has so far this year seen 30 young people die.

The Minister's next comment, in as much as we could tie her down to why she cannot support the motion, was that the motion dealt only with heroin; it does not deal with alcohol, which is the most harmful drug, or cannabis, which the Minister for Health says is probably the most harmful drug. I find that comment absolutely extraordinary. I would like to find the statistics on the number of cannabis-related deaths in this State this year; it would be a big fat zero.

It is for a very good reason that we have cast this motion to deal only with the heroin problem. It is a huge issue. One cannot possibly expect to come up with a solution to all the drug problems of society. It is a difficult ask. We know we have a crisis on our hands in respect of a particular drug and that is why the Opposition is asking the Minister to support a resolution to set up a select committee to look at the problem which is undeniably the most profound drug use problem facing the community today.

Surprisingly, the Minister indicated she would support a modified version of the member for Joondalup's motion. I am confused by that. If we do not need another committee I do not understand why the Minister will support the establishment of a committee proposed by the member for Joondalup.

The Minister gave a number of reasons for totally opposing any move to make heroin available by medical prescription. There is nothing in the motion which commits anyone to doing anything; it simply seeks to open people's eyes so that they may look at the available research. It may be that the Minister is right and there are methodological flaws in the Swiss heroin trial. I am not denying that. I have not seen the competing reports and we will not enlighten ourselves in cross-chamber debate. I know that the proposed heroin trial in the Australian Capital Territory has been subject to four years' research, which includes some of the most stringent academic analysis on the methodology and potential consequences. That is four years of actual study on how to run a pilot program under the aegis of one of Australia's most prestigious universities, the Australian National University's school of epidemiology. For the Minister to indicate she would not be prepared to countenance the research that might emanate from that trial, should it ever proceed, is quite frightening.

It is important to get back to the point that this motion is not about heroin trials - the Swiss heroin trial or the ACT heroin trial - but about keeping our eyes open and being prepared to look at every strategy that might be of use in this debate. The Minister acknowledged it is a difficult problem and she has a difficult job. The Opposition appreciates that. The Opposition is trying to assist by setting up a committee because it recognises it is a politically risky area. It is much easier to take these issues forward in a bipartisan way. It is easy to typecast someone who might want to advocate a particular harm minimisation strategy, such as the needle exchange, as being soft on drugs. Members know political consequences flow from that and the member for Joondalup was aware of that during the last election and certainly played that card strongly in his election material. It was irresponsible when one looks at this problem.

The Minister has a tough job but her position would be made much easier if this House were able to adopt a broad-based, bipartisan approach to this issue. In this motion the Opposition is prepared to look at the whole gamut of strategies including treatment, education and law enforcement. All of those are vital factors in the equation.

I am concerned at the Minister's constant focus on the fear of normalisation. No-one is suggesting that we should legalise or normalise heroin use. That has never been part of the Labor Party's platform.

Mrs Parker: What about decriminalising?

Ms MacTIERNAN: That is not part of the Labor Party's policy either. I will point out what we sometimes must do to save people's lives. The classic example of a harm reduction strategy that has had to embrace a certain paradox has been the strategy that was developed with needle exchanges.

In the late 1980s it became apparent that intravenous drug users were the major carriers of the AIDS virus into the community, particularly the broader community. What did we do? The then federal Health Minister, Ralph Blewett,

took a very enlightened and courageous approach by implementing the harm minimisation approach of providing needles.

Mrs Parker: We do not have a problem with harm minimisation.

Ms MacTIERNAN: That is fine. However, the Minister must understand that based on her "nothing that could be said to normalise" argument, I am concerned that she would rule out something like needle exchange programs if they were not already entrenched and obviously successful. We all know the success story of the needle exchange program. Australia has one of the lowest rates of HIV AIDS infections among intravenous drug users. As that policy has been entrenched for some years, of course the Minister is not proposing to overturn it. However, I am very concerned that she is closing her mind to other harm minimisation strategies that could likewise have this paradox within them.

Mrs Parker: Are you referring to the heroin trial?

Ms MacTIERNAN: That is one possibility. Another example is funding user groups. Throughout Australia the user associations have been funded by Governments because they are very well placed to be involved in peer education. I hope that part of the big surprise package to be announced on 26 June might result in these groups being funded.

Mr Riebeling: There will be a poster.

Ms MacTIERNAN: Certain proposals came forward from government that postcards could be sent to heroin users to pass on the message that heroin use is all pretty dangerous. Various users indicated that one effective message had been trialled in New South Wales. I think the slogan used was "Two holes in the arm are better than one in the ground". It was to convince users to take a double shot rather than a single shot by cutting their dose in half. This has been made necessary by the highly variable quality of heroin available on the streets. The proposal was to persuade people to divide the hit in half and hit up twice, consequently minimising the danger of an over-strength dose. That proposal, which proved to be successful elsewhere and which resonated with the heroin users, was rejected by this Government because it had within it normalisation overtones. That is the kind of silliness we must go beyond.

As I said in Parliament recently, not only is the Government not funding the Western Australian Users Group, but also the funds for the Alcohol and Drug Authority's injecting program have been cut from, I think, \$160 000 in 1995 to \$140 000, and I believe are to be cut by at least another 2 per cent. I understand it might not have any part of this program involved in peer education and it could expire in the next couple of months. That does not sound to me like a Government getting onto the streets and trying to keep these kids alive.

As the member for Fremantle said, we must educate young people and get them to resist using heroin. However, we cannot throw onto the scrapheap the young people who are using heroin. We have an obligation to help them. The Opposition supports the methadone program and is glad it will be expanded, although it took a long time for that to occur. However, it is not in itself a cure-all and many people find that it does not solve their problem. As the Minister well knows, many parents of young dependent users have asked the Minister to look broadly at other solutions, including controlled availability, because they know the methadone program is not working for their child.

I refer now to the basic short-sightedness of the motion moved by the member for Joondalup. It is extraordinary that the Minister would contemplate supporting that motion, which focuses narrowly on drug law enforcement at the expense of a very broad ranging motion. How can the Minister claim to have any interest in a multifaceted approach if she is considering supporting a motion that is so irretrievably one-dimensional?

I refer to some of the propositions inherent in the hang-em-high motion moved by the member for Joondalup. We must be prepared to look critically at some of the rhetoric of Governments, not just this Government. Both parties have a tendency to want to up the ante by putting to the public that the solution to the drug problem is to get stuck into the drug dealers.

Mrs Parker: I did not say law enforcement or that inquiry was a singular response.

Mr Baker: No one has ever said that.

Ms MacTIERNAN: No, but it is a question of emphasis. The member for Joondalup's motion suggests the real emphasis should be on that.

Mr Baker interjected.

Ms MacTIERNAN: It is pretty obvious. People are dying and the member for Joondalup has moved to consider the law enforcement side of the problem. One can validly infer from that that he thinks it is the most important aspect of this problem.

The Minister is always keen on the latest research so I will share with the House some research published by the RAND Drug Policy Research Centre, one of the reasonably conservative American research foundations. It is financially supported primarily by the Ford Foundation and has additional support from other foundations, government agencies, corporations and individuals. It reviews research under the title of "Mandatory Minimum Drug Sentences: Throwing away the Key or the Taxpayers' Money". It researches the impact of injecting additional dollars into controlling cocaine in the United States. Parallels can reasonably be drawn between cocaine use in America and heroin use in Australia.

The basic finding of this research is that if the US Government spent an extra \$1m on ramping up minimum mandatory sentences for dealers, cocaine consumption would be reduced by 13 kilograms. However, if we did not go down the path of mandatory minimum sentences but spent extra millions of dollars on conventional drug law enforcement - that is, catching more drug dealers - we would reduce cocaine consumption by 27 kilograms. Instead of getting only 13 kgs of cocaine for our \$1m we would get 27 kgs. The interesting point is that if we spent \$1m on treating heavy drug users, that would reduce cocaine consumption by a little over 100 kgs. If we have limited dollars - and we do - to deal with the problem we should consider scientifically and critically, not in a grossly politically way, how we might best invest those additional dollars. It is clear from the research that the best and most effective investment is in the provision of treatment for heavy users.

Mrs Parker interjected.

Ms MacTIERNAN: No-one is suggesting that we should abandon drug law enforcement, but we are already spending in Australia \$365m a year in that area. If we are proposing an increase in minimum mandatory sentences, the research indicates that we are about to go down the wrong path. This is the sort of issue that we should be considering in the select committee that we propose be set up.

The research contains some other interesting data. I will not read all of it. The conclusion to the report sums up much of what is going on here. It reads -

Long sentences for serious crimes have intuitive appeal. They respond to deeply held beliefs about punishment for evil actions, and in many cases they ensure that, by removing a criminal from the streets, further crimes that would have been committed will not be. But in the case of black-market crimes like drug dealing, a jailed supplier is often replaced by another supplier. Limited cocaine control resources can, however, be profitably directed toward other important objectives - reducing cocaine consumption and the violence and theft that accompany the cocaine market. If those are the goals, more can be achieved by spending additional money arresting, prosecuting, and sentencing dealers to standard prison terms than by spending it sentencing fewer dealers to longer, mandatory terms . . . Such factors, ignored by mandatory minimums, can be taken into account by judges working under discretionary sentencing.

The report goes on to address the fact that if we spend money on the treatment of heavy users we can do even better than we can with conventional drug law enforcement. The message is very clear, Minister. We recognise that the Minister has a difficult job. We hope that she recognises the seriousness of the problem in Western Australia with 30 young people having died within the past five months. Business as usual is not the way to go; the strategies that have been put in place over the past two years are not sufficient and have not done the job. It would be in the Minister's and the Government's interests to support the motion. It would allow us to go forward in a bipartisan way. It does not commit anyone to any particular policy stance. Nothing in the motion is pro-legalisation or pro-decriminalisation. The motion contains an appeal for us to look broadly and seriously at the heroin problem. We should not limit ourselves to discussions of law enforcement, or try to hide the problem by making the terms of reference for a select committee so broad that it does not focus four-square on the number one problem facing us today - heroin use.

**MS ANWYL** (Kalgoorlie) [9.15 pm]: Principally, I speak in my capacity as shadow Minister for Youth because, although heroin abuse is a problem across society, the bulk of the deaths occurring are in the age group under 25 years. I am puzzled by the Minister's response about responsibility for drug strategies, because it is not clear why the Government will not support this initiative. Plenty of notice was given about the motion. It is nothing new. During the Address-in-Reply debate in March this year the shadow Minister for Health first raised the notion of a joint parliamentary inquiry into the issues associated with heroin and the use of other drugs.

Subparagraph (i) of the motion relates to the relationship between heroin use and other illicit drug use, including any consequential recommendations relating to those other drugs. The Minister said that one of her problems with the wording of the motion was that it did not allow an inquiry into other drugs, but that is not the case.

We are not talking about only a bipartisan approach but a multiparty approach. The Minister was present at a recent forum on the issue, and has the support of the Greens (WA) and the Democrats in the other House to have all the



issues fully canvassed. It is very important to focus on what is happening Australia-wide, because we need a coordinated approach across all States. We are facing an unprecedented crisis in this country, certainly in this State, with the use of heroin. The urgency of the matter is the result of the incredibly strong grades of heroin currently available. For many years heroin was available on the streets at a grade between 16 and 20 per cent pure, but that has developed into 80 per cent pure. Coupled with frequency of use because of the ready availability of heroin, that is the reason so many overdoses have occurred.

I said that we need to consider what is happening Australia-wide. We have an unprecedented situation because five Directors of Public Prosecutions are calling for an urgent review of the way our present legal system is working. No-one on this side of the House would criticise the member for Joondalup's motion in its present terms, but it is too narrow.

The Minister has spoken of the need for a multifaceted approach. We agree that we need a multifaceted approach. We already have such an approach now but it is not working. Royal Commissioner Wood in New South Wales is calling for the establishment of a parliamentary committee to investigate the issues surrounding heroin use. He led the royal commission into the corruption and involvement of police in the whole drug trade, among other things. That is a vital element that needs to be addressed in this State. I believe that almost one-quarter of the drug squad detectives are under some form of investigation for alleged corruption. They may be cleared eventually; nevertheless that is the present situation. In that context it is worth noting that detectives do not form discrete units within the Police Service, in many cases, for longer than 12 months. Detectives move around the Police Service. Therefore, many serving detectives were once associated with the drug squad but are not now. The figures relating to allegations of corruption are not available.

Not only are five state Directors of Public Prosecutions calling for an urgent response - I am waiting to see whether the Western Australian Director of Public Prosecutions will join his counterparts on this issue - but also next month a meeting will be held of Health and Justice Ministers from around the country. People will be awaiting the outcome of that meeting. The Minister's constant response is that she will make an announcement on 26 June. That is not good enough, given the urgency of the problem in this State. The reality is that 26 June is the last sitting day of this parliamentary session, following which there will be a break for a couple of months. Therefore, the issue cannot be debated in this Parliament and the adequacy or otherwise of the measures to be announced will not be debated in this place. I do not know whether the Minister needs that extra time to develop policy or whether it is simply a media exercise to make the announcement on that day. I ask the Minister to bring forward the date of the announcement of her strategy so that we can continue this current debate prior to the break in the parliamentary sitting because between now and a couple of weeks' time, tragically, further deaths may have occurred.

Ms MacTiernan: On the current trends, there will be three or four deaths.

Ms ANWYL: Unfortunately, the statistics suggest there will be further deaths. The Minister also said she would support further widening of the inquiry proposed by the member for Joondalup. Is she in a position to say what it will be?

Mrs Parker: It depends on the context of the debate and how much common ground there is.

Ms ANWYL: Is the Minister saying she may yet support this motion?

Mrs Parker: No, there were discussions today between the member for Fremantle and the Leader of the House about finding a compromise by broadening the terms of the proposal by the member for Joondalup. Is that correct, member for Fremantle?

Mr McGinty: Very generally and nothing specific.

Mrs Parker: It was relayed to me that there has been consideration and it was a matter of whether there was common ground. I said there was room for me to consider that.

Ms ANWYL: The current situation is that no agreement has been reached. I ask the Minister to be more specific about the statement in her speech. We are sick of the platitudes about the Government's proposed action, and we do not want to wait until 26 June when further deaths will have occurred. We want action on it now. I know the Minister attended a public forum a couple of Sundays ago, and on that day I attended another forum organised by a group of parents who have lost children or whose children are addicted to drugs. Some of those children are as young as 14 years of age. It is not necessary to go far to find evidence of this problem. This evening I watched a video recording of last night's "Witness" television program which dealt with a forum on this issue, in which a former chief magistrate of the Victorian courts said the law and order model is not working and some desperate measures must be taken. Five DPPs have called for an urgent response. The *Sound Telegraph* of Wednesday, 11 June, which is published in Rockingham, reported that the Rockingham youth services had said Rockingham and Kwinana

children as young as those in year 5 are using drugs as serious as heroin. This came to my attention without my looking for it. There is no doubt about the seriousness of the problem.

Mrs Parker: I do not dispute that.

Ms ANWYL: What parts of the motion does the Minister accept should be incorporated into the proposal by the member for Joondalup?

Mrs Parker: I said during the course of my speech that in paragraph (d) the reference to welfare should be changed to education and community support services for them to deal with drugs and their consequences. That would broaden the range of the debate. There is a need. The member for Joondalup has an interest in the area of law enforcement. His select committee proposal was never to be a definitive response, but I understand there was discussion between the member for Fremantle and the Leader of the House about broadening the member for Joondalup's committee to make it a wider inquiry. It was subject to the debate finding common ground. I am concerned we shall not get to the end of it. There was discussion and we have followed up those discussions.

Ms MacTiernan: All of that information is incorporated in the motion before us.

Mrs Parker: I am following up the discussions with the member for Fremantle that he was prepared to broaden the proposal.

