WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1998

LEGISLATIVE ASSEMBLY

Tuesday, 31 March 1998

Legislative Assembly

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THE SPEAKER (Mr Strickland) took the Chair at 2.00 pm, and read prayers.

ABORTION LAW

Petition

Mr Omodei (Minister for Local Government) presented the following petition bearing the signatures of 1 430 persons -

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

We, the undersigned

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

are vigorously opposed to abortion;

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

believe the morality of a society can be measured by the degree it protects the rights of those that do not have the ability to protect their own rights such as the unborn and some of the aged and handicapped. Abortion totally ignores and overrides the rights of the unborn;

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

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

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

[See petition No 162.]

ABORTION LAW

Petition

Mr Kobelke presented the following petition bearing the signatures of 22 353 persons -

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

We the undersigned respectfully commend to the attention of the House that:

1. Every act of abortion kills an unborn human child; and
2. The first duty of the law is to protect every human life.

Your petitioners therefore humbly pray that you will reject any Bill to legalise abortion and your petitioners, as in duty bound, will ever pray.

Similar petitions were presented by Mrs Roberts (111 signatures) and Mr Cunningham (110 signatures).

[See petitions Nos 163, 165 and 170.]

APPLECROSS SENIOR HIGH SCHOOL

Petition

Mr Shave (Minister for Lands) presented the following petition bearing the signatures of 973 persons -

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

We, the undersigned, the parents and supporters of Applecross Senior High School adamantly voice our strongest opposition to the possible relocation of the Special Art Programme from this school. To lose the continuity of the Special Art Programme would be to devalue the achievements of all Applecross students, past and present. Significant and permanent investment in resources, art rooms and equipment has been made in this programme, not only by governments and teachers but by parents and students. The school has adopted local merit selection of art staff and the School Environment Plan, strongly supported by parents, incorporates provision of gallery space in the future.

We wish, therefore, to enlist your support in the fight to maintain this highly reputable programme at Applecross Senior High School where it will continue to receive the resources, focus and prestige it deserves.

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

[See petition No 164.]

ABORTION LAW

Petition

Mr Masters presented the following petition bearing the signatures of 102 persons -

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

We, the undersigned citizens of Western Australia, categorically oppose the de-criminalisation of the current Abortion laws. We support the enforcement of the current Western Australian laws governing Abortion.

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

[See petition No 166.]

TRAFFIC LIGHTS, JOONDALUP

Petition

Mr Baker presented the following petition bearing the signatures of 203 persons -

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

We, the undersigned, hereby request that traffic control signals be installed as a matter of urgency at the intersection of Grand Boulevard and Boas Avenue in Joondalup. This location is extremely hazardous due to the dual lane configuration of Grand Boulevard and the increased use of the intersection by motorists and pedestrians accessing the Central Business District, nearby Police Station, Law Courts, Lakeside Joondalup Shopping City, banks, retail outlets, professional suites and Government agencies.

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

[See petition No 168.]

ABORTION LAW

Petition

Mr Tubby (Parliamentary Secretary) presented the following petition bearing the signatures of 55 persons -

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

We the undersigned are a group of concerned citizens who would like our voice heard regarding the third reading of a bill to be presented to Parliament on the 31 March, 1998 regarding abortion. We would like

it to be known that we do not support abortion on demand (which could be interpreted to include the termination of full term pregnancy and abortion for reasons of convenience).

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

[See petition No 169.]

WA POLICE ACADEMY

Petition

Mr Baker presented the following petition bearing the signatures of 44 persons -

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

We, the undersigned residents and taxpayers of the Joondalup region, demand that the WA police service has the best police academy in Australia and that the new police academy be:

Co-located with two of WA's best tertiary education institutions,

Located in close proximity to WA's most modern and best equipped Public & Private Hospital,

Located in a thriving regional City centre,

Located in Australia's fastest growing region,

Located in an area having excellent bus, rail and vehicular transport systems,

Located in an area having world class civic, cultural and recreational facilities,

And therefore be located in Joondalup and not in Midland or Murdoch.

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

[See petition No 171.]

ABORTION LAW

Petition

Mr Masters presented the following petition bearing the signatures of 15 persons -

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

We the undersigned: believe that the legalised right to safe and medically administered abortion represents the right of a woman to choose when she will accept motherhood, its many responsibilities and the life-long commitment that must be made to the child that would otherwise be born if abortion was not reasonably available.

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

[See petition No 172.]

DEPARTMENT OF TRANSPORT ANNUAL REPORT

Statement by Speaker

THE SPEAKER (Mr Strickland): I have received a request from the Minister for Transport to amend the annual report of the Department of Transport which was tabled in the House on 10 March 1998. Page 59 of the tabled report included a statement of compliance with public sector standards in human resource management. It should have also referred to compliance with the code of ethics. That was omitted in error. Accordingly, under the provisions of Standing Order 233 I advise the House that I have authorised the necessary correction to be made to the tabled report.

[Questions without notice taken.]

ANSWER TO PARLIAMENTARY QUESTION BY MINISTER FOR LABOUR RELATIONS

Standing Orders Suspension

MR KOBELKE (Nollamara) [2.55 pm]: I move -

> That so much of the standing orders be suspended as is necessary to enable consideration forthwith of a motion relating to the misleading of the House by the Minister for Labour Relations.

I understand that the Government is willing to allow a limited debate on this matter; therefore, I will not speak to the motion to suspend standing orders, other than to say that misleading this House is a most important matter that this House should debate at the first available opportunity, and that is what I have sought to do.

MR BARNETT (Cottesloe - Leader of the House) [2.56 pm]: I thought that most members of this Parliament and certainly the public would want the debate on abortion to be resumed and, hopefully, concluded. However, the member for Nollamara and the Opposition have chosen to engage in what I regard as yet another stunt. The issue raised has been addressed in a question asked of the Minister for Labour Relations. The Opposition has decided to pursue it. In my judgment - it is only my judgment - it is a relatively trivial motion. However, in the interests of this Parliament's dealing with this matter and getting back to the important issue - the abortion debate - the Government will agree to a limited half hour debate on this issue, on the basis that that is accepted by all parties. I say that most reluctantly, because I do not think it really warrants it, but in the interests of getting back to the important business, we will go along with that.

Question put and passed with an absolute majority.

Motion

MR KOBELKE (Nollamara) [2.58 pm]: I move -

> That this House finds that the Minister for Labour Relations has misled the House, in answering a parliamentary question, by giving an untrue and dishonest answer designed to conceal important facts which might cause him some embarrassment.

The Leader of the House, in suggesting that somehow this motion is a stunt, clearly places little value on members of this place telling the truth. It is clear that very important matters are before this House, but one matter that cannot be pushed aside is a Minister's telling untruths, particularly when it comes to parliamentary questions. The Minister for Labour Relations had the opportunity to give a short ministerial statement to explain how he had misled the House in the way that he had. However, he chose not to do that. That is why I sought, straight after short ministerial statements, to seek the suspension of standing orders.