Mr McGinty: You have not come back to me.

Ms ANWYL: But no consensus has been reached. The Opposition is endeavouring in the short time available to reach some consensus. The Minister said she wanted a bipartisan approach.

Mrs Parker: There is some confusion in my mind, certainly on the public forum I attended, when I listen to the debate from the Opposition to know where its members come from.

Ms ANWYL: I ask the Minister to cast aside that because this debate is about the motion on page 4 of the Notice Paper. What is wrong with that motion? Whatever has been said in any other forum, we are now debating this motion. What is the Minister's difficulty with that? It contains no wording about decriminalisation, legalisation or the other petty obsessions the Minister seems to have.

Mrs Parker: Those petty obsessions are fairly significant in the way a Government resolves this problem.

Ms ANWYL: They are petty obsessions because the Labor Party has never supported the legalisation of heroin. The Minister has dreamt it.

Mrs Parker: I have said it in the broader context of the drugs debate.

Ms ANWYL: The Labor Party has never supported the legalisation of heroin. There is no mention in this motion of the legalisation of heroin. What is the Minister's difficulty?

Mrs Parker: It is the principle of legalisation of some presently illicit drugs, and that is not a petty obsession. It is a significant policy position for any party to take.

Ms ANWYL: No party has that policy position in this State, so it is unfounded for the Minister to pursue it. It is not the policy of the Labor Party or any other party of which I am aware.

Mrs Parker: I am not aware of the policy of the Labor Party because it is all over the place.

Ms ANWYL: It is irrelevant. The relevant issue is this motion, and policy matters are not the subject of this debate.

Mrs Parker: What is your policy on marijuana?

Ms MacTiernan: This woman is completely mad!

Mrs Parker: Marijuana is a gateway drug; I have not spoken to a heroin addict who did not start on marijuana.

Dr Edwards: Did they also drink milk as babies? You must be careful about cause and effect.

Mrs Parker: I know that. I think the member for Maylands will agree that marijuana is a gateway drug and it is an important consideration.

Ms ANWYL: Minister, we have all had disturbing experiences when dealing with people who have drug addictions or with their families. It does not advance the argument to relate those on a member by member basis. I am sure everybody in this place appreciates the seriousness of the problem. I am asking the Minister in a cold and rational

fashion to point out which parts of the motion before the House cause her concern. I see no reference to the terms she is using, such as legalisation or decriminalisation. Which part of the motion will the Government not support?

Mrs Parker: I said I was interested to have a debate on the issue and it is important that we do. If we have common ground we can work together in a bipartisan way.

Ms ANWYL: Very well. The Minister went on to ask whether the Opposition agrees that drugs are harmful, and the shadow Minister for Health said, "Yes, the position of the ALP is that drugs are harmful." The Minister's second point was the need for a strategy of harm reduction, and she gave an example of needle supply. The Labor Party supports the notion and principle of harm reduction. Those are the two concerns raised by the Minister.

The shadow Minister told the Minister our policy. I can think of no colleagues who dispute those two aspects; the matter has been decided according to the Minister's criteria and we have common ground. However, I am still waiting for the Minister's answer on what it is about the motion which is unacceptable.

Mrs Parker: I said I wanted to be involved in a broad ranging debate. It is like building an argument on one year of statistics from the Netherlands. We cannot talk about bipartisan support unless we go back to the fundamentals and hear the Opposition talk about its view on marijuana, decriminalisation and prescription dose heroin. Those things impact on any debate. No-one will give me an answer on those points, and one must ask why.

Ms ANWYL: We are debating the motion. The Government will not give a coherent response on its attitude to this motion. The Minister referred to some backroom discussion which took place earlier today, in which no consensus was achieved. I am amazed that I must spend my speech - the Minister wanted discussion - asking the Minister why the Government will not support the motion. No official position is available. It is a surreal situation when talking about such a serious issue. It appears that the Minister for drug strategy is unable to tell me why the Government will not support this motion which calls for an investigation of all issues surrounding the use of heroin in this State.

Mrs Parker: I am interested in the debate. I want you to talk about some of the other consequential issues. For example, what is the Opposition's position on paragraph (i) of the motion? What is its position on other illicit drug use and the consequential recommendations? Let us go back to the gateway drug of marijuana: What is the Opposition's position? It is not a petty obsession, but an important consideration.

Ms ANWYL: It is not the issue. We may as well debate the level of cigarette smoking in schools as that is harmful too. That is not the issue. The issue is for Parliament to act in a bipartisan fashion and produce some solutions and strategies to deal with the current serious problem facing Western Australians, particularly our young people who are dying.

Mr Baker: This motion will not achieve that.

Ms ANWYL: It will achieve much more than the terms of the member's motion.

Mr Baker: It has a reporting date of 26 November of next year. We are dealing with here and now solutions.

Ms ANWYL: I indicate to the new member that provision is available for interim reporting of committees. There is provision for some urgent steps to be taken. The Government says that on 26 June it will let people know its strategy. It cannot possibly consider holding a select committee into heroin use, but it will not tell us why.

Mr Baker: It is not only heroin use; other drugs must be considered.

Ms ANWYL: Has the member read the motion? Paragraph (i) clearly goes beyond heroin use. I raised that point in opening.

Mr Baker: We must consider the relationship between other drugs and heroin; your motion looks at one drug alone, and 143 are in the schedule of the Act.

Ms ANWYL: The crisis confronting our society in drug deaths is heroin.

Mr Baker: What will it be next week? It may be amphetamines.

Ms ANWYL: Why not propose such an amendment for our consideration?

Mrs Parker: The preference would be for an inquiry which looked not only at heroin. I do not deny that there is a heroin problem; however, as heroin can be sensationalised, we must ensure that we do not deny that other significant problems exist. These range across the multifaceted responses we agreed upon. I don't want to narrow it down to the heroin problem.

If we look, for example, at paragraph (d) in the member for Fremantle's motion, we see the reference to the provision of health, education, and community support services. If this were extended to deal with drugs and their consequences, the motion would be a little broader ranging. The committee will report in 18 months' time, yet the member for Kalgoorlie criticised me for waiting until an international day on drug abuse action to release the policy. It is significant that Western Australia joins in an international day to acknowledge -

Ms ANWYL: The Minister could announce a strategy and still join the international day in June - the Government would not be precluded.

Mrs Parker: It is a decision I have made. Those things are in train.

Ms ANWYL: I hope it is not motivated by media opportunities.

The terms of the motion could be widened, but that would remove the focus from heroin. What is urgent in the present climate in Perth is -

Mrs Parker: It is urgent, yet this committee will not report for 18 months.

Ms ANWYL: I am sure the Minister has been involved with committees which have released interim reports. The Government is not prepared to state its position because it is not prepared to support a motion which will contribute to dealing with this issue. I reiterate that royal commissioner Wood has called out for a similar inquiry in New South Wales, and five Directors of Public Prosecutions from other States have called for solutions to be found; nevertheless, the Government in this State is not prepared to hold a bipartisan inquiry. We will find out the Government's position in July when the Health and Justice Ministers meet to talk about what needs to be done.

We are at an unprecedented stage in Australian history in trying to deal with drug issues, and we are spending massive amounts of money on law and order, but it is not working. Leading people in the legal field are calling for action. Notably, the New South Wales Commissioner of Police is urging politicians in his State to rethink the issue because law and order alone is not working -

Mrs Parker: Everybody agrees with that - no single strategy on its own will work. There is complete agreement on that.

Ms ANWYL: The Government appears to be focusing on that one main area of expenditure and detail.

Mrs Parker: That is an assumption you make which may not be correct.

Ms ANWYL: We must wait and see. I have raised the drug use issue with the Minister for Youth, and I am disappointed that he is not in the Chamber at the moment. No doubt he will read my comments. The Office of Youth was designed to coordinate various government agencies in dealing with youth, but for the Office of Youth to have no role in the drug issue is perplexing. A question on notice indicated that to be the current position.

Initiatives are in place in drug education for children. Does the Minister know how much money is spent on drug education in this State?

Mrs Parker: I know that the anticipated cost for the next financial year for the new drug education project is over \$1m.

Ms ANWYL: An announcement was made for \$7m to be spent on the Quit campaign, and that gives some idea of perspective. In the 1980s the Williams royal commission called for drug education as a major way of tackling this issue. That royal commission also said that if a major change did not occur in drug use in Australia, a major overhaul of that strategy would be needed. Ten years has well and truly passed since that time, yet the Government's federal counterparts appear to resist calling a national drug summit, notwithstanding the calls of at least five States for such a summit.

A few Sundays ago, prior to the forum that the Minister and I attended, I attended a morning meeting organised by Alex McFadden, who wants to ensure that drug education is provided in all primary and secondary schools. That is not presently the situation.

Mrs Parker: That is part of the new project.

Ms ANWYL: It is not compulsory at this time.

Mrs Parker: We have just started training the teachers. It is important to support the teachers.

Ms ANWYL: I said a moment ago that it is good that those steps are being taken. Mr McFadden is seeking compulsory drug education in all schools, and he has obtained a great deal of support for that initiative. He is

extremely disappointed that to date he has not been able to meet with a representative from the Department of Education, and I hope that will occur shortly.

While it appears that both sides support a multifaceted approach to this problem, there is a definite need to look at the examples that are working. At that same meeting, I also had the opportunity of speaking to youth workers who are providing support to drug users and their families. The initiatives that appear to be working are the various community rehabilitation facilities. A number of parents had availed themselves of the parent support group at the Palmerston Drug Research and Rehabilitation Association, but others were not aware of its existence and, no doubt, will obtain that assistance. That area does require an injection of funds, and I hope we will hear that announcement soon. Recently, Perth City Mission called for an increase in referrals from various government agencies. A variety of other services are also available.

No residential services are available in rural areas. Limited resources are provided by the Alcohol and Drug Authority, but when we consider that vast country areas must often be serviced by one or two officers, it is extremely difficult for those services to have any practical effect. A similar situation exists with private agencies such as Holyoake. In Kalgoorlie-Boulder, which, according to the needle statistics, has the highest incidence of intravenous drug use of any regional centre, one person is employed at Holyoake, and it would be of assistance if more funds were available so that those services could be extended.

The Government has put such an incredible emphasis on law and order that many young people end up in gaol. One of the many things that parents say to me is that they breathe a sigh of relief when their children are incarcerated in the hope that that might end their drug use, but the reality is that drugs are available in our prisons. The fact that our prisons are full of drugs is a good example of the failure of the system; if the Government needed any better example of the failure of the law and order model, I would be amazed. The lack of rehabilitative facilities, particularly the lack of a methadone program in prisons, is amazing.

The Government is yet to give a coherent response to this motion for a select committee into heroin use. I cannot understand the reason for the Government's failure to support this initiative. There will now be an opportunity for the Government to consider this matter. For the sake of the crisis that we are seeing on our rural and metropolitan streets, I ask the Minister to give serious consideration to this matter. The Minister has referred to the negotiations that have occurred. The Minister has responsibility for this matter, and I ask that she be involved in the negotiations to widen the terms of reference of this motion, if that is what she thinks is necessary, because we are open to negotiation about that matter. I move -

That the question be not put.

#### *Points of Order*

Mr BAKER: Is it appropriate to vote on that motion prior to the expiration of private members' time?

The ACTING SPEAKER (Mr Sweetman): It supersedes a previous motion.

Mr BARNETT: I seek clarification of that motion. We are in private members' time, with a quarter of an hour to go. The debate should continue.

#### *Motion Resumed*

The ACTING SPEAKER: Order! The motion is that the question be not put.

Question put and negatived.

The ACTING SPEAKER: The question now is that the motion moved by the member for Fremantle be agreed to.

Question put and a division taken with the following result -

#### *Ayes (20)*

Ms Anwyl  
Mr Brown  
Mr Carpenter  
Dr Constable  
Dr Edwards  
Dr Gallop  
Mr Graham

Mr Grill  
Mr Kobelke  
Ms MacTiernan  
Mr Marlborough  
Mr McGinty  
Mr McGowan  
Ms McHale

Mr Pandal  
Mr Riebeling  
Mr Ripper  
Mrs Roberts  
Ms Warnock  
Mr Cunningham (*Teller*)

Noes (26)

Mr Ainsworth  
Mr Baker  
Mr Barnett  
Mr Bloffwitch  
Mr Board  
Mr Bradshaw  
Mr Court  
Mr Cowan

Mrs Edwardes  
Mr House  
Mr Johnson  
Mr Kierath  
Mr MacLean  
Mr Marshall  
Mr Masters  
Mr McNee  
Mr Minson

Mr Nicholls  
Mr Omodei  
Mrs Parker  
Mr Prince  
Mr Shave  
Mr Tubby  
Dr Turnbull  
Mr Wiese  
Mr Osborne (*Teller*)

Pair

Mr Thomas

Mrs Hodson-Thomas

Question thus negatived.

### **MOTION - SELECT COMMITTEE INTO THE MISUSE OF DRUGS ACT**

#### *Establishment*

**MR BAKER** (Joondalup) [9.51 pm]: I move -

- (1) That a select committee be appointed to inquire into and report upon the adequacy of the provisions of the Misuse of Drugs Act 1989, and associated state or federal legislation (and their inter-relationships), in achieving the objective of the detection and prosecution of illicit drug dealers or traffickers in Western Australia and in particular, without derogating from the above, the committee is to inquire into and report upon the efficacy of enacting or amending legislation so as to assist in attaining the objective.
- (2) That the committee have the power to send for persons and papers, to sit on days over which the House stands adjourned, to move from place to place and to report from time to time.
- (3) That the committee finally report on 20 November 1997.

I am not in any way suggesting that this motion will resolve all concerns in relation to heroin, amphetamines, ecstasy or cannabis abuse issues. There is no suggestion of that at all from this side of the Chamber. It is acknowledged that the criminal justice response is not and will never be the definitive answer to the current heroin abuse problem. We acknowledge that the problem is multi-faceted and complex and that it involves issues relating to health, education and counselling. Any substance abuse starts in the first instance with the existence or creation of the substance and its subsequent supply. This motion deals primarily with the criminal justice response to the current problem we have been debating for some time tonight. It was indicated earlier when we debated the motion of the member for Fremantle that members on this side of the House are prepared to discuss amendments to my motion. By the same token, we are concerned that when dealing with this issue we do not lose sight of the fact that it has a tremendous impact on our community.

Mr Ripper: You are suggesting that you will agree to this debate going on for another week and that there will be some discussions of the terms of reference.

Mr BAKER: We could discuss tonight an additional two or three clauses.

Several members interjected.

The ACTING SPEAKER: Order!

Mr BAKER: It is interesting to note that the Misuse of Drugs Act does not contain a review provision. Many other Acts of Parliament of course contain review provisions which require the Act to be reviewed from time to time.

Several members interjected.

The ACTING SPEAKER: Order! The member for Peel.

Mr BAKER: My motion proposes that we inquire into the adequacy of the provisions of the Misuse of Drugs Act and associated state and federal legislation, such as the Evidence Act, the Criminal Code, the Jury Act and the Crimes (Confiscation of Profits) Act. The object of course is to ensure we have adequate detection and prosecution powers in the provisions of that legislation to ensure that the supply aspect of the drug problem is dealt with as appropriately

as possible. We do not suggest that this motion is in any way intended to delve into other areas we discussed earlier this evening.

Mr Riebeling: Your motion does not allow it to.

Mr BAKER: That is perhaps a matter of construction. I have heard it said that the terms of reference in clause 11 are too narrow and restrictive to hear any discussion on the health, counselling and education issues. Members have already heard the Minister for Family and Children's Services say earlier this evening that an announcement will be made on 26 June which will most likely address these issues as well as others. Having said that, I would have thought that in view of the intent of this motion we would receive bipartisan support. I note that similar phraseology is used in paragraph (e) in the motion of the member for Fremantle, which was discussed earlier this evening.

Of particular concern to many members of the community is that during the lead-up to the state election members opposite were advocating that the simple possession of cannabis be decriminalised. We on this side of the House oppose such a policy for many reasons, primarily because of what is known as the gateway aspect of the consumption of that drug. I am satisfied that there is very clear evidence of a causal link or nexus between the consumption of cannabis and the consumption of harder or more illicit drugs, such as heroin.

Mr Marlborough: I cannot understand when a person of your background who has argued the law in court puts forward such a narrow motion as this. You know that the issue of drugs in our society is far broader than this and you have worked as a lawyer for years handling cases that involve them.

Mr BAKER: To be fair, I have said that this is not intended to be the definitive response to the problem.

Mr Marlborough: You should take on board what we are saying in our motion because that covers you.

Mr BAKER: That is a valid point.

[Leave granted for speech to be continued.]

Debate thus adjourned.

## **BANK MERGERS BILL**

*Returned*

Bill returned from the Council with amendments.

### *Standing Orders Suspension*

**MR COURT** (Nedlands - Treasurer) [10.02 pm]: I move -

That so much of the standing orders be suspended as is necessary to enable consideration forthwith of Legislative Council message No 16.

I advise members that in order for the necessary regulations required for the National Australia Bank/Bank of New Zealand merger to be prepared and gazetted prior to 30 June this year it is necessary that these amendments be dealt with quickly. These amendments supplement the changes to the Bank Mergers (Taxing) Bill which were agreed to by this House earlier today.

Question put and passed with an absolute majority.

### *Council's Amendments - Committee*

The Deputy Chairman of Committees (Mr Sweetman) in the Chair; Mr Court (Treasurer) in charge of the Bill.

The amendments made by the Council were as follows -

#### **No 1**

Clause 18, page 10, lines 3 to 7 - To delete the clause.

#### **No 2**

Clause 21, page 11, lines 2 to 6 - To delete subclause (1).

#### **No 3**

Clause 22, page 12, lines 1 to 11 - To delete the clause and substitute the following clause -

**Expiry of powers under this Act**

**22.** No regulation or order can be made under this Act after 30 June 1997.

Mr COURT: I move -

That amendment No 1 made by the Council be agreed to.

The amendments to omit clauses 18 and 21(1) are supplementary to the amendments to the Bank Mergers (Taxing) Bill which limit the Treasurer's discretion so that amounts to be paid by banks in lieu of duties taxed are equal to the amounts that would have been paid without the mergers legislation.

Mr RIPPER: The Opposition supports this amendment. It is clear the other place was concerned that in a bank merger less taxation would be collected under the provisions of these two Bills than if individual account transfers were taxed on a case-by-case basis. The amendments to the Bank Mergers (Taxing) Bill ensured that the amount of revenue the State collected would not be less than would be collected if each of the individual transfers were to be taxed individually.

The Chamber has already agreed to accept those amendments suggested by the other place to the Bank Mergers (Taxing) Bill. These two amendments adjust the Bank Mergers Bill to accord with the amendments which have already been made to the Bank Mergers (Taxing) Bill. The other place has tightened the two Bills to ensure that there is no possibility of the State offering a concession to two banks that have merged for the stamp duty which they would otherwise have to pay. The Opposition is pleased to support the amendments.

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

Mr COURT: I move -

That amendment No 2 made by the Council be agreed to.

This is a follow-on from the previous amendment.

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

Mr COURT: I move -

That amendment No 3 made by the Council be agreed to.

This amendment is the main change from the Legislative Council and it defeats the whole purpose of the Bank Mergers Bill. This amendment means that we must come back to this Chamber to consider bank mergers individually instead of handling them through regulation. The NAB/BNZ merger will be able to go through under this legislation provided all the regulations are gazetted by 30 June. However, the amendment means that later this year another one or two mergers will be dealt with by this Chamber. We have no option but to accept this amendment because we must have the regulations in place for that NAB/BNZ merger to go ahead.

Mr RIPPER: I support the amendment, even though at first sight I was inclined to oppose it. On two occasions I have supported the idea of a generic Bank Mergers Bill rather than separate Bills for each bank merger. It is efficient for the Parliament to handle bank mergers within a general Act and to then proceed by regulation. Some may be surprised at my preparedness to support this amendment on behalf of the Opposition. The last time this Bill came before the Chamber we had an interesting debate about whether there should be a separate Bill for each bank merger or whether the matter could be dealt with by regulation. The debate was about the accountability and scrutiny which Parliament could exercise over bank mergers. I remember that the member for South Perth argued that proper parliamentary scrutiny could not be exercised unless separate Bills were passed, whereas the Government and Opposition argued that since regulations could be disallowed by the Parliament adequate scrutiny was available in a generic Bill.

Those on this side of the Chamber drew attention to the problem that motions to disallow regulations do not necessarily have to be dealt with by this place. They can lapse and the regulations can remain in effect because the motion is not brought on for debate. The member for South Perth moved an amendment which would have required a disallowance motion to be brought on for debate which, as I recall, we supported. We drew attention to the need to implement the recommendations of the Select Committee on Procedure to give greater force and priority to motions to disallow regulations.

At the beginning of my remarks I said that I would have expected to oppose an amendment like this; however, I have discussed the matter with my colleagues in the other place and I have been persuaded that an argument has been raised there which requires this motion. The argument has been advanced in the other place that by the time a regulation is brought to the Parliament and a disallowance motion is moved, the transfers and taxing authorised by



the regulation have already occurred. If the Parliament were to disallow the regulation, it would have no effect on the transfer of the accounts consequent to a bank merger. It would have occurred already. Since the regulation remains valid until the disallowance, there is no possibility of the Parliament being able to frustrate the regulation.

Parliamentary scrutiny is not as we all thought it would be when we debated the original Bank Mergers Bill. My colleagues in the other place are arguing that a provision must be put into the Bank Mergers Bill to the effect that the regulations do not come into effect until they have been endorsed by the Parliament. I still support a basic bank mergers Bill which can be implemented for any merger between banks, but I want to preserve parliamentary scrutiny. As well as accepting this amendment, the Government should come back with an amendment to the Bank Mergers Bill which provides for the Parliament to endorse any regulation positively before it comes into operation; otherwise, there is no parliamentary scrutiny of bank mergers, and that is what we all wanted, even though some of us thought it should be by Bill and others thought it should be by regulation.

Mr PENDAL: Sometimes in parliamentary life the water is so muddy that victory is obscured. I am amazed and encouraged because what the Independents sought to do on the day we divided on the second reading of the Bill - we lost the division 2 to 42, and subsequently an amendment was moved, which was lost with a much more respectable margin with opposition support - has now come to pass. The obscurity comes in because this amendment achieves the end we were seeking, albeit because of something in the requirement of the banks.

It underlines the fact that members should not simply oppose something for opposition's sake. This Chamber conducted a debate which, as I recall, probably took three-quarters of a sitting day on one of the most important issues that ever confronts a House of Parliament - how much scrutiny it wants to give to its lawmaking process. Irrespective of whether we are Liberal, Labor, National or Independent, or whatever, if we are not committed to the notion that Parliament scrutinises, while the Government governs, we should not be here. I spent 10 years in opposition, insulting and abusing the Labor Party.

Mr Ripper: We have not forgotten.

Mr PENDAL: We claimed, and I think correctly so, that the parliamentary scrutiny process was being bypassed and it had horrific consequences, for not only the Government of the day and the Labor Party, but also the people of Western Australia. At the time this debate showed we had learned nothing and we had forgotten nothing. The idea that the Parliament should be involved in the scrutiny process on every occasion was simply rejected out of hand because it was at the convenience of the Treasury that we should do so.

It is passing strange to me that the chairman of the Standing Committee on Uniform Legislation and Intergovernmental Agreements, in tabling its report last Thursday, acknowledged the arguments that were being made principally by the Independents which he had opposed only four weeks earlier. At least he had the decency and the courage, as chairman of the committee, to be part of a report which said, "On second thoughts, we were wrong. In future we should be making the parliamentary scrutiny procedure far more rigorous, not less."

This report said that the idea of scrutiny being maintained, via individual Bills, as distinct from the regulation making process, should be upheld. The regulation making process in this place is a farce. God knows for more than 100 years this place has continued that farcical, Clayton's style of disallowance of regulations. It is simply ineffective. It would be one of the weakest procedures for the disallowance of regulations of any Parliament in the Westminster system around the world. To his credit the Premier said that those opposite accepted the point that has become apparent to us all. I am the first to admit that I, like others, did not know that the process of the disallowance of regulations was as weak as it is. Nonetheless, we had a concession from the Premier. I find it hard not to sound as though we are crowing a little - we are. It might be a lesson to us all that, simply because suggestions come from people who do not have the numbers, does not necessarily mean that they do not have merit. I am delighted with this outcome.

Mr RIEBELING: I will contribute briefly in support of this amendment, as the Deputy Chairman of the Standing Committee on Uniform Legislation and Intergovernmental Agreements. It is pleasing to me that in a way the other place has agreed with the second recommendation of the committee's report on the Bank Mergers Bill. In hindsight, if the Government wished quick passage of the bank merger that it was trying to effect, it would have been much more successful in a much shorter time had it gone to the trouble of drafting a Bill specific to the merger and introducing it here. I have no doubt it would have passed through this place within an hour and through the other place within about the same time.

I suggest the Government look seriously at the second recommendation. We are told there is not a great volume of bank mergers to come because there are not many banks left to merge. Even if another four mergers occur in the next three or four years, we might be looking at three or four hours of the time of this place to deal with a Bill. Ten or 11 hours of debate has occurred in this Chamber on legislation that in its natural form would have been

uncontroversial and passed with a minimum of fuss. It is pleasing that at least the upper House has done in an around about way what the committee suggested to the Government was the correct way to proceed. If that means the member for South Perth and the member for Floreat have had a victory in this instance, that is well done, because the end result is correct. The committee I am speaking on behalf of at the moment would say the same.

Mr RIPPER: I would not like the impression to be left that if the Chamber had simply agreed to the amendment moved by the member for South Perth, we would have got over the difficulty to which the other place has drawn attention. No-one in this Chamber raised the issue that was raised in the other place.

Mr Pandal: That is why I said we have achieved what we set out to, albeit for a different reason. We have achieved the destination.

Mr RIPPER: Yes. I have had another look at the amendment the member for South Perth moved in Committee. His amendment would have required a disallowance motion to be dealt with, "but without affecting the validity or curing the invalidity of anything done or of the omission of anything in the meantime". The difficulty with regulations made under the bank mergers legislation is that they do not authorise a continuing state of affairs; they authorise a single act. That act occurs before anyone has a chance to move a disallowance motion in Parliament.

That is a point that I regret was not raised by any quarter of this Chamber during debate on the Bill. However, it was raised in the House of Review which has drawn our attention to the fact that once a regulation is made under this legislation, it can be acted on almost immediately, and any subsequent disallowance has no effect on the action that has occurred. Only one action is required to implement the bank merger. The upper House drew attention to a deficiency in the Bill. Members should support the amendment. I hope the Government will amend the bank mergers legislation at some time to provide for regulations made under it not to come into effect until they have been positively endorsed by the Parliament. In that way we will have the benefit of a generic bank mergers Bill with the parliamentary scrutiny that I believe is required.

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

#### *Report*

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

#### **SESSIONAL ORDERS - TIME MANAGEMENT**

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

That the Gender Reassignment Bill (No 2) be no longer subject to an allocation of time.

#### **JOINT STANDING COMMITTEE ON THE ANTI-CORRUPTION COMMISSION**

##### *Council's Amendments*

Amendments made by the Council further considered from 17 June.

**MRS ROBERTS** (Midland) [10.25 pm]: The Opposition supports the amendments on the Notice Paper to increase the membership of the committee to eight and the membership from each of the Houses from three to four. It supports also the change listed to the quorum from three to five. Part of paragraph (5) requires that each House be represented by at least one member. I support these changes because they will even-up the balance on the committee. They will also allow for greater scrutiny of the Anti-Corruption Commission. Those eight people will be better placed to monitor and review the performance of the Anti-Corruption Commission and to consider and report to Parliament on issues relating to the ACC and to monitor the effectiveness or otherwise of any prevention programs. They also have other responsibilities in examining annual reports and other reports of public sector offices as the Joint Standing Committee thinks fit. This is an important committee. The Opposition called for its creation. We are pleased to receive these amendments from the Legislative Council. They are important because it is not the kind of committee that we would want to meet with only a couple of people present. It will consider important and serious matters and it is important that all members commit themselves to attending meetings.

Mr Wiese: How can you have a quorum of five and not have someone present from each House?

Mrs ROBERTS: That is an interesting question. Perhaps the member for Wagin might direct that question to the Premier, who moved that the amendments be agreed to.

I understand that now is not the time to get into a debate about the Anti-Corruption Commission and how tardy it has been in getting under way and appointing a replacement for Justice Wickham. I support the amendments.

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

*Appointment*

**MR COURT** (Nedlands - Premier) [10.30 pm]: I move -

That the members for Geraldton, Avon, Cockburn and Churchlands be appointed as the Assembly members of the joint standing committee.

**MR KOBELKE** (Nollamara) [10.31 pm]: I oppose the appointment of these members. This committee composition is totally out of keeping with the approach taken in its establishment. While I have nothing personal against the member for Churchlands, she is not an appropriate member of this committee. She has not shown a particular interest in this matter. I have always perceived her to be an independent Liberal, which means that the committee will comprise five Liberal or independent Liberal members and only three Labor members. That is totally out of keeping with the intent of the Joint Standing Committee on the Anti-Corruption Commission.

I served on two select committees in 1992 along with the member for Geraldton, who is included in this committee membership. He has clearly shown an interest in this committee and the legislation relating to the Anti-Corruption Commission. The other government member of the 1992 committee - the Deputy Premier - cannot take up membership because that would be inappropriate; in fact, the terms of reference exclude him from being a member.

I feel aggrieved and believe that I can do a better job than the member for Churchlands. Not only did I serve on the two select committees that helped draft amendments to the anti-corruption commission legislation, but also I have spoken on numerous occasions in this House about the need to establish this committee. My search of the records indicates that the member for Churchlands has not spoken once in these debates. In fact, pages 1961 and 1962 of the 1995 *Hansard* show the results of a vote taken to establish this committee. Government members voted against its establishment, as did the independent member for South Perth. Voting for its establishment was the member for Cockburn and myself and the Labor members. The member for Churchlands did not vote at all; she was not present for the vote. Clearly, she has not taken an interest in the anticorruption commission joint standing committee that will be formed by this motion whereas I, along with the members for Cockburn and Geraldton, have been involved in relevant debates consistently since 1992.

The motion to change the committee's membership from six members to eight members was a matter of ongoing discussion behind the Chair in the other place. A clear undertaking was given - although it was not specifically stated - that there would be two Labor members from the Legislative Assembly. The deal reached was that the Labor Party would support Hon Derrick Tomlinson as chairman of the committee. The discussion on that issue was lengthy because there was an assumption that there would be four Labor members and four government members and we needed to agree on who would be the chairperson. After those lengthy discussions, we agreed and said that we would be very happy with Hon Derrick Tomlinson's chairing the committee. We had a clear understanding - although it was not in writing and names were not specified - that we would have two Labor members from the Legislative Assembly. We now find that that is not to be the case.

Mr Court: Who did the deal?