The Minister attempted to address the issue by way of a Dorothy Dix question. He apologised for the error, but did nothing other than try to attack myself and the Opposition for asking questions. He gave no explanation of how the House had been misled. The apology was the sort of apology that we get from this Government when it has been caught out - not an apology because it has any respect for the truth, but an apology because it has been caught telling an absolute untruth to the Parliament. That was the only form of apology that we got from the Minister. He attacked me and said it was just a waste of time because I had asked exactly the same question twice. If the only way that we can get honest answers is to ask each question twice, I will start to ask each question twice.

The point at issue is whether Ministers answer honestly and truthfully when asked a question or whether they seek to deceive and mislead, because that is what we have had from the Minister in this instance. It was not the first time this Minister has been caught out. The Minister suggested that I received the answer last year. That is not true. I accept his letter that he signed off. I received the reply to the detailed questions I put on the first day of the sitting of this year, 10 March, when it was tabled. On the following Tuesday, 17 March, I received his second answer, which advised that figures were not kept. I put the same question in a second time because over the summer break I had not received an answer to the question. I wanted an answer because the issue of workers' compensation and common law claims was very much a matter of current political debate and I was urgently seeking answers to that question. I did not receive the earlier letter that contained the answers until the answers were tabled in this Parliament on 10 March, and my repeated question had gone in a few days before that.

On 17 September 1992 the Premier said in this House -

> The most serious offence that we, as members of Parliament, can commit under the Westminster system by which this Parliament operates, is to either lie to or mislead the Parliament.

I fully concur with those words. They are not mine; they are the Premier's. The Premier further said -

> We cannot expect a democracy to work effectively if the members of Parliament are not prepared to be accountable to the Parliament.

Now that the member for Nedlands is the Premier and leads a Government, he pushes aside those fine words which he espoused in opposition and says that we are not to require Ministers to be accountable to this place and to speak the truth; this Parliament is expected to operate on a basis of false information provided to members of Parliament.

We should require Ministers who have misled the House to apologise immediately and explain why the House has been misled, not to simply use the word "apology" in a manner that shows it is clearly not intended. No-one in the gallery and no member on the floor would have accepted what the Minister said as a genuine apology. He used the word "apology" and went on to launch an attack without any explanation as to how the House could have been so badly misled.

On the last Thursday that this House sat, I drew very clearly to the attention of the Minister that we had received information that was false and misleading; that was 12 days ago. The Minister had 12 days to correct the record and he simply left the matter to be dealt with by a dorothy dixer in an attempt to attack the Opposition and to throw in an apology that was quite meaningless. If standards are to be upheld in this Chamber, we need to take account of what we say. We all make mistakes from time to time. When our mistakes have been made known to members on this side, we have acknowledged we were wrong and sought to correct matters, but not this Minister. This Minister simply sees it as a way of trying to skip out of the issue. Why does he do that? The Minister does it because what he attempted to do in this case is part of his modus operandi, part of his approach to conceal information if it contains any embarrassment. I give the Minister due credit that when standard, non-contentious questions are asked, his turn around time from his office is extremely good. However, when it comes to a question that is probing and requires information that may be politically embarrassing to the Minister, he moves into obfuscation mode and seeks to hide the information and give answers which do not outline the facts of the matter, but this answer went further than that. This answer was a straight out untruth. The Minister had provided the detailed figures tabled in this place on 10 March to the questions I asked. As I have already explained, I later submitted the same question because a few days before the start of the parliamentary session I had not received the answers, although they were obviously in the system and the officers of the Parliament may have had them. What did the Minister say in reply to the question when it was submitted a second time? He said -

> The information requested is not readily available and will require considerable research by the Actuary and Premium Rates Committee, to extract and compile. I am therefore not prepared to commit such resources for this purpose. However, if the member has a specific inquiry, I will endeavour to provide the information.

That is just another way of saying, "I am refusing to provide you the information." The Minister has been caught out this time because of the efficiency of certain officers who gave the answers that went through the system. He would like to make that out as a failing of the Opposition. If there was a failing in his office, he has yet to explain to this Chamber why he put false and misleading information on the record. In fact, it was a straight out lie.

Withdrawal of Remark

The SPEAKER: Order! The word "lie" is unparliamentary. Up till now the member has chosen and used his words carefully. I ask him to withdraw that comment.

Mr KOBELKE: I withdraw.

Debate Resumed

Mr KOBELKE: What he put on the record was a straight out untruth and he knew it was an untruth. He was saying to the Parliament, "Here is information, wrong information, and I as a competent Minister know it is wrong, but you are to work on that information." That is not a standard this Parliament can work by. When I raised the matter with the Minister on Thursday, 19 March, the last sitting day, he said that was the answer given, he stood by it, and he was putting his name to it. The advice he received was that the information would require considerable research by the Actuary and Premium Rates Committee; he repeated it. He was not willing to say, "I will look into that information because there is obviously some difficulty, something that needs to be explained." He stood by his answer in this House. He stood by an answer that was totally untruthful and deceptive, and yet all we get today is the use of the word "apology" in a context where clearly it has no meaning whatsoever.

If it was an administrative error, most Ministers would be willing to clear the decks of it and explain that due to the large number of questions going through the Minister's office, they somehow got mixed up, and we gave the number of another question which should have contained that answer and somehow they got transposed. We could accept that, but we have not heard any such possible and plausible answer from the Minister. I suggest that clearly confirms

the way the Minister attempts to answer certain questions: He tries to deceive the member who asked the question and this Parliament. Because he is in deception mode and trying to hide the facts, he glibly went on to attack instead of giving some reasonable explanation.

It comes down to what the Premier will do. He has not had a very good question time; he is not willing to answer direct questions about things for which he has responsibility. However, the Premier also has responsibility for the conduct of his Ministers. The Minister's conduct has fallen well short of the mark, and the Premier needs to take account of the facts that have been laid before this House and decide whether he is prepared to push this aside, because high standards are not something this Government wishes to live up to. This Government may talk long and hard about parliamentary and ministerial standards, but when it comes to delivering, we find those standards mean nothing to the Court Government, because the Minister for Labour Relations simply throws in the word "apology" when he is caught out, and that is the only time we hear it. This case is so black and white that he could not do anything else but apologise. However, instead of giving a genuine apology, he has to bring in further matters that cloud the issue and put the blame on me for asking the questions.

The business of government and of this House cannot be carried out on incorrect information. Members opposite cannot use lies as the currency with which to conduct government. Good government cannot be based on the use of lies. We need this Government to stand up in this case and request a genuine, meaningful apology from the Minister, and further than that, to request an explanation of how the House could be misled in such a gross way. If no explanation is provided, only one interpretation can be placed on the facts; that is, the modus operandi of this Minister is to provide deceptive answers when he thinks he can get away with it. If the Minister thinks he cannot get away with it he will provide the straight factual answers required by the Opposition. In this case the Minister was caught out because I asked exactly the same question on two different occasions. The issue is not that the Minister was caught out - as he clearly was - but whether he seeks honestly and openly to explain the error or will continue the process of obfuscation, whereby he simply tries to hide the facts and uses deceptive and untrue answers to avoid embarrassment.