Mr KOBELKE: It was done by the Leader of the Government in the Legislative Council and the Labor member negotiating the motion's passage. We supported the extension of the membership and the deal about the membership, and we gave an undertaking to support Hon Derrick Tomlinson for the chairmanship. That agreement was reached on the basis that we would need to decide the chairmanship prior to the establishment of the committee because the numbers would be equal. It was not stated explicitly that there would be two Labor members from the Assembly, but it was implicit. If it were not, why would there be this requirement that we agree to vote for Hon Derrick Tomlinson as the chairperson and to work with him? We gave that undertaking clearly so there would be no problem when the committee was formed and to avoid a stalemate. We made a clear agreement that that would not occur.

All members respect the member for Churchlands' ability, but she has not shown an interest in this issue. She is clearly an independent Liberal; she was a member of the Liberal Party for a long time; and she is still involved -

Mr Pandal: I do not think you are doing yourself any good tonight. You are demeaning your situation.

Mr KOBELKE: I am stating my interest in this and the fact that I wish to make a very substantial contribution to the working of this committee. We had a clear understanding - it went through the party room and there were negotiations - that the Labor Party would have two members on this committee. Perhaps we should have tied down the Government, but that was the understanding.

Mr Court: How can someone in the Legislative Council negotiate what is happening in the Legislative Assembly? Previously there were three members from each House - two coalition and one Labor.

Mr KOBELKE: When the Labor Party was in government in 1992 and this proposal was presented, the Liberal Party controlled the Legislative Council and there would have been equal numbers. The Legislative Assembly would have had two Labor government members and one coalition opposition member. The Legislative Council, which the Liberal Party controlled, would have had two opposition coalition members and one Labor member.

Mr Court: We did not have the numbers in 1992.

Mr KOBELKE: The Labor Party was in government in 1992 when this started. We lost the majority on the floor, but in many instances we had the support of Labor Independents. In fact, the Government is supporting my argument. When we were in government we could usually rely on Labor Independents to get motions through, as the Government can now rely - even though it does not need to - on the Liberal Independents to support it in most instances.

Mr Pental: If that committee is confronted with having to make a genuinely independent decision, do you think it is more likely to get that from another Liberal or Labor member or the member for Churchlands?

Mr KOBELKE: I would get it from a Labor member.

I worked on two select committees that dealt with this issue, both chaired by Ian Thompson, and we worked in a very cohesive fashion. It was a small group with clearly stated objectives about serving the interests of this State in eradicating corruption. Clearly, we had our own party political agendas, but they were subjugated to the clear intent of the work of the committees. I do not see why I, along with the member for Cockburn and the Labor members in the other place, would not adopt that position. The member for South Perth might feel aggrieved and he might be voting for the committee now, but in 1995 he voted against its establishment.

Mr Pental: That is not the question before the House.

Mr KOBELKE: It is from the point of view of the membership. If the member for Churchlands proves me wrong, I will be very happy. The establishment of this committee has been an exercise in cynicism by this Premier. My concern is not allayed by the membership he has recommended. I feel most unhappy with this motion.

Question put and passed, and a message accordingly returned to the Council.

*House adjourned at 10.40 pm*

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**QUESTIONS ON NOTICE**

**MINING - GOLD**

*Royalty - Administration*

447. Ms ANWYL to the Minister for Resources Development:

- (1) What formal discussions have been held with the gold industry, since March 1996, about the proposed gold royalty?
- (2) Which ministry has been responsible for preparation of the draft proposal for a gold royalty announced in March 1997?
- (3) Will the Minister provide details of the proposal?
- (4) When will the proposal be put to Cabinet?
- (5) How is it intended to implement the royalty - ie, by way of regulations, or money bill etc. - and will the Minister provide details?
- (6) I refer to the comment by the Premier, that of 476 gold producers only 76 will be required to pay a royalty, and ask -
  - (a) who or which ministry prepared those estimates;
  - (b) what are the grounds for exempting producers with a production of 100,000 ounces per annum; and
  - (c) what are the names and addresses of the companies or producers referred to?
- (7) When will appropriate legislation be introduced to establish the royalty?
- (8) What will be the mechanism for collection of the royalty?
- (9) Has the Minister calculated the number of extra full time employees that will be required to administer the gold royalty and which department or ministry will have responsibility for that administration?
- (10) What research has been done by the Government as to the effect of the proposed gold royalty on -
  - (a) the Western Australian economy;
  - (b) regional areas;
  - (c) the goldfields;
  - (d) the mining industry;
  - (e) employment in Western Australia?

Mr BARNETT replied:

- (1) At ministerial level, a number of meetings have been held with the Gold Industry Forum and the Association of Mining and Exploration Companies. Meetings have also been held at departmental level with the Gold Industry Forum and the Chamber of Minerals and Energy of Western Australia.
- (2) Treasury, in consultation with the Department of Resources Development, and with technical input from the Department of Minerals and Energy.
- (3) The details of the proposal were announced in the budget. Further consultation is to occur with the industry on the structure of the royalty.
- (4) The royalty was considered by Cabinet on 1 April 1997.
- (5) The royalty could be implemented by way of amendments to the Mining Act Regulations.
- (6) (a),(c) The Department of Minerals and Energy advised that 71 gold mining projects produce more than 1 000 ounces of gold per annum. That department can supply names and addresses for those projects.
  - (b) Exempting the first 1 000 ounces of gold produced per annum by each project would help minimise the impact of the royalty on the industry, particularly as prospectors and small producers would then not pay any royalty. It would also recognise the relatively high administration costs of collecting a royalty on producers mining less than that amount.

- (7) Still to be determined.
- (8)-(9) The royalty is likely to be collected by the Department of Minerals and Energy under the authority of the Mining Act. Details of the collection mechanism, and the associated resources requirements, have not yet been determined.
- (10) Government agencies have studied the impact of the reintroduction of the Commonwealth income tax on gold mining profits in 1991, the study commissioned recently by the industry from the Economic Research Centre at the University of Western Australia and various other studies concerning the impact of the mining sector on the State's economy. As indicated in the reply to (1), the industry has also been consulted directly.

#### MINING - GOLD

##### *Royalty - Administration*

448. Ms ANWYL to the Treasurer:

- (1) What formal discussions have been held with the gold industry, since March 1996, about the proposed gold royalty?
- (2) Which ministry has been responsible for preparation of the draft proposal for a gold royalty announced in March 1997?
- (3) Will the Minister provide details of the proposal?
- (4) When will the proposal be put to Cabinet?
- (5) How is it intended to implement the royalty - ie, by way of regulations, or money bill etc. - and will the Minister provide details?
- (6) I refer to the comment by the Premier, that of 476 gold producers only 76 will be required to pay a royalty, and ask -
- (a) who or which ministry prepared those estimates;
- (b) what are the grounds for exempting producers with a production of 100 000 ounces per annum; and
- (c) what are the names and addresses of the companies or producers referred to?
- (7) When will appropriate legislation be introduced to establish the royalty?
- (8) What will be the mechanism for collection of the royalty?
- (9) Has the Minister calculated the number of extra full time employees that will be required to administer the gold royalty and which department or ministry will have responsibility for that administration?
- (10) What research has been done by the Government as to the effect of the proposed gold royalty on -
- (a) the Western Australian economy;
- (b) regional areas;
- (c) the goldfields;
- (d) the mining industry;
- (e) employment in Western Australia?

Mr COURT replied:

- (1) At ministerial level, a number of meetings have been held with the Gold Industry Forum and the Association of Mining and Exploration Companies. Meetings have also been held at departmental level with the Gold Industry Forum and the Chamber of Minerals and Energy of Western Australia.
- (2) Treasury, in consultation with the Department of Resources Development, and with technical input from the Department of Minerals and Energy.
- (3) The details of the proposal were announced in the budget. Further consultation is to occur with the industry on the structure of the royalty.
- (4) The royalty was considered by Cabinet on 1 April 1997.
- (5) The royalty could be implemented by way of amendments to the Mining Act Regulations.

- (6) (a),(c) The Department of Minerals and Energy advised that 71 gold mining projects produce more than 1 000 ounces of gold per annum. That department can supply names and addresses for those projects.
- (b) Exempting the first 1 000 ounces of gold produced per annum by each project would help minimise the impact of the royalty on the industry, particularly as prospectors and small producers would then not pay any royalty. It would also recognise the relatively high administration costs of collecting a royalty on producers mining less than that amount.
- (7) Still to be determined.
- (8)-(9) The royalty is likely to be collected by the Department of Minerals and Energy under the authority of the Mining Act. Details of the collection mechanism, and the associated resource requirements, have not yet been determined.
- (10) Government agencies have studied the impact of the reintroduction of the Commonwealth income tax on gold mining profits in 1991, the study commissioned recently by the industry from the Economic Research Centre at the University of Western Australia and various other studies concerning the impact of the mining sector on the State's economy. As indicated in the reply to (1), the industry has also been consulted directly.

#### POLLUTION - MINIM COVE

##### *Consultative Environmental Review*

760. Dr EDWARDS to the Minister for the Environment:

- (1) Is the Minister aware no drawings or detail of the containment hill were available in the 1993 Consultative Environmental Review on the Minim Cove containment cell proposal?
- (2) Can the Minister advise Parliament if the Environmental Protection Authority was aware the cell was to become a hill under the 1993 CER, and provide evidentiary documentation to that effect?
- (3) Why did the EPA insist on a plastic lined and covered temporary stockpile for wastes from the foreshore to be stored when the permanent stockpile has no such protection?

Mrs EDWARDES replied:

- (1)-(2) The containment cell should not be described as a 'hill' as a substantial portion of the surface is below adjacent, natural ground contours. I am advised that final contours of the cell were not provided in the 1993 CER. Condition 5.3 of the ministerial approval statement dated 1 February 1994, for the 1993 CER, required the proponent to prepare detailed specifications of the containment cell. These were included in the Environmental Management Plan and approved on August 8, 1995.
- (3) The Environmental Protection Authority was not involved in this matter. The Department of Environmental Protection required a lined, temporary storage facility because wastes from the foreshore and beach area were likely to be saturated with water at or near the river level. Also as the temporary storage area was outside the approved containment cell, it was desirable that the foreshore wastes were fully contained and a clay cap is not appropriate for a temporary storage area.

#### COMMITTEES AND BOARDS - MEMBERSHIP

##### *Statistics*

821. Mr BROWN to the Minister for the Environment; Employment and Training:

- (1) What boards, committees or the like in each portfolio under the Minister's control provide a sitting fee, or other payment, to board or committee members?
- (2) What is the name of each board and/or committee?
- (3) What are the names of the members of each board and/or committee?
- (4) How much is each member of the board and/or committee paid for their services?

Mrs EDWARDES replied:

Office of Censorship

- (1)-(2) Censorship Advisory Committee.

- (3) Dr Rosemary Coates (Chairperson)  
Mrs Robyn Quin  
Father Dennis Claughton  
Mrs Gwen Roderick  
Ms Lynette Quinlivan  
Mr James Ford  
Mrs Dallas Pegrum  
Mr Frank Morisey (Secretary)
- (4) The Chairperson receives a fee of \$97.00 per half day.  
The other members, with the exception of Mr Morisey who is a public servant, receive a fee of \$73.00 per half day.

#### Perth Zoo

- (1) The Zoological Gardens Board.
- (2)-(4) Mr Charles MacKinnon, reappointed 13.2.96 for 2 year term. Fees of \$5,100pa  
Prof. S.D. Bradshaw, reappointed 28.2.95 for 3 year term. No fees paid.  
Prof. J Howell, reappointed 28.2.95 for 3 year term. No fees paid.  
Ms R Burges, CEO Perth Zoo, appointed 12.9.95 for term of contract.  
His Worship, the Mayor of South Perth, John Hardwick, appointed 6.5.97 for two years, \$73 per half day.  
Ms Margaret Nadebaum, appointed 6.5.97 for two years, \$73 per half day.  
Ms Carol Day, appointed 6.5.97 for two years, \$73 per half day.  
Mr Ted Bull, appointed 6.5.97 for two years, \$73 per half day

#### Conservation and Land Management

- (1)-(2) National Parks and Nature Conservation Authority  
Lands and Forest Commission  
Forest Production Council
- (3) National Parks and Nature Conservation Authority:  
Appointed Members  
Mr Tom Day (Chairman)  
Mrs Marion Blackwell (Deputy Chair)  
Dr Sue Colyer  
Mr Graeme Rundle  
Mrs Pat Barblett  
Mr Kevin McMenemy  
Cr Hugh Browne  
Mr Terry Adams  
Mr Rod Bellotti

##### Ex-officio Members

Dr Syd Shea, Executive Director, CALM  
Mr Keiran McNamara, Director of Nature Conservation, CALM  
Mr Jim Sharp, Director of National Parks, CALM  
Mr Don Keene, Director of Forests, CALM

##### Lands and Forest Commission:

Appointed Members  
Mr Leon Watt (Chairman)  
Mr Patrick McNamara (Deputy Chairman)

##### Ex-officio Member

Dr Syd Shea, Executive Director, CALM

##### Forest Production Council:

Appointed Members  
Dr Syd Shea (ex-officio) (Chairman)  
Mr Don Keene (ex-officio) (Deputy Chairman)  
Mr Mario Bajada  
Mr Ardino Gosatti  
Mr Patrick McNamara  
Mr Ron Pollard  
Mr Graham Shepherd  
Mr Donald Spriggins  
Mr Anthony Wheatley

- (4) National Parks and Nature Conservation Authority:  
Remuneration for appointed Chairman is \$7 500 plus \$600 expense of office allowance per annum.  
Remuneration for appointed members is \$3 750 per annum.



## Lands and Forest Commission:

Remuneration for the Chairman is \$4,500 per annum plus \$600 per annum expense of office allowance.

Remuneration for the Deputy Chairman is \$108 per full day and \$73 per half day meeting.

## Forest Production Council:

Remuneration for Messrs Bajada, Gosatti, McNamara, Pollard, Shepherd, Spriggins and Wheatley is \$108 per full day meeting and \$73 per half day meeting.

## KINGS PARK BOARD

## (1)-(2) Kings Park Board

- (3) George Savell  
Lorraine Allchurch  
Alan Boys  
Norma Calcutt  
John Considine  
Anne Durack  
Antony Ednie-Brown

- |     |                    |   |                            |
|-----|--------------------|---|----------------------------|
| (4) | Lorraine Allchurch | ) |                            |
|     | Alan Boys          | ) |                            |
|     | Norma Calcutt      | ) |                            |
|     | John Considine     | ) | \$187.50 per month         |
|     | Anne Durack        | ) |                            |
|     | Antony Ednie-Brown | ) |                            |
|     | George Savell      |   | \$425.00 per month (Chair) |

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

- (1)-(2) Western Australian Advisory Council on Waste Management  
Environmental Protection Authority  
Advisory Council to the Environmental Protection Authority  
Forest Review Committee

- (3) Western Australian Advisory Council on Waste Management  
Prof Des O'Connor, Mr Bill Morrow, Ms Helen Kruh, Cr Rob Rowell,  
Cr Clive Robartson, Mr Stephen Drake-Brockman;

Environmental Protection Authority  
Ray Steedman, Bernard Bowen, Chris Rowe, Marion Blackwell, Sally Robinson;

Advisory Council to the Environmental Protection Authority  
Nil. Has not been reconvened this year.

Forest Review Committee  
Bernard Bowen (Chairman, advisory committee appointed by EPA to assist in compiling the progress report on CALM's Forest Management Plan), Noel Fitzpatrick, Elizabeth Mattiske, Warren Murphy, John Pate, Gerard Rayner, Leon Watt, Joanna Young.

- (4) Western Australian Advisory Council on Waste Management  
Prof Des O'Connor - \$145 full day; \$97 half day  
Mr Bill Morrow - \$108 full day; \$73 half day  
Ms Helen Kruh - \$108 full day; \$73 half day  
Cr Rob Rowell - \$108 full day; \$73 half day  
Cr Clive Robartson - no fee public servant  
Mr Stephen Drake-Brockman - \$108 full day; \$73 half day

Environmental Protection Authority  
Ray Steedman is paid \$114 844 pa, Bernard Bowen is paid \$39 466 and the other members are paid \$14 956 pa.