The Premier must ensure that the propriety of this Chamber is upheld. It is not a decision to be made by the whole House because, with extremely rare exceptions, members on the coalition side of the House will all vote in accordance with the Premier's wishes. The decision on whether the standards of this place will be upheld by all members, but particularly Ministers, will be made by the Premier.

I hope the Government will accept the motion before the House because it does not go very far in censuring the Minister, but points out the truth of the matter and would require the Minister to make a full and frank apology and to provide an explanation. If that explanation is not provided, it will be clear that the Government is one of deception that seeks to hide the truth from the Parliament and the people of this State. The only way for the Government to get itself off the hook is for the Minister to apologise and provide a detailed, believable explanation as to why two totally different answers were given to the same question.

MRS ROBERTS (Midland) [3.12 pm]: It seems that the same disease affecting the federal coalition is affecting the coalition Government in this State. The Premier has a case of the John Howards, in that his words do not match his actions. The Premier has talked continually of openness and accountability. Several of his statements on this subject appear in the record of this House, such as that which appeared in *Hansard* on 17 September 1992 as follows -

> We cannot expect a democracy to work effectively if the members of Parliament are not prepared to be accountable to the Parliament.

He further stated on 17 September 1992 -

> The most serious offence that we, as members of Parliament, can commit under the Westminster system by which this Parliament operates, is to either lie to or mislead the Parliament.

On 3 November 1992 the Premier is recorded in *Hansard* as stating -

> There is an even stronger convention that Governments or Ministers who fail to meet the principle of propriety should resign, because free and decent people should not be expected to obey them.

That is the talk we have heard from the Premier. Like John Howard, he talks up ministerial propriety but his actions are sadly different.

The Minister for Labour Relations has treated this House with contempt by the gross untruth in his answer that the information requested was not readily available and would require considerable research by the Actuary and Premium Rates Committee to extract a reply. That statement was not true because it is clear from tabled paper 1202, which details the claim payments in actual dollars, that the information covering a number of years is readily available. It was a straight out untruth. Even worse than the Minister's untruth, is the contempt the Minister has

shown towards that untruth, the absence of an unreserved apology, and the contempt with which the Premier and the Leader of the House have treated this motion today.

The Leader of the House has described the motion as trivial and a stunt. This motion refers to misleading this House of Parliament, and the Premier is on the record as stating previously that there is no more serious an offence under the Westminster system. Yet, in the knowledge that this motion would be brought forward by the member for Nollamara, the Premier left the Chamber. That is, firstly, the level of support he shows for the Minister for Labour Relations and, secondly, the level of contempt he shows for this House by not being in the Chamber and listening to the case against the Minister, which is absolutely clear-cut.

I hope that the Minister, rather than demonstrating the usual bluff and bluster and attacking his opponents, in this case will do some self-analysis and recognise that some humility is needed. If it was a genuine error, the Minister should say so and should unreservedly apologise. The longer this Government, the Premier, the Leader of the House and the Minister treat the House with contempt, the more damage they will do to themselves in our community. They bring this whole House and parliamentarians in general into disrepute by their arrogant and self-serving attitude.

It has been agreed that the debate on this motion will be curtailed. The case is clear-cut. In one instance, the Minister provided all the information requested and, in another instance, he said it was too difficult to compile the information. His answer in question time today was far from satisfactory and, in attempting to dig himself out of a hole, he dug himself in even deeper. He said he sent a letter to the member for Nollamara last year, when none of that information was tabled until 10 March this year. Yet another untruth by the same Minister.

MR KIERATH (Riverton - Minister for Labour Relations) [3.16 pm]: I thought I made myself clear in question time. I unreservedly apologise. I place no qualifications, conditions or anything else on that apology. I said that at question time, and the *Hansard* record will prove that. I do not wish at this stage to say anything else. I make it clear to the Opposition that I unreservedly apologise.

Mr Kobelke: Will you explain how the error occurred?

Mr KIERATH: Certainly. The member for Nollamara asked the question on Thursday, 19 March. This is the first sitting day since that time. At the very first opportunity I came into this Parliament and used the Government's question time to apologise.

Mrs Roberts: Your first opportunity was a short ministerial statement.

Mr KIERATH: Members opposite do not like me to use short ministerial statements so I thought the apology was best made in question time. It was the first opportunity I had and I unreservedly apologised.

Unlike members opposite, I do not like blaming other people. I accept full responsibility for the portfolios and departments I administer. If someone has made a mistake in my office, I do not publicly blame that person; I accept full responsibility for it as Minister. If anything happens, I do not want those officers to be exposed in a forum such as this. I expect to be attacked in this place and that is fair enough, but I try to protect officers in my department as much as I can.

Mr Ripper: It sounds like it is routine in your office.

Mr KIERATH: I have human beings working in my office, and one of the features of human beings is that they are not perfect and they make mistakes. I have always said that if officers make a mistake and their intentions and motives are good, that is all that matters. I do not care if they make a mistake and it comes back and affects me. I have tried to abide by that policy over the past five years. I have tremendous people working in my office and they are some of the best I have ever worked with. I try to protect them. I did not tell members who made the mistake. I did not blame the mistake on anyone else. I apologised and I accepted full responsibility for it. Members opposite have now made me table a document to show the House -

Mr Kobelke: I have not made you table anything.

Mr KIERATH: I will table two responses to the question that were given to me by the agency. Before tabling them, I indicate to the House that the procedure is for the department to send a draft response, but it is not a response until the Minister signs it off because he is accountable for that answer. The first draft answer to (1) was "see attached" and for (2) was "no". Of course, the chart was attached. Notice was given for that question on 26 November 1997. I now table that answer.

[See paper No 1285.]

Mr KIERATH: Notice was given on 10 March 1998 for question on notice 3066, the answer to which reads -

> The information requested is not readily available and will require considerable research to extract and compile. I am therefore not prepared to commit valuable departmental resources for this purpose. However, if the member has a specific enquiry, I will endeavour to provide the information.

The printed answer provided by the department also contains a handwritten note by the person responsible. It reads -

> The information requested could be obtained with some research by the Actuary to the Premium Rates Committee.

It was signed by the officer and dated 11 March 1998. The answer was prepared by those officers in the department who gave me that advice, which I accept. I now table that paper.

[See paper No 1286.]

Mr KIERATH: I do not attempt to blame anyone. I accept responsibility for the matter. I decided to find some information quickly for the benefit of members regarding the questions on notice I answered last year and those asked this year. Last year - when, importantly, the first of the questions under discussion was asked - 234 questions were answered, and this year we have received 34 questions. Therefore, I have answered nearly 270 questions from members of this House. I try to provide answers quickly. I rely on information sent up to me; however, I accept full responsibility for answers when I sign them.

Also, one answer was signed off last year and I tabled the letter in that regard. The practice of my office is that answers delivered when Parliament is not sitting are sent in writing to the member who asked the question. I have a reference here. I will confirm, probably by the next time we sit - luckily we have good records in my office - that the answer was directed through the mailing system to the member for Nollamara. It was certainly despatched from my office on 12 December 1997.

I do not usually bring personal issues into this place. However, I struck a deal with my wife when I first came into politics. After some years, she could no longer stand the hours involved and wanted to place some conditions on my continued involvement in politics. It was agreed that each January I spend time with my six children and become a normal father for at least four weeks of the year. However, this makes a big psychological gulf between one year and the next as, undoubtedly, I relax and switch off. I try to be a normal dad and pretend that I am no longer a Minister but just a normal human being. That detailed answer was provided on the other side of that gulf, and I tend to forget a lot of information from the previous year as a result of that gulf.

I am generally pretty good at picking up wrong answers. I picked up five answers which came from one agency alone which I believed were totally false. I picked up those answers because I read what is placed in front of me and I try to keep abreast of issues. I apologise for that blemish. I am human. I missed that answer, and I blame the break between years as a possible explanation.

I have never shown contempt for the truth, as some people try to portray. I think I have given a satisfactory explanation in detail. If I make a mistake, I will stand in Parliament and apologise and accept the consequence for doing so. However, it is interesting to see what happens when the boot is on the other foot: We do not see the same standards applied. I hope the member for Nollamara will look at the date on which he asked, and received the answer to, the question. He will then find something in that area which needs explanation.

I have little else to say on this motion, which I did not expect to occupy a half-hour of the time of the House. I have differences of opinion with the two opposition members who spoke to the motion. The one issue on which I thought we had something in common is the protection of human life in the abortion debate. I have been with those members on most votes in the abortion debate, which is far more important than some hiccup or hitch in this matter.

Mr Kobelke: I believe in the truth, Minister.

Mr KIERATH: Like the member, I too believe in the truth, and that the truth should be pursued no matter how much it hurts personally. The member wanted an explanation, but I did not try at the beginning of question time to provide an explanation or to blame somebody else. I apologised unreservedly and accepted full responsibility. I get upset having to explain that other people provided me with that information, but I do not do so to distance myself from the matter. I say again: I accept full responsibility and apologise unreservedly to the House.

MR BARNETT (Cottesloe - Leader of the House) [3.27 pm]: That was a pretty boring debate. The Minister apologised during question time, and he has done so again. He has explained the circumstances of the matter. Frankly, I jump to my feet to defend the Minister, but he does not need that defence because the Opposition did not make a case; in fact, it wasted a half-hour of Parliament's time.

Question put and a division taken with the following result -

Ayes (19)

Ms Anwyl	Mr Graham	Mr McGinty	Mrs Roberts
Mr Brown	Mr Grill	Mr McGowan	Mr Thomas
Mr Carpenter	Mr Kobelke	Ms McHale	Ms Warnock
Dr Edwards	Ms MacTiernan	Mr Riebeling	Mr Cunningham *(Teller)*
Dr Gallop	Mr Marlborough	Mr Ripper	

Noes (32)

Mr Baker	Mr Cowan	Mr MacLean	Mr Pendal
Mr Barnett	Mr Day	Mr Marshall	Mr Prince
Mr Barron-Sullivan	Mrs Edwardes	Mr Masters	Mr Shave
Mr Bloffwitch	Dr Hames	Mr McNee	Mr Sweetman
Mr Board	Mrs Hodson-Thomas	Mr Minson	Mr Trenorden
Mr Bradshaw	Mrs Holmes	Mr Nicholls	Mr Tubby
Dr Constable	Mr Johnson	Mr Omodei	Mrs van de Klashorst
Mr Court	Mr Kierath	Mrs Parker	Mr Osborne *(Teller)*

Question thus negatived.

REPORT OF THE INQUIRY PANEL INTO THE CITY OF WANNEROO

Statement by Minister for Local Government

MR OMODEI (Warren-Blackwood - Minister for Local Government) [3.30 pm]: I rise to make a ministerial statement on the proposed division of the City of Wanneroo and the report of the inquiry panel into the City of Wanneroo.

Members will recall that in 1996 I requested the Local Government Advisory Board to assess options for the division of the City of Wanneroo. The board reported to me in April 1997 with a number of options. Subsequently, I formally proposed to the board the division of the City of Wanneroo to create two new councils - the City of Joondalup and the Shire of Wanneroo. Both councils will have substantial populations - Joondalup with 142 800 residents and Wanneroo with 65 600 residents.

Following its formal assessment of the proposal, including calling for public submissions and holding public meetings, the board has now recommended that the proposal be effected. The board has made one minor amendment to the proposal: To place all of Lake Joondalup in the City of Joondalup rather than have the boundary between the two councils bisect it. I have accepted the board's recommendation and indicated that 1 July 1998 is to be the likely operative date.

Although the proposed Shire of Wanneroo will have to face issues relating to ageing infrastructure, it will also have rapid development and an estimated population of 150 000 by 2011. Its infrastructure needs can be addressed through Governor’s orders which will determine the distribution of assets currently held by the City of Wanneroo. Clearly, one of the advantages of having commissioners oversee the division is an impartial and objective view of the needs of all areas.

With a budget of more than $100m, and more than 1 000 staff, many legal, financial and administrative matters must be determined. However, not all such matters must be determined and implemented before 1 July.

The Commissioners of the City of Wanneroo will be required to plan for the division until a decision is made on the findings and recommendations of the panel of inquiry into the City of Wanneroo. In any event, once the City of Wanneroo is abolished to facilitate the division, commissioners must be appointed.

The current five commissioners who are doing a sterling job will be re-appointed to run both councils until the inaugural elections are held.

Under the Local Government Act such elections must be held within one year of the division. However, given the enormity of the task, I have reservations about this limited period of appointment. Accordingly, I am examining options for a longer term of appointment. The Local Government Act provides significant guarantees to employees of the council. This should ensure a "business as usual" approach.

For the 220 000 residents and ratepayers who will benefit from the split by having more responsive and accountable local government, it will also be business as usual with a continuing emphasis on efficiency and effectiveness. The division of the council marks implementation of a further plank of coalition policy and will be well received. It also will ensure "local" local government by improving accountability and access to and by residents.

I now move to the second issue in the report of the inquiry panel into the City of Wanneroo. Members will recall that in November 1997, following the report of the Royal Commission into the City of Wanneroo and after taking advice from the Solicitor General, I suspended the council of the City of Wanneroo.

In accordance with the provisions of the Local Government Act, five commissioners were appointed to administer the city and a panel of inquiry instituted to inquire into certain aspects of the City of Wanneroo and to determine whether the suspended councillors should be dismissed or reinstated.