Advisory Council to the Environmental Protection Authority  
The members of the Advisory Council to the EPA were paid \$92.50 per meeting.

Forest Review Committee  
The members of the Forest Review Committee are paid \$92.50 per meeting.

## WESTERN AUSTRALIAN DEPARTMENT OF TRAINING

- (1)-(2) State Training Board -  
Training Accreditation Council  
Building and Construction Industry Training Fund Board  
Hairdressers Registration Board

- (3) State Training Board -  
 Harry Sorensen (Chair)  
 Peter Eggleston  
 Brian Hewitt  
 Jennifer Ballantyne  
 Diana Mitchell  
 Shirley Thorn  
 John Sharp-Collett

Training Accreditation Council:  
 Harvey McLeod (Chair)  
 Tom Lyons  
 Ruth Scourfield  
 Ann Ghisalberti  
 Roger Lethbridge  
 Andrew Carter  
 Diana Blackie

Building and Construction Industry Training Fund Board:  
 Marli Wallace (Presiding Member)  
 Harvey McLeod  
 Colin Saunders  
 Kim Young  
 Barry O'Brien  
 David Oliver  
 Bernie Ryan  
 John Dastlik  
 Michael Sabatino

Hairdressers Registration Board:  
 Ralph Dawson (Chair)  
 Giovanni Caminiti  
 Leslie Marshall  
 Michael Levissianos  
 David Genovese

- (4) Remuneration paid:  
 State Training Board  
 Chair: \$30 000 per year;  
 Members: \$6 800 per year

Training Accreditation Council:  
 Chair: \$22 500 per year;  
 Members: \$6 800 per year

Building and Construction Industry Training Fund Board:  
 Presiding Member: \$4 900 per year;  
 Members: Nil

Hairdressers Registration Board:  
 The Chair is paid \$97 per meeting, however as the Chair is a public servant, this money is paid into the Consolidated Fund. The Members receive \$73 per meeting.

#### GOVERNMENT ADVERTISING - DEPARTMENTS AND AGENCIES

##### *Expenditure*

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

- (1) How much did each department and agency under the Attorney General's control spend on -

- (a) television advertising;
- (b) radio advertising; and
- (c) newspaper advertising,

between 1 July 1996 and 30 March 1997?

- (2) How much does each department and agency under the Attorney General's control plan to spend on -

- (a) television advertising;
- (b) radio advertising; and
- (c) newspaper advertising,

between 1 April 1997 and 30 June 1997?

Mr PRINCE replied:

The Attorney General has provided the following reply -

- (1)-(2) This question is a multiplication with variations on the same point which will require considerable expenditure in research. I do not believe an answer beyond this is justified.

GOVERNMENT ADVERTISING - DEPARTMENTS AND AGENCIES

*Expenditure*

858. Mr BROWN to the Parliamentary Secretary to the Minister for Justice:

- (1) How much did each department and agency under the Minister's control spend on -

- (a) television advertising;
- (b) radio advertising; and
- (c) newspaper advertising,

between 1 July 1996 and 30 March 1997?

- (2) How much does each department and agency under the Minister's control plan to spend on -

- (a) television advertising;
- (b) radio advertising; and
- (c) newspaper advertising,

between 1 April 1997 and 30 June 1997?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply -

- (1)-(2) This question is a multiplication with variations on the same point which will require considerable expenditure in research. I do not believe an answer beyond this is justified.

GOVERNMENT ADVERTISING - DEPARTMENTS AND AGENCIES

*Expenditure*

875. Mr BROWN to the Minister representing the Minister for the Arts:

- (1) How much did each department and agency under the Minister's control spend on advertising in the 1995-96 financial year?

- (2) How much did each department and agency under the Minister's control spend on -

- (a) television advertising;
- (b) radio advertising; and
- (c) newspaper advertising,

in the 1995-96 financial year?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following response -

- (1)-(2) This question is a multiplication with variations on the same point which will require considerable expenditure in research. I do not believe an answer beyond this is justified.

GOVERNMENT ADVERTISING - DEPARTMENTS AND AGENCIES

*Expenditure*

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

- (1) How much did each department and agency under the Attorney General's control spend on advertising in the 1995-96 financial year?

- (2) How much did each department and agency under the Attorney General's control spend on -

- (a) television advertising;

- (b) radio advertising; and
- (c) newspaper advertising,

in the 1995-96 financial year?

Mr PRINCE replied:

The Attorney General has provided the following reply -

- (1)-(2) This question is a multiplication with variations on the same point which will require considerable expenditure in research. I do not believe an answer beyond this is justified.

#### GOVERNMENT ADVERTISING - DEPARTMENTS AND AGENCIES

##### *Expenditure*

879. Mr BROWN to the Parliamentary Secretary to the Minister for Justice:

- (1) How much did each department and agency under the Minister's control spend on advertising in the 1995-96 financial year?

- (2) How much did each department and agency under the Minister's control spend on -

- (a) television advertising;
- (b) radio advertising; and
- (c) newspaper advertising,

in the 1995-96 financial year?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply -

- (1)-(2) This question is a multiplication with variations on the same point which will require considerable expenditure in research. I do not believe an answer beyond this is justified.

#### GOVERNMENT ADVERTISING - DEPARTMENTS AND AGENCIES

##### *Allocation*

896. Mr BROWN to the Minister representing the Minister for the Arts:

- (1) How much has each department and agency under the Minister's control allocated to advertising in the 1997-98 financial year?

- (2) What is the purpose of the advertising?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following response -

- (1)-(2) This question is a multiplication with variations on the same point which will require considerable expenditure in research. I do not believe an answer beyond this is justified.

#### GOVERNMENT ADVERTISING - DEPARTMENTS AND AGENCIES

##### *Allocation*

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

- (1) How much has each department and agency under the Attorney General's control allocated to advertising in the 1997-98 financial year?

- (2) What is the purpose of the advertising?

Mr PRINCE replied:

The Attorney General has provided the following reply -

- (1)-(2) This question is a multiplication with variations on the same point which will require considerable expenditure in research. I do not believe an answer beyond this is justified.

GOVERNMENT ADVERTISING - DEPARTMENTS AND AGENCIES

*Allocation*

900. Mr BROWN to the Parliamentary Secretary to the Minister for Justice:

- (1) How much has each department and agency under the Minister's control allocated to advertising in the 1997-98 financial year?
- (2) What is the purpose of the advertising?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply -

- (1)-(2) This question is a multiplication with variations on the same point which will require considerable expenditure in research. I do not believe an answer beyond this is justified.

GOVERNMENT VEHICLES - LEASING

*Payments*

988. Mr BROWN to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

- (1) In each department and agency under the Deputy Premier's control which leases motor vehicles, does the lease provide for any payments other than the monthly payment?
- (2) What payment does each department and agency have to make for each vehicle other than the monthly payment?
- (3) What is the total cost of those payments for each department and agency?

Mr COWAN replied:

Department of Commerce and Trade

- (1) No, the lease is restricted purely to monthly lease payments.
- (2) The department pays a management fee, usage fee, maintenance and fuel costs to the Fleet Manager, as well as insurance, FBT and parking for leased vehicles.
- (3) The total year to date cost is \$34 457 in lease payments and \$191 489 for other costs.

Small Business Development Corporation

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

International Centre for Application of Solar Energy (CASE)

- (1) Lease documents do not provide for any additional payments aside from the monthly payment.
- (2)-(3) Not applicable.

Technology Industry Advisory Council (TIAC)

TIAC has not leased any motor vehicles.

Gascoyne Development Commission

- (1) No.
- (2) Payments to the fleet company NBM Fleetcare. They charge a usage fee for the vehicle depending on kilometres travelled and a management fee. NBM invoice the Commission monthly for fuel (on Shell & BP cards) and the usage and management fees.
- (3) The total cost of payments will vary from month to month depending on vehicle usage, however on average the payments to NBM are approximately \$1 400. The NBM charges are \$15.50 per month per vehicle and \$0.0161 kilometre for cars and \$0.0567 per kilometre for 4 wheel drives. The total lease payments paid to the State Supply Commission are \$1 014 per month.

## Goldfields-Esperance Development Commission

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

## Great Southern Development Commission

- (1) The Great Southern Development Commission pays monthly hire rates for its vehicles, a fleet management fee and a usage fee based on the number of kilometres travelled.
- (2) The Great Southern Development Commission pays a fleet management fee of \$15.50 per month for each vehicle and a usage fee each month of 0.0161 cents for each kilometre travelled.
- (3) The total payments each month for each vehicle are -
  - \$26.83 for usage fees or \$324 per annum
  - \$15.50 for fleet management fee or \$186 per annum

## Kimberley Development Commission

- (1) No.
- (2) Payments to the fleet company NBM Fleetcare. They charge a usage fee for the vehicle depending on kilometres travelled and a management fee. NBM invoices the Commission monthly for fuel used (on Shell & BP Cards) and the usage and management fees.
- (3) The total cost of payments will vary from month to month depending on vehicle usage however on average the payments to NBM are approximately \$500.00 - \$600.00. The NBM charges are \$15.50 per month per vehicle and \$0.0161 per kilometre for cars and \$0.0567 per kilometre for 4 wheel drives. The total lease payments paid to the State Supply Commission are \$988.22 per month.

## Mid West Development Commission

- (1) No.
- (2) Insurance, petrol/oils, NBM Fleetcare charges, fringe benefits tax, sales tax on executive vehicles.
- (3) Average of \$2 862.26 per month for all of the above payments.

## Peel Development Commission

- (1) No.
- (2) Petrol/oil, repairs, registration, insurance and management fees (NBM Fleetcare \$60 per month per vehicle)
- (3) Approximately \$463 per month per vehicle (the Commission has 3 vehicles).

## Pilbara Development Commission

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

## South West Development Commission

- (1) No.
- (2) Insurance, registration, all operating costs including maintenance, repairs if not under warranty, tyres etc, sales tax (where applicable), fringe benefits tax. The Commission engages the services of NBM Fleetcare as the fleet manager. It charges a set monthly managing rate of \$15.50 and approximately \$0.0161 per kilometre.
- (3) The total cost of those payments to the South West Development Commission is estimated at \$40,000.

## Wheatbelt Development Commission

- (1) No.
- (2) Lease payments are \$736.59 per month  
1 vehicle Commonwealth funded \$2,330.00 per month.  
Other payments to NBM Fleetcare.

\$15.50 management fee per month per vehicle.  
Plus 0.0161 cents per kilometre cost for repairs.

- (3) Varies with kilometres travelled, the year to date cost is \$16 318.23 with an average cost per kilometre of \$9.74.

#### MEAT - INSPECTION SERVICES

##### *Australian Standard - Northam*

1106. Mr TRENORDEN to the Minister for Primary Industry:

- (1) Did the principal environmental health officer of the Shire of Northam telephone the Brucellosis and Tuberculosis Eradication Committee state liaison officer, located at Harvey during December 1996, expressing concern at amendments to the Australian Standard for Hygienic Production of Meat for Human Consumption which resulted in the deletion of the post-mortem inspection requirements to incise the bronchial and mediastinal lymph nodes when undertaking the viscera inspection of cattle and buffalo?
- (2) Did the Shire of Northam write to Agriculture Western Australia in February 1997 confirming the concerns referred to in question (1)?
- (3) Did Agriculture Western Australia make representation to the Health Department of Western Australia supporting the views expressed by the Northam Shire Council in relation to this amendment?
- (4) Could the Minister advise what explanation was provided to his department by the Health Department as to why this amendment was approved and whether the Health Department had made any effort to discuss the amendment with them prior to them being contacted by the Shire of Northam?
- (5) Can the Minister advise whether a representative of the Meat Industry Authority was represented at the meeting where the amendment in question (1) above was approved, and if they were, did they object to the amendment?
- (6) If the answer to (5) is yes, did that representative notify Agriculture Western Australia regarding the amendment, and if they did, can the Minister advise the date of such notification?
- (7) Can the Minister explain why his department believes it is necessary to incise the lymph nodes referred to in (1)?

Mr HOUSE replied:

- (1) Mr Bert Munyard, the principal environmental health officer, Shire of Northam did telephone stock inspector Trevor Fitzpatrick, Harvey during December 1996 to discuss draft amendments to the Australian Standards for Hygienic Production of Meat for Human Consumption. These proposed amendments could have resulted in the deletion of the postmortem inspection requirements to incise bronchial and mediastinal lymph nodes when undertaking the viscera inspection of cattle and buffalo. Mr Munyard agreed to forward a written copy of the proposed changes to Mr Fitzpatrick when he could obtain same.
- (2) The Shire of Northam did write to Mr Fitzpatrick in February expressing concerns at the proposed amendments.
- (3) Mr Brad McCormick, Project Manager for the BTEC project in Agriculture Western Australia did write to Mr Brian Devine, Health Department of Western Australia on 20 February seeking amendments to the proposed changes to the Australian Standards for Hygienic Production of Meat as they relate to inspection procedures that may detect bovine tuberculosis. This was after discussions about the proposed changes with Mr Stan Goodchild, Health Department of Western Australia following receipt of the Shire of Northam letter.

Mr Brian Devine advised Mr Brad McCormick on 28 February that he had presented his reasons for not implementing the proposal to cease inspecting bronchial and mediastinal lymph nodes to the Meat Standards Committee in Melbourne on 26 February 1997. The committee agreed without hesitation to reinstate in the Standards the requirement to incise bronchial and mediastinal lymph nodes.

- (4) An explanation was not sought from the Health Department as to why the proposed changes were under discussion. Cordial discussions took place as to why the proposed changes should not be implemented because abattoir monitoring for bovine tuberculosis was very dependent on the bronchial and mediastinal lymph nodes being inspected. I am not aware that the Health Department had raised this matter with Agriculture Western Australia previously.

- (5) I am not aware if the Meat Industry Authority was present at any meeting that discussed these proposed amendments.
- (6) I am not aware of any contract between the Meat Industry Authority and Agriculture Western Australia on this matter.
- (7) Under the terms and definitions of the National BTEC program, Australia is on track to be declared a tuberculosis Free Area at the end of 1997. More than \$850m dollars has been spent on this incredibly successful campaign to eradicate brucellosis and tuberculosis from cattle and buffalo in Australia. The continued success of BTEC is contingent on an effective abattoir monitoring system.

In May 1996, the Agriculture and Resource Management Council of Australia and New Zealand approved a Tuberculosis Freedom Assurance Program to run from 1 January 1998 to 31 December 2002. TFAP will concentrate on a national granuloma submission program backed by continued vigilance by all meat inspectors. Any reductions of abattoir inspection procedures could result in the re-emergence of bovine tuberculosis. The very nature of tuberculosis means that it can remain undetected in herds for a number of years. This means the detection of lesions in slaughter cattle is the key to detecting any infection after testing programs have been completed. The continued inspection of bronchial and mediastinal lymph nodes by abattoir inspectors is critical for TFAP to be successful.

#### GOVERNMENT INSTRUMENTALITIES - COMMERCIAL ACTIVITIES

##### *Investment and Financial Statements*

1149. Mr PENDAL to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

- (1) Will the Deputy Premier list each Government department or agency under his control which is involved in any commercial or business venture by way of invested capital, or partnerships with the private sector on which the department/agency seeks a return?
- (2) Will the Deputy Premier indicate the level of investment in each case?
- (3) Will the Deputy Premier indicate whether such departments/agencies table their financial statements in Parliament?
- (4) If they do not, will the Deputy Premier arrange for such tabling?