The inquiry panel consisted of Mr Craig Lawrence as presiding member; Mr Gavin Fielding, a legal practitioner whose appointment was agreed between the Western Australian Municipal Association; Cr Linton Reynolds, a nominee of WAMA; and me. The panel has now completed its report. It concludes that it is not convinced that there is any reason to believe that the council is not now providing good government. The panel also concludes that the problems do not appear to be so serious as to warrant dismissal of the council. The inquiry did not reveal any generic failure or breakdown of the system to warrant dismissal of the councillors.

The panel has made five recommendations including advertising senior council employees' positions upon completing a functional review of business units. It also recommends the introduction of postal voting for the council elections.

The panel also recommends extending the scope of the Statutory Corporations (Liability of Directors) Act to include councillors and senior employees and the engagement of an external consultant to assist council to implement an appropriate system of risk management and compliance auditing.

Finally, the panel recommends the reinstatement of the council. Under the Local Government Act, I, as Minister, must order reinstatement where the panel so recommends. However, any such decision including the effective date of reinstatement is to be made after the report has been considered by the city, in this case the commissioners, and a formal response provided to me on the recommendations in the report.

I have today referred the report to the commissioners and sought a response within 35 days as required by the Act. I have also formally sent the report to the suspended councillors. When I have received and considered the response I will advise the House and/or make the necessary announcements of my decision. However, there appears to be little point in the councillors assuming control of the city again for the very short period until the council is abolished on 1 July this year.

I table the report of the Local Government Advisory Board into the proposed division of the City of Wanneroo. I also table the report of the inquiry panel into the City of Wanneroo.

[See papers Nos 1287 and 1288.]

On motion by Mr Omodei, resolved -

> That this House authorise publication of the report of the inquiry panel into the City of Wanneroo under section 8.16 of the Local Government Act.

MR McGOWAN (Rockingham) [3.37 pm]: I put the Opposition's view on the proposed division and the report of the panel of inquiry into the City of Wanneroo.

Two important issues have been raised in the Minister's statement and the report he tabled: The proposed division of the city, and whether the councillors should be reinstated. The Opposition believes that the division of the City of Wanneroo is a matter of priority. A crisis of confidence in the city was revealed when the Davis royal commission report was handed down. A crisis of confidence in the city was also felt by the people living within the city's boundaries. They were upset by the standard of local government over the past few years. Their concern and consternation were justified by the fact that former mayors and councillors went to gaol and this also justified the matter being pursued by the Opposition.

The people of Wanneroo have endured approximately seven reports: The Kyle commission of inquiry, the Davis royal commission, the Manakoora Rise report, a number of Local Government Department reports, the Minister's reports on the proposed division, and the panel of inquiry report which the Opposition has not yet had a chance to examine.

All those reports have demonstrated that the City of Wanneroo must be split. It was the Opposition's view last year when the Davis royal commission was handed down that the Government should introduce a Bill into this Parliament to implement that split immediately. Unfortunately, the matter has been delayed for another eight months. In any event, the Opposition supports the splitting of the City of Wanneroo as soon as possible.

In his statement, the Minister contemplated that councillors may be reinstated to their position before the city is split. The Opposition believes that the split should take place without any reinstatement of the city councillors. That would

be a redundant exercise, it would be costly administratively, and it would unnecessarily complicate the lives of those councillors. The people of Wanneroo have had enough. Seven inquiries have been made into their council by royal commissions, the Department of Local Government and lawyers galore. It is time for this issue to be resolved for the people of this substantial local authority.

It is also the Opposition's contention that the split-up should occur as soon as possible. We should not wait until 1 July. The commissioners should be given one year in which to complete their responsibilities. As it is the Minister's intention that the current commissioners will carry on, they have had at least an extra four or five months in which to finalise the affairs of the City of Wanneroo and prepare for its inevitable split-up.

Mr Omodei interjected.

Mr McGOWAN: Does the Minister intend to appoint the same five people?

Mr Omodei: They have been caretakers.

Mr McGOWAN: I thank the Minister for supporting me.

The commissioners should adhere to a time frame. The elections for the proposed new City of Joondalup and the Shire of Wanneroo should be held in one year. Democracy should be brought back into operation in Wanneroo. A year is a reasonable time frame when one considers that the commissioners have had five months in which to examine and run the affairs of the City of Wanneroo, and one year should be enough time for them to get the affairs of the new City of Joondalup and the Shire of Wanneroo into some semblance of order so that elections can be held.

The Opposition is concerned that the new Shire of Wanneroo, which will be less than half the size of the new City of Joondalup, will become the poor cousin of the City of Joondalup. Strict measures should be taken by the commissioners, supervised by the Government, to ensure that the new Shire of Wanneroo with only 65 000 residents does not miss out because facilities and funding go to the new City of Joondalup. I understand that the current council offices and some of the best facilities will form part of the new City of Joondalup. It is often the subject of contention in Western Australia that some areas miss out while others receive benefits. My constituents feel strongly about that. It is important that the Government supervise this matter, so that the ratepayers of the new Shire of Wanneroo are not disadvantaged by this process.

The Opposition has wider concerns about local government boundaries. The Government's major achievement in the area of restructuring local government boundaries was in the split-up of the City of Perth into four municipalities. The Minister for Local Government will claim to have been successful in restructuring the boundaries in the City of Stirling by removing Maylands; however, its major achievement was with the City of Perth, and that is a failure!

Statistics presented in a comparative study of local governments in Western Australia indicate that in 1994 the average expense for an elected member in the City of Perth - in the first year of its new operations - was $105 000. That is more than a backbench member in this Chamber receives. That was the Government's one achievement in boundary restructuring.

Mr Omodei: To be fair, aren't the costs of the commissioners in that figure?

Mr McGOWAN: The study shows that the highest amount of money spent on each elected official by local government is $104 649 in the City of Perth. That contrasts with the WA median across 142 councils in Western Australia of $4 958. Surely the Minister knows that, as his name is on this publication!

Mr Johnson: What is the figure for the City of Wanneroo?

Mr McGOWAN: It is less than half that of the City of Perth.

It is important to look at what has occurred in the City of Perth since its restructure in 1995. The Minister has not been able to answer that question. That is not the only concern that the Opposition has about local government. No member here would suggest that the City of Perth has not had problems. Major divisions have occurred between councillors and there has been a major blowout in expenditure, including an average expenditure of $105 000 for each councillor.

Other local government boundaries in the State are obviously in need of reform. The boundaries of local government in the western suburbs of Perth need reform. The Government has no intention to reform those boundaries. I asked a question about that issue in this place a number of months ago. The short answer from the Minister was that the western suburbs would not undergo an amalgamation process.

Major concerns exist throughout regional Western Australia in areas like Geraldton, Narrogin, Northam, Murray and Mandurah. The situation in Albany is ongoing.

Mr Prince: No it is not; it is fixed. We had a referendum and the amalgamation has gone ahead.

Mr McGOWAN: The member for Albany should ask the former leader of the National Party. The delay faced by all these local authorities, which this Government says it is in the process of reforming, is causing major consternation in communities across Western Australia. All local government authorities in the Geraldton area have major concerns, and not just because of what the Government might do. These councils would accept whatever the Government proposes to do, whether it be amalgamation or a decision to leave them as they are. The delay that has gone on for five years while this Government has been in office and two years since the passing of the Act is causing the councils major problems.

The Greenough Shire Council has spent half a million dollars on its council offices. It may not have spent that sum had it known what would happen in the future. The councils with responsibility for Greenough and Geraldton should be put together to cover the city of Geraldton. An authority is required to cover the Oakajee area. It is obvious to me that the Chapman Valley Shire Council cannot handle the Oakajee development. Why does the Minister not fix it? These major problems are also visible in other areas. The Shire of Northam spent half a million dollars on building a new shire office. This shire may well be amalgamated, but it does not know because the Minister will not make any decision or put in the resources that are required.

The latest joke is that the Minister has sent a letter to all local government authorities around Western Australia saying that the current process is drawn out and time consuming. It is his process; he set it up. He has carriage of the Act. It is his great achievement in government. It is a joke!

Mr Omodei: You were in government for 10 years and you did nothing.

Mr McGOWAN: When we were in Government, those opposite controlled the upper House and would not allow any reform of these areas. It is a little like electoral reform. I would be interested to hear the Minister's view on that.

The final issue I will raise about the City of Wanneroo is the decision by the Government to adhere to the recommendations of the inquiry about reinstatement. It is our view that, for everyone's benefit, the split of the city should be brought forward so that the councillors are not reinstated, and that should take place as soon as humanly possible under this legislation.

Mr Omodei: I believe you need a briefing. I will brief you as soon as I can.

Mr McGOWAN: The Minister is contemplating reinstating the councillors, and I can quote from his speech if he wants. That should not take place. I have serious doubts about the Government's commitment to reform in the major areas outlined in the Davis royal commission report about gifts, donations and conflicts of interest. I have with me a copy of a question answered by the Minister today in which he said that he did not think the area of conflict of interest should be in the Local Government Act, despite the recommendations of the Davis royal commission, and that it should be left up to local governments to handle it. Throughout the Davis royal commission process we found that was not an acceptable approach. Rules about conflict of interest, donations and gifts appear in all sorts of pieces of legislation. There should be some commitment to local government reform.

RAIL SAFETY BILL

Introduction and First Reading

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

SELECT COMMITTEE ON PERTH'S AIR QUALITY

Report

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

> That the date for the presentation of the final report of the Select Committee on Perth's Air Quality be extended to 7 May 1998.

CRIMINAL LAW AMENDMENT BILL (No 2)

Second Reading

MR PRINCE (Albany - Minister for Health) [3.55 pm]: I move -

> That the Bill be now read a second time.

The criminal law of this State is a matter of great importance to those involved in law enforcement and, perhaps more importantly, to members of the community. Reflecting this, members of the House are no doubt aware that the Attorney General recently announced a significant review of the civil and criminal justice systems.

The Law Reform Commission has been asked to look at the laws, procedures and practices relating to criminal trials and civil litigation, including the role of the legal profession, and to make recommendations as to what changes are necessary to provide the community with a more accessible, affordable and less complex legal system.

Another means by which efforts have been made to ensure the relevance of the criminal law is the number of criminal law amendment Bills which have been brought before the Parliament over recent times. In general terms these Bills have provided an opportunity for the Government to advance a diverse range of amendments to the criminal law.

Pending the outcome of that review, the Criminal Law Amendment Bill (No 2) now before the House reflects a considered response to a range of more pressing issues of concern to the community and facilitates effective enforcement of the criminal law. The Criminal Law Amendment Bill (No 2) seeks to -

amend section 297 of the code to increase the penalty for grievous bodily harm;

insert section 474 in the code in relation to counterfeit instruments in the context of preparation of forgery;

enact provisions in relation to offenders who renege on promises to assist the Crown;

ensure that time spent on remand by juveniles in relation to sentences of detention is credited; and

effect a number of miscellaneous amendments and repeals to aspects of the criminal law.

As originally presented in the other place, the Bill also sought to -

amend section 236 of the code dealing with the taking of forensic samples;

amend chapter XXXIIIB of the code concerning stalking; and

amend the Sentencing Act in relation to whole of life sentences.

However, following a motion in the other place to divide a Bill then before it into the Criminal Law Amendment Bill (No 1) and the Criminal Law Amendment Bill (No 2), these three matters are now the subject of the Criminal Law Amendment Bill (No 1).

Before commenting on the details of the Criminal Law Amendment Bill (No 2), I take this opportunity to comment on some specific issues relating to the recently enacted "three strikes" laws.

Through the enactment of the Criminal Code Amendment Act (No 2) 1996 it was the intention of Parliament that repeat adult and juvenile home burglars be sentenced to a mandatory 12 months' imprisonment or detention. However, in February 1997, the President of the Children's Court found that in respect of a juvenile repeat home burglar, the Young Offenders Act allowed a court to release such an offender on a 12 month intensive youth supervision order under section 98 of that Act. Advice received indicated that this interpretation was correct.

The Government considered drafting an amendment to section 401 of the Criminal Code to prohibit the court from making such an order under section 98 of the Young Offenders Act, but with some limited discretion with regard to offenders under 13 years of age.

Analysis of the operation of the Criminal Code Amendment Act (No 2) 1996 revealed that of the first 50 or so juveniles who had appeared before the court, only four had been given an intensive youth supervision order. Of the four, one was subsequently placed in detention for breach of the order. Therefore, the Government has decided not to move to amend the provisions of section 401 of the code. I am pleased to say that, in my view, this is an area in which the judiciary can clearly be seen to be exercising its discretion in a responsible and appropriate manner.

I will now comment on each of the matters which is addressed in the Bill.

Amendments to section 297 to increase the penalty for grievous bodily harm: The offence of grievous bodily harm can arise under a range of circumstances, from bodily injuries which may be likely to cause permanent but minor injury to health, through to catastrophes which may render a person comatose and entirely dependent on others. More importantly, the harm can arise in circumstances with a wide variety of culpability, from a minor altercation with unexpected consequences to a much more vicious attack close to the offence of intending to cause grievous bodily harm.

Where the injuries or behaviour tend towards the upper end of the scale, the penalty of seven years' imprisonment as a maximum fails properly to reflect the effect on victims or the culpability of the assailant, and it fails to provide

an appropriate sentencing range to deal with the range of circumstances that the offence includes. The Murray report on the Criminal Code found that the offence is underpenalised as it can involve the doing of very serious injury in circumstances in which the intent to harm is not present, or that similar intents which are involved in very serious offences against the person cannot be proved. The report therefore recommended an increase in penalty to 10 years' imprisonment.

I should mention that the maximum penalties imposed by other States and Territories in Australia for the offence of grievous bodily harm or similar offences range from seven to 14 years, excluding the Tasmanian position because of the unusual structure of its penalty scheme.

The Bill proposes an increase in the maximum penalty in section 297 of the Criminal Code from seven to 10 years, an increase which would both have the support of the public and be consistent with the logical structuring of penalties under the Criminal Code.