Mr COWAN replied:

##### Department of Commerce and Trade

- (1) The Department of Commerce and Trade is not involved in any commercial or business venture by way of invested capital, or partnerships with the private sector, on which it would seek a return.
- (2)-(4) Not applicable.

##### Small Business Development Corporation

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

##### International Centre for Application of Solar Energy (CASE)

- (1) CASE has no direct capital investment or formal partnership in any business ventures with the private sector that requires direct investment. CASE does however work with the private sector in developing international projects. This is either through the award of contracts which CASE manages or working co-operatively to develop projects. In the latter this is usually on a cost sharing basis, with rewards (if achieved) being distributed on an agreed basis.
- (2) Capital investment is nil.
- (3) CASE Annual Reports and Financial Statements are tabled in Parliament.
- (4) Not applicable.



Technology Industry Advisory Council (TIAC)

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

Gascoyne Development Commission

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

Goldfields-Esperance Development Commission

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

Great Southern Development Commission

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

Kimberley Development Commission

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

Mid West Development Commission

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

Peel Development Commission

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

Pilbara Development Commission

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

South West Development Commission

- (1) South West Development Commission.
- (2) Land owned by the Commission valued at \$5m is to be progressively developed for general industry in the Bunbury region.
- (3) Yes.
- (4) Not applicable.

Wheatbelt Development Commission

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

MIGRANTS - COMMITTEES AND BOARDS

*Membership*

1202. Ms WARNOCK to the Minister for Primary Industry; Fisheries:

- (1) Is the Minister aware of any government policy encouraging people of migrant or "ethnic" background to serve on government boards and committees?

- (2) How many boards and committees within the Minister's portfolio area have members from such backgrounds?

Mr HOUSE replied:

- (1) The "WA ONE" multicultural policy released in 1995 includes a pledge to, "Encourage all Western Australians to contribute to, and participate in, all levels of public life and the decisions which directly affect them".
- (2) The Register of Boards and Committees does not include information on ethnic background.

#### PARLIAMENTARY LIBRARY - ASSESSMENT

1238. Mr RIPPER to the Speaker:

- (1) How does the Parliamentary Library measure -
- (a) the demand for its services;
  - (b) its own performance in meeting that demand?
- (2) What is the outcome of these assessments for 1996-97?

The SPEAKER:

- (1)-(2) The Parliamentary Library has been developing a systematic way of collecting statistics on the workload in its core activity, the reference service. As this system is still under trial, there is not yet an appropriate analysis available to give the statistics a qualitative dimension. The move in all parliamentary departments to output-based management will lead to some further adjustments. No measurement has been made of other library services, such as instruction in the use of electronic databases, and nor has a systematic feedback been attained from users.

#### PARLIAMENTARY LIBRARY - IMPROVEMENTS

1239. Mr RIPPER to the Speaker:

What improvements will be made to the Parliamentary Library and its services in 1997-98?

The SPEAKER:

Improvements to the Parliamentary Library and its services are restricted as much by accommodation difficulties as by any funding constraints. Accommodation will be addressed as part of the wider issue of parliamentary facilities generally. In the meantime an additional professionally qualified reference librarian will commence soon, allowing improved service delivery to members and freeing the Librarian from some of the daily operational burdens which in turn will enable more time to be devoted to continuation of the process of change and improvement in the delivery of services.

Capital expenditure in relation to the computer systems will enable better access to resources on CD Rom and the Internet and it is likely that an imaging system will be added which will further enhance the service to members. Even with these changes in 1997-98, I am aware of the potential to increase services to members in a number of ways and together with the President, will be actively pursuing those in future months.

#### LEGISLATIVE ASSEMBLY - TELEVISION COVERAGE

##### *Cost*

1240. Mr RIPPER to the Speaker:

What additional expenditure would be incurred in giving television stations access to the televising of all Legislative Assembly proceedings?

The SPEAKER:

The additional cost would be minimal, the amount depending on how much of the proceedings are required to be kept on tape for future reference.

## EMPLOYMENT AND TRAINING - OVERSEAS QUALIFICATIONS ASSESSMENT UNIT

1293. Ms WARNOCK to the Minister for Employment and Training:

- (1) How much has been allocated in the State Budget for the operations of an overseas qualifications assessment unit within the Department of Employment and Training?
- (2) What success has the TAFE sector had in tendering for adult migrant English programs?
- (3) What steps have been taken by the TAFE system to provide bridging courses for the overseas trained?
- (4) How much funding has the State Government obtained from the Federal Government for the above program?

Mrs EDWARDES replied:

- (1) \$304 000.
- (2) The closing date for submissions for the tenders issued by the Federal Department of Immigration and Multicultural Affairs was Monday, 26 May 1997. It is therefore still too early to determine the success of the TAFE sector in this regard.
- (3) In 1996/97 the Overseas Qualifications Unit has facilitated the provision of two assessment/bridging programs for 100 overseas trained child care workers by industry, and an assessment/bridging program for Asian cooks to achieve trade certification. In addition, the OQU was involved in the development of -
  - a proposal for an alternative recognition pathway and training program for overseas trained social workers as part of an OQU submission to the Australian Association of Social Workers; and
  - flexible distance learning packages for overseas trained plumbers and gas fitters, and

research into the feasibility of providing assessment and bridging/orientation training for overseas trained teachers and community service workers.

The Advanced English Language Programme of the AMES offers Job-Oriented Migrant English courses to qualified migrants to assist them to gain employment or gain recognition of their overseas qualifications. Students are also taught the Australian standards and practices related to their trade or profession. An average of five 10-week courses are run per year. Over the past year JOME courses have been conducted in the areas of -

- Science and Technology
  - Autocad for Science Professionals
  - Computerised Accounting
  - Computer Awareness for Professionals
  - Caregivers for the Aged
- (4) In relation to services offered by the OQU, none, however, during 1996/97, the unit has assisted key industry and community stakeholders to obtain \$180 000 in Commonwealth funding for the provision of bridging programs for overseas trained. Through the national Advanced English for Migrants Programme funded by the Department of Employment, Education, Training and Youth Affairs, the Advanced English Language Programme received \$420 000 in 1996 to run courses at TAFE colleges. Approximately 50 per cent of this funding is allocated to JOME courses.

## MIGRANTS - REGIONAL AREA PROGRAMS

*Funding*

1294. Ms WARNOCK to the Minister for Commerce and Trade:

- (1) Has the Government undertaken any forms of negotiation with the Federal Minister for Immigration and Multicultural Affairs concerning fund allocation for special programs to encourage migrants to settle in regional areas?
- (2) If not, will the Government undertake such discussions?

Mr COWAN replied:

- (1) The Department of Commerce and Trade has provided a submission on the formulation of the Federal Government's 1997-98 Migration and Humanitarian Program. The Department has recommended that place allocations for the Regional Sponsored Migration Scheme be increased.
- (2) Not applicable.

#### ENVIRONMENT - SALINITY

*Mr Stewart Tohl*

1328. Mr GRILL to the Minister for Primary Industry:

- (1) Is the Minister aware of experimental work on the alleviation of salinity problems being carried out by Stewart Tohl on his Kojonup property?
- (2) Has the Department of Agriculture evaluated the work?
- (3) What was the result of that evaluation?

Mr HOUSE replied:

- (1) Both Agriculture Western Australia and I are aware that Mr Tohl has undertaken drainage on his property to alleviate salinity.
- (2) No.
- (3) Not applicable.

#### ENVIRONMENT - ENVIRONMENTAL PROTECTION, DEPARTMENT OF

*Statistics*

1337. Mr RIEBELING to the Minister for the Environment:

With regard to the Department of Environmental Protection's activities in the State electorate of -

- (a) Albany;
- (b) Avon;
- (c) Bunbury;
- (d) Burrup;
- (e) Collie;
- (f) Dawesville;
- (g) Eyre;
- (h) Geraldton;
- (i) Greenough;
- (j) Kalgoorlie;
- (k) Kimberley;
- (l) Mandurah;
- (m) Merredin;
- (n) Mitchell;
- (o) Moore;
- (p) Murray-Wellington;
- (q) Ningaloo;
- (r) Pilbara;
- (s) Roe;
- (t) Vasse;
- (u) Wagin,

- (i) are there any Department offices based within these electorates and, if so, where are they;
- (ii) how many staff are employed at each office?

Mrs EDWARDES replied:

- (i) The Department of Environmental Protection's offices are based within the following electorates -
  - (c) Bunbury
  - (h) Geraldton
  - (j) Kalgoorlie, and
  - (r) Pilbara.
- (ii) Staff members at each office - Bunbury (4), Geraldton (2), Kalgoorlie (3), and Pilbara (3).

## GOVERNMENT CONTRACTS - EMPLOYER ORGANISATIONS

*Details*

1356. Mr KOBELKE to the Minister for Labour Relations; Planning; Heritage:

- (1) Have any departments or agencies within the Minister's portfolios, let or made contracts, grants, or secondments, since 1 July 1995 to the Western Australian Chamber of Commerce and Industry, or any other employer organisations or bodies established or controlled by an employer organisation?
- (2) If yes, then what are the details of each case including -
  - (a) the department or agency involved;
  - (b) the recipient of the contract, grant or secondment;
  - (c) a description of the purpose of the contract, grant or secondment; and
  - (d) the value or cost of the contract, grant or secondment?

Mr KIERATH replied:

- (1) Yes.
- (2) (a) The Department of Productivity and Labour Relations and WorkSafe Western Australia.  
 Department of Productivity and Labour Relations:  
 (b) The Western Australian Chamber of Commerce and Industry.  
 (c) Contract for Ms N Cusworth, expert witness in the matter of Salary Claim of 1994 on economic effect of claim and labour productivity.  
 (d) \$1 050.  
 WorkSafe Western Australia:  
 (b) The Western Australian Chamber of Commerce and Industry and the Western Australian Farmers Federation.  
 (c) A grant has been provided to the CCI to assist in resourcing its occupational safety and health activities and to the WAFF as support for its program to promote farm safety.  
 (d) From 1 July 1995 to 31 May 1997 payment to the CCI totals \$123,500.  
 From 1 July 1995 to 31 May 1997 payment to the WAFF totals \$170,000.

## GOVERNMENT CONTRACTS - EMPLOYEE ORGANISATIONS

*Details*

1378. Mr KOBELKE to the Minister for Labour Relations; Planning; Heritage:

- (1) Have any departments or agencies, within the Minister's portfolios, let or made contracts, grants, or secondments, since 1 July 1995 to the Western Australian Trades and Labour Council, or any union or bodies established or controlled by an employee organisation?
- (2) If yes, then what are the details of each case including -
  - (a) the department or agency involved;
  - (b) the recipient of the contract, grant or secondment;
  - (c) a description of the purpose of the contract, grant or secondment;
  - (d) the value or cost of the contract, grant or secondment?

Mr KIERATH replied:

- (1) Yes.
- (2) (a) WorkSafe Western Australia.  
 (b) The Western Australia Builders' Labourers, Painters and Plasterers Union of Workers and the Trades and Labor Council.  
 (c)-(d) A construction inspector has been released on leave without pay to the BLPPU for a two year period from 21 March 1997 to carry out safety and health training to union officials and members within the construction industry. This arrangement is at no cost to WorkSafe Western Australia. Support to the TLC takes two forms, both of which have been designed to improve occupational safety and health in Western Australia. The first is in the form of a grant provided to the TLC to

assist in resourcing its occupational safety and health activities. From 1 July 1995 to 31 May 1997 payment of the grant to the TLC totals \$123 500.

The second is a subsidy provided to the TLC safety and health representative training unit, as a provider of an accredited safety and health representative training course, paid per representative trained. The purpose is to support the safety and health representative system through provision of assistance for the training of representatives. From 1 July 1995 to 31 May 1997 payment of the training subsidy to the TLC totals \$189 900.

#### SMALL BUSINESS - AUSTRALASIAN PERFORMING RIGHT ASSOCIATION

##### *Enforcement of Commonwealth Copyright Act*

1419. Mr BROWN to the Minister for Small Business:

- (1) Has the Minister been approached by any small businesses about the Australasian Performing Right Association enforcing the Commonwealth Copyright Act 1968 to require small businesses to pay a fee for a licence to play recorded music etc. in the business?
- (2) If so, what has the Minister done about the representations received?
- (3) Has the State Government raised this matter with the Commonwealth?
- (4) When was the matter raised with the Commonwealth Government?
- (5) What did the State Government ask the Commonwealth Government to do?

Mr COWAN replied:

- (1) I do not recall being directly approached by a business on this issue but I am aware that the Australasian Performing Right Association is requiring small businesses to obtain a licence and pay a fee if recorded music is played in a business.
- (2) The Small Business Development Corporation has investigated the role of APRA with a view to seeking relief for small business. APRA is an organisation which has been in operation since the 1920s. Its structure is a company limited by guarantee and it is subject to Corporations Law. It produces an annual report in which full details of its operations are publicly disclosed. Its right under the Copyright Act to collect licence fees for its members has been upheld by the Courts on many occasions. Many of the APRA members are Australian composers, authors and publishers of music and associated literary works and are small business operators themselves, entitled to remuneration for use of their works under copyright provisions.
- (3) No. However, the Small Business Development Corporation has been in contact with Commonwealth Government officials and understands that the Commonwealth's Standing Committee on Legal and Constitutional Affairs is awaiting terms of reference to be provided to it by the Commonwealth's Attorney General to review the impact of music licence fees on small business.
- (4)-(5) Not applicable.

#### SMALL BUSINESS - PARKING

##### *Commercial Vehicles*

1431. Mr BROWN to the Minister for Small Business:

- (1) Is the Minister aware of restrictions by a number of local authorities on the parking of commercial vehicles on residential and other land?
- (2) Is the Minister aware that such parking restrictions are not limited to streets or verges, but include a person's own dwelling whether rented or privately owned?
- (3) Is the Minister aware that a number of struggling small businesses that have commercial vehicles will find it financially difficult, if not impossible, to find alternative locations to park their vehicles?
- (4) Will the Minister ask the Small Business Development Corporation to examine the degree to which local authority laws relating to vehicle parking restrictions impact on the viability of some small businesses?

- (5) What action, if any, does the Minister intend to take to ensure small businesses are not driven out of business by local authority parking restrictions?

Mr COWAN replied:

- (1) Yes. I am aware restrictions apply under local laws in some residential areas.
- (2) Yes.
- (3) I am aware that in some instances, small operators find it difficult to relocate their commercial vehicles to comply with local laws.
- (4) No. However, the Small Business Development Corporation works closely with local authorities in resolving disputes between small business operators and their local government.
- (5) I will continue to support the SBDC in its advocacy role on behalf of those small businesses in dispute with their local government on this and other issues relating to local laws. The SBDC advises clients to check with their local authority on restrictions relating to commercial parking in residential areas, prior to commencing operations. In most instances, local parking restrictions have been in place for some time to protect the integrity of residential zoning. I will continue to liaise with the Minister for Local Government on mutual issues affecting small business operations.

#### SMALL BUSINESS - PESSIMISM

##### *Government Initiatives*

1439. Mr BROWN to the Minister for Small Business:

- (1) Is the Minister aware the May 1997 Yellow Pages Australia Small Business Index showed that confidence among Western Australian small business proprietors has fallen to its lowest level for nearly two years?
- (2) Is the Minister also aware the assessment of Western Australian small business proprietors of the impact of State Government policies on small business has swung sharply from a net positive of 6 per cent in the February survey to a net negative 16 per cent?
- (3) Is the Minister also aware the survey found more than 80 per cent of small businesses perceiving the economy as being in recession or at a standstill?
- (4) Given the level of pessimism and gloom in the small business sector, what initiatives does the Government intend to take to stimulate small business?