Insertion of section 474 in the Criminal Code in relation to counterfeit instruments in the context of preparation for forgery: Currently, the possession of forged credit cards and the possession of equipment to prepare such forgeries is merely preparatory conduct, not an offence in its own right. However, it is reasonable to take the view that there is sufficient criminality in that conduct to warrant making it an offence. It is already an offence in New South Wales, Victoria and the Australian Capital Territory. Further, the Model Criminal Code Officers' Committee in its final report at Chapter 3 entitled "Theft, Fraud, Bribery and Related Offences", dated December 1995, recommended that there be offences for the possession of a false document and for the making or possession of devices for making such false documents. Such offences are not presently provided for in the Criminal Code.

Chapter LI of the Criminal Code, which was entitled "Preparation for Forgery", previously provided a range of offences which might generally be described as acts preparatory to the substantive offence of forgery or uttering. In his code review, Justice Murray recommended the repeal of the chapter, not because he thought that the preparatory activities dealt with in the chapter should be proscribed by criminal law, but because he had proposed that there should be a general preparation offence. His recommendation for the repeal of the then chapter LI was given effect by the Criminal Law Amendment Act 1990; however, no "preparation for forgery offence" was created.

The Criminal Law Amendment Bill in effect creates two new offences: One dealing with the possession of forged records with the intention that the person or another will utter the forged records with the intent to defraud, and another offence concerned with the possession of any device designed or adapted for the making of a false record, intending that it be so used. In summary, this is an amendment which seeks to overcome a clear anomaly and thereby improve upon the overall structure and schema of offences under the code.

Amendments in relation to offenders who renege on promises to assist the Crown: The purpose of the proposed amendments is to strengthen law enforcement and to provide a mechanism to encourage offenders to cooperate with law enforcement agencies. An offender who undertakes to assist law enforcement authorities is invariably given a reduction in sentence. However, a problem arises when the offender subsequently reneges on that undertaking.

The amendments will provide that a court sentencing an offender who has promised to assist authorities should be required to stipulate the reduction in the sentence that is being given because of that promise. Where the offender reneges on that promise, the prosecution can request the court to substitute the sentence that would have been imposed but for the reduction. The amendments will also enable an appeal court to take into account an offender's promise, and the extent to which it has been fulfilled, when considering matters on appeal. This is a commonsense change to the law, and one which the community would expect to have always been in place.

Crediting of time spent on remand in relation to sentences of detention: Currently a court may give credit for time spent in custody on remand by either reducing the sentence it wishes to impose, or backdating the commencement of the sentence. However the relevant provision, section 87 of the Sentencing Act, is limited to sentences of imprisonment. The Young Offenders Act is however silent on the question of credit for time spent remanded in custody when sentencing juvenile offenders to periods of detention. It has been the practice of courts, when sentencing juveniles to a period of detention, to give credit for any period spent on remand by reducing the sentence. However, no provision exists within the Act for the "backdating" of detention sentences.

With the enactment of the Criminal Code Amendment Act (No 2) 1996 - the "three strikes" burglary laws - courts are more limited in applying credit for time spent in custody. The enactment of mandatory 12 month sentences has meant that, in the case of adults sentenced to imprisonment, the court can only give credit by backdating the commencement of the sentence. In the case of juveniles sentenced to detention, no statutory option exists to give credit for time spent on remand as the Young Offenders Act 1994 makes no provision for this to occur.

The Bill proposes an amendment to the Young Offenders Act to make provision for the crediting of time spent on remand along similar lines to section 87 of the Sentencing Act.

Miscellaneous amendments: The Criminal Law Amendment Bill also contains a number of miscellaneous amendments and repeals to aspects of the criminal law. These matters include -

> consequential amendments to the Criminal Code are included in the Bill to remove habitual criminal provisions which were overlooked in the Sentencing (Consequential Provisions) Act 1995;
>
> repeal of certain provisions in the Criminal Law Amendment Act and the Sentencing Act which were enacted but never proclaimed as a result of the closure of the work camp;
>
> minor amendments and repeals to various sections of the Young Offenders Act as a result of the closure of the work camp; and
>
> in the recent decision of the Supreme Court in Robertson v State of Western Australia - library No 970095C - the Full Court held that certain sentence calculation provisions in respect of fine default periods and their effect on parole sentences were invalid due to lack of statutory enactment. To overcome these issues amendments have been drafted to section 88 of the Sentence Administration Act.

Before concluding I should bring to the attention of the House that, as second read in the other place, an oversight led to several unnecessary references being made to the Sentencing (Consequential Provisions) Act 1995 in the closing parts of the speech. As I pointed out earlier, the Government is committed to significant reforms of the civil and criminal justice systems. The Criminal Law Amendment Bill is part of this process of reform. The Bill amends provisions of the criminal law that are either unworkable in their present form, or require amendment in order to improve community confidence in the criminal justice system.

I commend the Bill to the House, and in doing so, I table the clause notes that are useful in considering this Bill in both the second reading debate and Committee.

[See paper No 1289.]

Debate adjourned, on motion by Mr Cunningham.

CRIMINAL CODE AMENDMENT BILL

Committee

Resumed from 19 March. The Chairman of Committees (Mr Bloffwitch) in the Chair; Mr Prince (Minister for Health) in charge of the Bill.

New clause 3 -

Progress was reported on the new clause, as amended, after the Minister for the Environment had moved the following amendment -

> That the new clause be amended by deleting paragraph (c) of subsection (2) of new proposed section 316A of the *Health Act 1911*.

Mr BARNETT: It is my understanding that the Minister for the Environment, the member for Kingsley, will seek leave to withdraw her amendment to the original amendment moved by the member for South Perth, and that the member for South Perth will then seek leave to withdraw his amendment and to replace it with the new set of amendments which appears on the Notice Paper. The Government believes that is appropriate and will facilitate that procedure in the interests of getting on with the debate about what is now the preferred set of amendments by the member for South Perth.

Mrs EDWARDES: I seek leave to withdraw the amendment standing in my name.

Amendment, by leave, withdrawn.

Mr PENDAL: I seek leave to withdraw my amendment, as amended.

Amendment, as amended by leave, withdrawn.

Mr PENDAL: I move -

> Page 2, after line 3 - To insert the following -
>
> **PART 2 - *HEALTH ACT 1911***
>
> **3.** After section 316 of the *Health Act 1911* the following new Part XIA is inserted -

"PART XIA - GROUNDS FOR PROCURING MISCARRIAGES

Need for preliminary medical certificate

316A. (1) Section 201A of *The Criminal Code* does not apply in respect of the procuring of a miscarriage unless a medical practitioner other than the medical practitioner who procures the miscarriage has issued a certificate to the effect that the procuring of the miscarriage was justified within the meaning of that section.

(2) A certificate issued under subsection (1) must contain a full statement of the facts and conclusions upon which the medical practitioner has based his or her opinion, and a copy of the certificate must be given to the woman concerned prior to the taking of any action to procure her miscarriage. ".