Mr COWAN replied:

- (1)-(2) Yes.
- (3) My understanding is that according to the Yellow Pages (May 1997) 19 per cent of surveyed firms across Australia considered the economy to be growing and 18 per cent felt it is in recession. The remaining 63 per cent believed the economy to be stable. In WA, the figures are 19 per cent growth, 16 per cent recession and a balance of 65 per cent perceiving the economy as neither growing nor declining.
- (4) The level of pessimism and gloom identified in the Yellow Pages survey is not reflected in the survey results for Western Australia. WA is second only to Victoria in its level of optimism about the current state of the economy, with all other states, except South Australia reporting a negative overall perception.

According to the survey, the outlook for WA also remains strong. A net 51 per cent of surveyed firms reported a positive level of confidence in their business prospects in the next 12 months, compared to the national average of only 40 per cent. This is supported by findings from the WA Small Business Opinion Survey which surveyed 430 WA small businesses also in May 1997. The survey found that small businesses were still optimistic about overall economic conditions for the next six months. A total of 31 per cent of surveyed firms expect economic activity to increase in the second half of 1997 compared to only 12 per cent which expect a decrease.

This Government will continue to implement its business policy outlined in November 1996. We will continue to focus on the small business sector through the activities of the Small Business Development Corporation and the Business Enterprise Centre network. Our aim is to provide an environment conducive to small business growth and to make available enterprise development services for small business to take advantage of growth opportunities.

## HOSPITALS - EQUIPMENT

*Budget Allocation*

1445. Mr BROWN to the Minister for Health:

- (1) How much has been allocated in the 1997-98 Budget to upgrade hospital equipment?
- (2) How much was allocated for this purpose in the 1996-97 Budget?
- (3) What hospital equipment will be upgraded from the Budget allocated amount?

Mr PRINCE replied:

- (1) Specific allocations totalling \$3 910 000 have been made in the 1997/98 capital works program for equipment replacement/upgrades. Equipment replacement/upgrades will also occur as part of other capital works projects, however, these costs are included within total project budgets. Other equipment replacement/upgrades will occur from within individual Health Service operational budgets, with priorities being determined by Health Service Management.
- (2) Funds of \$7 900 000 were budgeted for equipment replacement/upgrades in the 1996/97 capital works program. Other equipment replacement/upgrades occurred from within Health Service operational budgets and capital works project budgets, however, no specific budgets were allocated for this purpose.
- (3) Details of equipment to be replaced from within specific capital works program allocations for 1997/98 have not yet been determined.

## YOUTH - NATIONAL YOUTH AFFAIRS RESEARCH SCHEME

*Study*

1461. Mr BROWN to the Minister for Youth:

- (1) Is the Minister aware of an article that appeared in the 17 May 1997 edition of *The West Australian* which reported on the results of a study carried out by the National Youth Affairs Research Scheme?
- (2) Will the study be examined by the Youth Minister's Advisory Council?
- (3) If so, when?
- (4) If not, why not?

Mr BOARD replied:

- (1)-(2) Yes.
- (3) The report has been referred to the YMAC Subcommittee on Employment Issues.
- (4) Not applicable.

## CRIME - "THREE STRIKES AND YOU ARE IN" LEGISLATION

1463. Mr BROWN to the Minister representing the Attorney General:

- (1) Is the Minister aware of an article that appeared in *The West Australian* on Monday, 26 May 1997 concerning the three strikes legislation?
- (2) Is the Minister aware the article reported the Attorney General as maintaining the three strikes policy was not a crime prevention policy?
- (3) Was the Attorney General correctly reported?
- (4) If not, what did the Attorney General say?
- (5) Is the Attorney General also aware he was reported as saying the juvenile crime policy was based on prevention and the State Government had joined the Federal Government to devise a strategy?
- (6) What strategy is the State Government working on with the Federal Government?
- (7) Will the strategy aim to identify social factors which put children at high risk?
- (8) Who will be conducting the study?



- (9) What will be the cost of the study?
- (10) Has the study commenced?
- (11) When is it expected the study will conclude?

Mr PRINCE replied:

The Attorney General has provided the following reply -

- (1)-(6) The article contained inaccuracies and contractions and I have written to *The West Australian* pointing this out. It is not possible within the orders of the House to give full details of the interview.

#### COMMERCE AND TRADE - EUROPEAN PROMOTION

##### *State's Contribution*

1465. Mr BROWN to the Minister for Commerce and Trade:

- (1) Did the Minister issue a media statement on 19 May 1997 concerning the Minister's visit to Germany and Britain?
- (2) In the media statement did the Minister refer to the launch of the State's biggest-ever promotion in Europe?
- (3) What contribution in human and financial terms has the State made to the promotion?
- (4) Exactly what has the State provided?
- (5) Will an assessment be made of the degree to which the contribution has met with success?
- (6) If so, when?
- (7) Who will carry out that assessment?

Mr COWAN replied:

- (1) Yes.
- (2) The media statement referred to the "Good Living - Western Australia" promotion as the "biggest push into the British market".
- (3)-(4) The Department of Commerce and Trade allocated a budget amount of \$30 000 towards promotion. Participating organisations are eligible to claim a partial subsidy of air fares under the Export Market Support Scheme. In addition, the department has sourced sponsorship from the private sector towards the promotion. In the way of human resources two officers from the Department of Commerce and Trade coordinated the promotion, together with staff in London from the Agent General's Office and the Western Australian Tourism Commission. Of the two officers from the Department of Commerce and Trade, one was also responsible for the Deputy Premier's visit to Germany.
- (5)-(7) Yes. In accordance with normal departmental procedures, all participating organisations will provide an evaluation on their participation in this promotion, including individual outcomes. This is normally received within two months from the date of the promotion.

#### HEALTH - ORGAN DONATIONS

##### *Advertising*

1498. Dr CONSTABLE to the Minister for Health:

- (1) In the years 1994 to 1997 inclusive, which person or organisation was responsible for compiling, authorising and paying for advertising campaigns promoting organ donations?
- (2) What amounts of money were spent on organ donor promotions between 1994 and 1997 inclusive in the following media -
  - (a) West Australian newspapers;
  - (b) television, and
  - (c) other?
- (3) Did the Health Department of Western Australia in any way promote, endorse or authorise the front page report in *The West Australian* on Saturday, 8 February 1997 entitled "Donor Hunt: 170 Wait for New Life"?

Mr PRINCE replied:

- (1) It was decided a number of years ago that campaigns promoting organ donations would be more efficient and cost effective if generated at a national level. ACCORD was formed - the Australian Co-ordinating Committee on Organ Registries and Donation - to do just that and each State contributes funding (current amount from WA unknown at this stage). In this State, there have been two other initiatives designed to improve the rates of organ donation - a joint AMA/Health Department campaign three years ago, and the most recent brochure and poster campaign launched by the Minister for Health, Kevin Prince, (20/5/97) in which sporting champions from the Western Australian Institute of Sport encourage people to donate their organs. (\$5 000 grant from Health Promotion Services).
- (2) Do not have the information available regarding how much ACCORD has spent on advertising in these media outlets. The most recent State Health Department campaign did not include any paid advertising.
- (3) The article in *The West Australian* 8/2/97 - "Donor Hunt: 170 Wait for New Life" - was developed with Princess Margaret Hospital, West Australian newspapers, and the families of the three featured children. The families were keen to encourage an increased awareness of organ donation issues in Western Australia.

#### OFFICE OF MULTICULTURAL INTERESTS - COMMITTEES AND BOARDS

##### *Directory of Names*

1520. Ms WARNOCK to the Minister for Multicultural and Ethnic Affairs:

Since the Office of Multicultural Interests called for expressions of interest from people of culturally and linguistically diverse backgrounds to serve on government committees and boards -

- (a) how many people nominated to be included in this directory;
- (b) how many names were included in this directory;
- (c) how many names included in this directory have been placed on State Government committees, councils and advisory boards?

Mr BOARD replied:

- (a)-(c) The Office of Multicultural Interests called for expressions of interest for people from culturally and linguistically diverse backgrounds to serve on Government committees and boards through its "Multicultural Voices - Have Your Say" project launched in June 1992. Responses were forwarded to the then State Administration Office. The Register of Interested Persons is now maintained by the Ministry of Premier and Cabinet. With each new term of Government the Register is reviewed and up-dated and it is not feasible to make a direct comparison between current appointments and past nominations to the Register.

#### QUESTIONS WITHOUT NOTICE

##### POLICE - CORRUPTION

##### *Inquiry - Secrecy*

**452. Dr GALLOP to the Premier:**

Why was it necessary for the Royal Commission into Commercial Activities of Government and Other Matters and the Marks royal commission to hold public hearings, yet the current inquiry into police corruption in Western Australia is to be closed and secret?

**Mr COURT replied:**

Under its legislation, the Official Corruption Commission -

Several members interjected.

The SPEAKER: Order! Members on my right, that was an unusual outburst. The Premier should have an opportunity to answer the question.

Mr COURT: Under its legislation, the Official Corruption Commission can appoint a special investigator if it believes that a matter warrants a full public inquiry, and it can recommend the establishment of a royal commission.

Dr Gallop: Answer the question!

Mr COURT: As I have said on many occasions, the Anti-Corruption Commission can make such a recommendation.

GOVERNMENT - COALITION

*Governing on behalf of Liberal Party*

**453. Dr GALLOP to the Premier:**

Is it not the case that the coalition Government is governing on behalf of the Liberal Party and not on behalf of the public of this State?

Mr Court: What was the second part of the question?

Dr GALLOP: The Premier knows what it was! Is not the answer that the Premier conducts government on behalf of the Liberal Party and not in the public interest?

**Mr COURT replied:**

No.

HEALTH - DEPARTMENT OF RURAL HEALTH

*Establishment*

**454. Mr BLOFFWITCH to the Minister for Health:**

Further to my question yesterday, can the Minister expand on the benefits of the recently announced university department of rural health for rural residents?

Ms MacTiernan: You are running out of dorothy dixers!

**Mr PRINCE replied:**

The interjector is correct. Yesterday I was not able to say everything that I have to say on this matter.

This is recognition by the Federal Government of submissions made by the State. I congratulate the Health Department because it played a coordinating role. I also congratulate the rural policy office in Geraldton, the University of Western Australia, particularly the Australian College of Rural and Remote Medicine, Edith Cowan University and Curtin University of Technology, all of which submitted a joint proposal seeking money for the establishment of the university department of rural health - an initiative of the current Government during the election. An amount of \$1.5m has been allocated. The principal aim of this initiative is that people who are students in virtually every health discipline will be able to go to the mid west, Gascoyne, Pilbara and goldfields and will have student placements as undergraduates; that is, whether they are graduates in medicine or nursing or in other allied health professions. The object of the exercise is to give those young people experience in rural and remote practice in their formative years. Research conducted on an ad hoc basis has found that where this is done, young people, particularly those from a city background, get their first intensive exposure to life in the bush. In a professional sense, careers in the bush are presented to them that offer variety and a challenge.

The Health Department will develop specific rural health curriculums for undergraduates. This will have particular emphasis on Aboriginal cross-cultural awareness and will involve Aboriginal health care workers so they are better equipped for practice in the bush, wherever it may be. It is anticipated that an increasing number of undergraduates in any health discipline will then opt to go into the country for at least part of their professional lives. It is a first class initiative that will benefit people greatly, especially those in the Gascoyne, Pilbara and goldfields.

PLANNING - MR GEOFF PROSSER

*Discussions with Former Minister*

**455. Dr EDWARDS to the Minister for Planning:**

I refer to the Minister's answer to a question in which he stated he was not in a position to say whether Geoff Prosser or his representative had approached the previous Minister for Planning about planning matters.

- (1) Will the Minister have the departmental records examined to determine whether any discussions on planning matters took place between the previous Planning Minister and Mr Prosser or his representative?
- (2) If not, why not?

**Mr KIERATH replied:**

If the member wants to inquire about the former Minister's activities, I suggest she refer the question to the former Minister.

#### TRANSPORT - BUS

##### *Mandurah - Improvements*

**456. Mr MARSHALL to the Minister representing the Minister for Transport:**

The growth of the circumference of Mandurah city has resulted in an urgent need for an improved suburban bus service. As suburbs such as Halls Head and Erskine grow, and new suburbs such as Meadow Springs, Pleasant Grove and Tims Thicket evolve, an expanded bus system is required urgently. What is the Department of Transport doing about this need?

**Mr OMODEI replied:**

I thank the member for the question and for his continued support for improvements to Mandurah district bus services. The Minister for Transport has provided the following response. The Government is aware of the ongoing residential development in the Mandurah region and that Mandurah community travel requirements must be addressed. The Department of Transport advises that a number of meetings have been held with Mandurah City Council to discuss this issue. The requirement for the Mandurah transport needs study to be carried out to assess the travel needs of the community has been identified and agreed to. The Department of Transport and the council have prepared a brief for tender, to be called in the next fortnight, to appoint a consultant to undertake the study. The cost of the survey will be shared equally between the council and Transport.

The primary objectives of the survey will be to identify the needs for public transport or community transport among specific groups in Mandurah; to identify the characteristics of the required service to enable appropriate services to be designed to suit the needs; and to determine the level of awareness and usage of public transport services currently operating. I am confident the survey will provide valuable information to assist in the review of Mandurah's public transport. The member for Dawesville's interest in this issue is appreciated. The Government will ensure it delivers to the Mandurah region the continuing public transport improvements it has already delivered.

#### SHIPPING - STATESHIPS

##### *BAAC Pty Ltd - Settlement*

**457. Ms MacTIERNAN to the Premier and Treasurer:**

- (1) Can the Treasurer confirm that the Government has reached a settlement with respect to the \$4.3m damages claim by the Buckeridge company, BAAC Pty Ltd, arising from the closure of Stateships in 1995?
- (2) Will the Treasurer confirm that the amount of the settlement was \$1m?
- (3) Is the Treasurer now prepared to sack the Minister for Transport for this squandering of taxpayers' funds in addition to the loss of tens of millions of dollars during the 1995 Stateships debacle?

**Mr COURT replied:**

(1)-(3) I am surprised the member has raised the issue of Stateships' losses.

Ms MacTiernan: Why? You thought we did not know about it?

Mr COURT: In answer to the question about the Minister for Transport, I have every confidence in the Minister for Transport. In answer to the question of whether an out of court settlement has been reached, yes it has been. The Attorney General will provide all that information in about an hour's time. The out of court settlement has been reached solely on the advice of the Crown Solicitor's office.

Ms MacTiernan: That is a change. It is a pity you do not always take its advice. You did not take its advice on Mabo.

Mr COURT: Can I answer the question? In relation to the losses associated with Stateships, in the last decade it lost something like \$185m. It was losing money, and bleeding at the rate of approximately \$18m a year. Putting it simply, Stateships was a financial cot case. The big scandal inside Stateships was the charter arrangements for its vessels.

Several members interjected.

The SPEAKER: Order! The member for Fremantle.

Mr COURT: In June 1995 the agreement on the three ships had already cost the State \$27.9m in lease charter payments. An additional \$US26m was outstanding, plus a residual payment of \$US20.5m was due in the year 2000.

Several members interjected.

The SPEAKER: Order! Members, I have, as a matter of course, allowed some interjections, particularly from the member who asked the question. That is in order as long as it is constructive. However, there are now interchanges across the Chamber which are unacceptable.

Mr COURT: Putting it simply, the State would have paid more than \$80m for three ships with a market value between \$15m and \$20m in total. It was an absolute scandal. Stateships was losing approximately \$18m a year. The closure of Stateships involved a cost, and a huge financial upside in that we no longer -

Mr Kobelke: It certainly was for Buckeridge, but what about the State?

Mr COURT: We now no longer have a Stateships service that is losing so much money.

Ms MacTiernan: Or providing a service to regional Western Australia.

Mr COURT: Mr Speaker, I want to answer the question.

The SPEAKER: Order! The Treasurer is entitled to give his answer, and we are all entitled to hear it.

Mr COURT: There is no doubt that the maritime and waterfront unions have a lot of muscle, and they made a decision to stop the Government using that stevedoring firm in operation with Stateships. In a way, it was a blessing in disguise because the only way to resolve the situation was to close Stateships, which the Government did. The arrangements entered into to provide a subsidy for the transport requirements in the north are saving taxpayers of this State more than \$10m a year.

## ENVIRONMENT - SWAN COASTAL PLAIN

### *Environmental Protection Policy*

#### **458. Mr MASTERS to the Minister for the Environment:**

The Swan coastal plain lakes environmental protection policy has been in force for several years, having been introduced by a previous Labor Government, and today is recognised as having several important deficiencies. Is a review of this EPP imminent, and will the Minister provide some detail of the review process?

#### **Mrs EDWARDES replied:**

This environmental protection policy is called "The Environment Protection Swan Coastal Plain Lakes Policy of 1992", and was gazetted on 18 December 1992. Section 36(1) of the Environmental Protection Act requires an EPP to be reviewed within seven years, or sooner if the Minister so directs. Therefore, under this time frame, the review of the 1992 policy will not take place for approximately another two and a half years. I cannot give the member any detail of any review on the Swan coastal plain, other than to refer him to section 36(2) of the Act which states that any review must be accompanied by a draft management plan. I would be pleased to receive information on the member's concerns in order to determine whether this review needs to be carried out earlier than the prescribed time frame.

## INDUSTRIAL RELATIONS - MINIMUM WAGE

### *Increase*

#### **459. Mr KOBELKE to the Minister for Labour Relations:**

Was it on the Minister's instructions that the Government opposed an increase to the state minimum wage to the level of the federal minimum wage in the current state wage case?

**Mr KIERATH replied:**

The case the State put to the Industrial Relations Commission on the state minimum wage resulted from a combination of advice from the Department of Productivity and Labour Relations, the Minister's office and, I think, Treasury. A whole range of information was provided and a common position was determined, and the case was put on the public record.

#### INDUSTRIAL RELATIONS - MINIMUM WAGE

##### *Increase*

**460. Mr KOBELKE to the Minister for Labour Relations:**

As a supplementary question, was the opposition to increasing the state minimum wage to the level of the federal minimum wage endorsed by Cabinet, and if so, was the case put to the commission also endorsed by Cabinet?

**Mr KIERATH replied:**

Labour relations issues are handled inside this Government through the process of a subcommittee of Cabinet which I chair. It has a number of members, including the Premier, the Deputy Premier - although they do not always manage to attend - the Minister for Finance and me.

Ms MacTiernan: So they leave you in charge!

Mr Kierath: In fact, I chair the subcommittee in any event, so the member should get her facts straight. All labour relations issues go to that body. The state wage case issue went to Cabinet and the position put to the commission had Cabinet endorsement.

#### HOUSING - DALYELLUP, BUNBURY

##### *New Residential Community*

**461. Mr OSBORNE to the Minister for Housing:**

Can the Minister confirm that a major new residential community is to be developed south of Bunbury?

**Dr HAMES replied:**

I thank the member for some notice of this question, particularly given the fact I have some students from Kyilla Primary School visiting Parliament today for lunch. The development at Dalyellup, which is eight kilometres south of Bunbury, is an extremely innovative and exciting project for the Government. It will be a joint venture between the Government, through Homeswest, Home Building Society and Satterley Real Estate in developing a parcel of 570 hectares of land between Bussell Highway and the ocean. This will provide a new site within commuting distance of Bunbury. It will comprise 2 400 home sites, schools, sporting facilities, community and shopping facilities and attractive landscape gardens.

The project will be undertaken in conjunction with good environmental care, with most of the land kept as foreshore reserve and tuart parklands. The balance will be used to create a variety of lots from 4 000m<sup>2</sup> country living-style dwelling sites to more conventional size blocks. This is a great government initiative in a joint venture development which presents tremendous opportunity for further development of Bunbury and its surrounding regions.

#### POLICE - KIMBERLEY REGION

##### *Budget Blowout*

**462. Mrs ROBERTS to the Minister for Police:**

- (1) Is the case of the \$200 000 Police budget blowout in the Kimberley region typical of other regions, or is this problem isolated to the Kimberley region?
- (2) Which other regions have had to cut back on expenses such as overtime, meal allowances, stationery purchases, and night and remote patrols this month?

**Mr DAY replied:**

- (1)-(2) This issue received some publicity yesterday, and as a result I was made aware in general terms of budgetary considerations in the Narrogin, Geraldton and Kimberley regions. Responsibility for management of their budgets rests with local police services. They have all been given extremely good funding, particularly in

the past couple of years when the total Police budget has been substantially increased. I have no doubt that with the funds allocated they will be able to continue to provide an extremely good level of policing in their regions.

POLICE - SERVICE

*Budget Problems*

**463. Mrs ROBERTS to the Minister for Police:**

Does the Minister know whether other regions are experiencing budgetary problems similar to those experienced in the Kimberley?

**Mr DAY replied:**

I have just answered that question. The Police Service has an extensive internal management system, in particular in relation to financial matters.

Mrs Roberts interjected.

Mr DAY: Does the member want me to answer the question?

Mrs Roberts: Tell us the shortfall region by region; you do not know anything.

The SPEAKER: The member for Midland will come to order!

Mr DAY: The Western Australia Police Service has an extensive internal management system and contingency funds are available to ensure an adequate and effective level of policing.

Mrs Roberts: You are an absolute disgrace. Answer the question.

Mr DAY: Contingency funds are made available to ensure effective policing throughout the State. If an operational need arises, the police will be there.

Mrs Roberts interjected.

The SPEAKER: I formally call the member for Midland to order for the first time.

ROADS - ROAD SAFETY

*Young People Involved in Accidents*

**464. Mr SWEETMAN to the Minister for Youth:**

Some notice of this question has been given. Currently young people aged between 17 and 24 years are over-represented in Western Australia's road crash statistics. While they comprise only 20 per cent of drivers, they represent nearly one-third of deaths and serious injuries on our roads. Are young people aware of these statistics and prepared to be involved in addressing this problem?

**Mr BOARD replied:**

I thank the member for some notice of this question. The Office of Youth in Western Australia has raised a number of issues with young people. However, more importantly, they have raised more issues with the office than it has raised with them, and in that context they have raised the issue of road safety. Throughout Western Australia young people are saying that they want to play a part in addressing the fact that young people are over-represented in road crash and road death statistics.

I was delighted this morning to represent the Minister for Transport in launching the Smart Arts pop poster award and competition.

Ms MacTiernan interjected.

Mr BOARD: I will explain this to members.

Several members interjected.

Mr BOARD: This is an initiative from the young people themselves.

Several members interjected.

Mr BOARD: Exactly; they want to raise the awareness of road deaths in this State.

Several members interjected.

The SPEAKER: Order!

Mr BOARD: It is a tragedy that an issue raised by young people -

The SPEAKER: Order! There has been excessive interjecting. The Minister is entitled to be heard, and I want to hear him.

Mr BOARD: In conjunction with the Office of Road Safety and local government, young people have presented an initiative that will raise awareness in every high school in this State. This initiative will address the issue for 17 to 24 year olds and will spread the word to every school. It is a tragedy that members opposite laugh at these initiatives. I was proud to launch this program this morning as it will benefit young people in Western Australia.

## CORRUPTION - ANTI-CORRUPTION COMMISSION

### *Act - Breaches*

#### **465. Mrs ROBERTS to the Minister for Police:**

Given the Minister's claim in this place yesterday that section 54 of the Anti-Corruption Commission Act states that "no person shall divulge details about investigations being undertaken by the ACC" -

- (1) Has the Premier breached the ACC Act for stating in his letter to Hon Derrick Tomlinson on 10 March that the commission is investigating matters surrounding the death of Stephen Wardle; if not, why not?
- (2) Has the Commissioner of Police breached the ACC Act for announcing to the media that allegations against drug squad officers have been referred to the ACC for investigation; if not, why not?

The SPEAKER: Order! The question is out of order. It is asking for a legal opinion.

### *Points of Order*

Dr GALLOP: Mr Speaker, the member for Midland is not asking for a legal opinion but is pointing to the Act, as the Minister did yesterday, and is then asking whether there is a contradiction between the Minister's answer yesterday and what the Premier and the Commissioner of Police have said.

Mr COWAN: Mr Speaker, I am sure you do not need me to comment on this same point of order, but I will do that if you will allow me. Irrespective of which way we look at it, a decision about whether someone has breached an Act is a matter of legal opinion; therefore, this question is rightly ruled out of order.

The SPEAKER: Order! The question is out of order, but, as in all cases, if the member wants to get up a question that deals with those issues, advice is available to her from the Clerks to rephrase the question, if that is possible.

### *Questions without Notice Resumed*

## WASTE DISPOSAL - LEVY

### *Urban Landfill Sites*

#### **466. Mr McGOWAN to the Minister for the Environment:**

Will the Minister guarantee that the proposed levy on waste dumped at metropolitan landfill sites will not increase with every annual review? Will the Minister also advise whether all government departments and agencies will be required to pay the levy?

#### **Mrs EDWARDES replied:**

It is an urban landfill levy. If government departments and agencies send their waste to an urban landfill site, the levy will apply. With regard to an increase in the levy with every annual review, I will take advice from the Waste Advisory Council. I cannot see that the levy will be increased for a number of years. We want to provide an incentive for local councils and commercial and industrial operators to look at how they deal with their waste. The less waste which is disposed of, the greater the likelihood that a reduced levy will be paid by the three bodies that deal with household, industrial and commercial waste.



## SCHOOLS - PRIMARY

*Roelands - Grounds***467. Mr BRADSHAW to the Minister for Education:**

Some notice of this question has been given. In view of the announcement of the new primary school for Roelands and Burekup, will the Minister allow the current Roelands Primary School and grounds to be used for community purposes?

**Mr BARNETT replied:**

I thank the member for some notice of this question. I appreciate the role that the member for Murray-Wellington, along with the member for Collie, has played in this issue. I am conscious that the Roelands community has contributed in many ways to the development of facilities on the site in Roelands, and also that the school grounds represent a significant and important area of public open space for the community. We hope that the development of the new school, presuming that is at Burekup, will be financed in part by some sale of assets in Roelands. I do not think anyone knows at this stage what that land is worth. As part of that process, the Education Department will be only too pleased to negotiate with the local community. I imagine that as a result of those discussions, some of that land, and perhaps also buildings, will be reserved for community use.

## INDUSTRIAL RELATIONS - MINIMUM WAGE

*Increase***468. Mr KOBELKE to the Minister for Labour Relations:**

Further to my earlier question about the Minister's submission to the state wage case opposing increasing the state minimum wage to the federal minimum wage -

- (1) Did the Department of Productivity and Labour Relations and the Crown Law Department provide the Minister with advice relevant to that submission?
- (2) Was that advice at variance with the submission made to the Industrial Relations Commission?

**Mr KIERATH replied:**

- (1)-(2) In arriving at its position on the minimum wage the Government considered a range of divergent advice on a number of issues.

Ms MacTiernan: You made it up.

Mr KIERATH: The Cabinet subcommittee on labour relations, which comprises Ministers and the Department of Productivity and Labour Relations, took a policy position to Cabinet. The Cabinet endorsed that policy.

## RAINBOW LORIKEET - THREAT TO NATIVE BIRDS

**469. Mr MASTERS to the Minister for the Environment:**

The rainbow lorikeet was introduced to the wild in Perth, probably through aviary escapes during the mid-1960s, and is now spreading throughout the metropolitan area. Does this bird pose a threat to native birds in Western Australia and, if yes, what measures can be put in place to control its impact on the natural environment?

**Mrs EDWARDES replied:**

The Department of Conservation and Land Management has been considering the risks that the rainbow lorikeet poses to native birds and the practicalities of population control. To date no evidence exists that it poses a risk. Some concern existed that the species may impact on the native purple crowned lorikeet, particularly for food. However, it has been proved that they can coexist as they have different nesting patterns. Although CALM is concerned and will continue to consider the issue, no evidence exists of any impact on native birds.

## CORRUPTION - ANTI-CORRUPTION COMMISSION

*Allegations - Confidentiality***470. Mrs ROBERTS to the Minister for Police:**

- (1) How does the Minister reconcile his claim in this place yesterday that section 54 of the Anti-Corruption Commission Act states that no person shall divulge details about investigations being undertaken by the

ACC with the Premier's statement in his letter to Hon Derrick Tomlinson on 10 March that the commission was investigating matters surrounding the death of Stephen Wardle?

- (2) How does the Minister reconcile his statement yesterday and the Police Commissioner's announcement to the media that allegations against drug squad officers had been referred to the ACC for investigation?

**Mr DAY replied:**

- (1)-(2) The member for Midland asked me yesterday whether particular allegations had been referred to the Anti-Corruption Commission. I said that it was my advice that it was not possible to confirm whether any particular allegation had been referred to the ACC. For the information of member for Midland, section 14 of the Anti-Corruption Commission Act provides that any chief executive officer of a government agency is required to report any allegation of corruption to the ACC.

Dr Gallop: What about telling the public about it?

Mr DAY: Members of the Opposition can draw their own conclusions about what may have been referred to the ACC. I have no doubt that the actions of the Premier are entirely appropriate; however, I suggest that the Opposition direct that question to the Premier.

#### WESTERN SHIELD PROGRAM - SUCCESS

##### **471. Mr MASTERS to the Minister for the Environment:**

The Western Shield program to control foxes, and to a lesser degree feral cats, is proving to be highly effective. However, shooting is still an essential control method in some parts of the State. With bullets costing up to 30¢ each, has the Minister considered the reintroduction of a bounty as a way of further reducing fox and feral cat numbers?

**Mrs EDWARDES replied:**

I thank the member for some notice of this question. The Western Shield program has been highly effective. Today the Department of Conservation and Land Management is reintroducing some bilbies, which have been part of the department's captive breeding program, to the Peron peninsula. The other success of the program has been with woylies. Their status as an endangered species has decreased primarily through fox and other predator control measures. Investigations of previous bounty schemes have shown them to be ineffective. For instance, with a bounty on feral cats the likelihood exists that neighbourhood cats will be taken for the bounty. Project Eden under the Western Shield program has proved to be highly effective in reintroducing wildlife into regions where they have not been seen for a number of years.

#### CATS - FERAL

##### *Bounty Scheme*

##### **472. Mr MASTERS to the Minister for the Environment:**

The Minister intimated that the bounty scheme might cause people to take cats from their neighbours. Is that a problem?

The SPEAKER: Order! The member will know why I have ruled his question out of order. The member should not make a statement before he asks the question.

#### COMPETITION POLICY - PAYMENTS

##### *Local Government Share*

##### **473. Mr McGOWAN to the Minister for Local Government:**

Will the Government be sharing with local governments some of the \$41m that Western Australia received from the Commonwealth as national competition payments, as other State Governments have done?

**Mr OMODEI replied:**

I thought that I answered that question during the Estimates Committee debate. Unlike other States in Australia, local government in Western Australia is not involved in the provision of power and water supplies, or of transport, as is the Brisbane City Council. The intention of the Hilmer competition policy is to ensure that local governments are competitively neutral in their operations, and an agreement was struck in that regard. The member for Rockingham

will know, as I have answered this question previously, that the Western Australian Government has received cuts in excess of \$300m to its financial assistance grants over the past five years. At the same time payments to local governments across Western Australia have been maintained, and increased in real terms until this year, when there has been a reduction of about \$900 000. I am in the process of preparing a Cabinet submission seeking funds to offset some of the demands that have been placed on smaller local governments as a result of the national competition policy.

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