This amendment to insert a new clause 3 will give members of the Committee the facility to vote individually or separately on the content of what was originally a comprehensive amendment of mine. The following series of amendments has as its genesis the notion that women are entitled to the fullest possible protection under the law. In our view, the Foss Bill falls far short of that. Members who have sponsored these amendments have done so in the knowledge that if passed, they could make subsequent passage of paragraphs (a) and (b) of the Foss Bill more acceptable. In short, these provisions would leave women and the unborn better protected. Our members believe that paragraphs (c) and (d) should be defeated, leaving the Bill with paragraphs (a) and (b), together with our amendments.

The amendments seek to ensure, first, that women are not denied the full information they need before making a decision with respect to the issue of a preliminary medical certificate. The amendments are constructed to ensure that a certificate issued by the first doctor contains a full statement of the facts; that is, why the procuring of a miscarriage is justified and the conclusions upon which a doctor has based his or her opinion. A key provision is that the woman must be given a copy of the certificate prior to any surgical procedure.

Second, the doctor carrying out the abortion would also be required to issue his or her own certificate to the effect that the abortion is justified. Third, we seek to ensure that the woman's rights are further enshrined by insisting that the first doctor issuing a certificate is fully independent of the second doctor carrying out the procedure. We insist in proposed section 316D of the Health Act that a woman's right to counselling prior to an abortion is enshrined at law. Fourth, it is proposed in new section 316E that a period of reflection, a cooling off period or a time for choice be given to the woman concerned. There seems to be an unanswerable case for insisting that a woman is entitled to that much. Fifth, these amendments are the only proposals before Parliament that will insist on a conscientious objection clause to protect the rights of doctors and nurses who do not want to take part in abortion procedures. That is provided in proposed new section 316G under the heading "Choice for medical professionals".

Sixth, it is recommended that members vote for the power of the Governor to make regulations with respect to the certificates to be issued, their lodgment with the Executive Director of Public Health, and the prevention of unauthorised disclosures. Proposed section 316I ensures that an abortion which is presently legal under section 259 of the Criminal Code remains so, and is left unaffected by the amendments.

Having given that overview, currently and only before the Committee is the suggested amendment at the bottom of page 14 of the Notice Paper. Essentially it deals with proposed new clause 3 under the heading "Need for preliminary medical certificate".

Mr PRINCE: I understand that in the intervening 10 days since this Bill was last debated, the member for South Perth has redrafted the amendments that were on the Notice Paper, obviously in conjunction with other people. I ask him to confirm that he proposes to substitute the redrafted amendments. Otherwise, procedurally it is the same with an amendment to the Criminal Code and to the Health Act.

Mr PENDAL: I am dealing with proposed new section 316A and the need for a preliminary medical certificate. The first proposed subsection (1) states that section 201A of the Criminal Code does not apply in respect of the procuring of a miscarriage unless a medical practitioner, other than the medical practitioner who procures the miscarriage, has issued a certificate to the effect that the procuring of the miscarriage was justified within the meaning of that section. Proposed subsection (2) provides that a certificate issued under subsection (1) must contain a full statement of the facts and conclusions upon which the medical practitioner has based his or her opinion, and a copy of the certificate must be given to the woman concerned prior to the taking of any action to procure her miscarriage.

The explanations have been reduced in length; in other words, they are disarmingly brief, for which I do not apologise, because it was part of the agreement that in return for bringing it on in the new form, the supporters of this amendment would provide a brief explanation and a brief debate. This provision ensures that a certificate contains a full explanation of the doctor's decision and the reasoning upon which it is based. A copy must be given to the

woman concerned. I emphasise that this goes to the heart of the notion of informed consent. I am appalled that in the Foss Bill the question of informed consent is last on the list. What that says about the Foss concept and how that values this crucial issue, is left only to the imagination.

This is a fundamental weakness and this group takes a different view entirely, and one that protects the woman at this early and critical stage of the process. The process of gaining informed consent involves giving a detailed description of the procedure to the patient by a qualified medical practitioner. Language should be simple, and pictures are often used in other procedures to make it clear what is involved in an operation. The role of the medical practitioner is clearly central to all this because this provision requires him or her to certify that the abortion is justified.

The term "justified" is a critical legal term within the meaning of the proposed section which is, in fact, a replica of the Foss Bill. However, it does not denote any moral judgment on the justifiability or otherwise of the abortion. The doctor's role is to clearly outline the consequences of the procedure and the complications that may arise in performing the procedure. I refer to a recent High Court decision in the case of Rogers v Whitiker, which deemed that it is medically negligent to not inform a patient of a possible complication even if it is rare. In that case the High Court judgment came down on the side of the highest standard of informed consent. The doctor performing the operation is required to disclose to a patient any risks that a reasonable patient in those circumstances might face, even if those risks are considered to be only one in 10 000. There is a need for a doctor to impart a serious level of information within the certificate. Without that, informed consent cannot possibly occur. I commend the amendment to the House.

Ms WARNOCK: I intend to vote against this amendment for the simple reason that the doctors themselves reject this idea. They believe it will produce unacceptable delays and stress to women, and it implies that one doctor is not capable of counselling and assessing his or her patient. The proposal does not recognise the vital role of general practitioners in this area.

The shocking and despicable action of the anti-choice forces, detailed in *The West Australian* this morning, of revealing the confidential medical records of women who had terminations last week and the names of their referring doctors, explains exactly what doctors fear may happen with the certificates mentioned in this part of the amendments. Doctors and their patients, whether dealing with abortion, mental health, impotence, sexually transmitted diseases, or any other matter, must be assured that the details of that consultation will remain totally confidential. I ask all members present how they would feel had they seen the front page of *The West Australian* this morning had they been one of the persons who had had such a procedure last week. I ask all men to think about how they would have felt in that circumstance.

Civilised life as we know it would not be possible without medical confidentiality, and the fact that someone has chosen to steal or otherwise reveal these confidential records is despicable conduct. However, my concern about the certificate mentioned in this amendment - apart from its obvious punitive aspects and purpose - is that it allows one more opportunity for such revelations to occur. Doctors have made it very clear in all the material they have sent to us - and every member has received that material - that they favour notification because it is very important for statistics and for other reasons. They have made it clear that they favour notification, because that is a correct medical procedure. However, they do not favour certificates due to the concerns they have about lack of confidentiality.

It is extraordinarily important that this Chamber understand the difference between the two: Notification will be useful for medical records and statistics in order to plan health programs and to report on the number of procedures that are carried out. Certificates with names attached will be cumbersome and all too easily open to breaches of confidentiality. I beg the Chamber to bear this in mind and to reject the suggested amendment. It is cumbersome and deliberately designed to make this procedure difficult for women - indeed, to prevent them from having the procedure.

Ms McHALE: I wish to make clear what this amendment and all the other amendments proposed by the member for South Perth will do. It is important to realise that the ground has changed from where we were the week before last, and to have a clear understanding that that shift is fundamental. We are now considering a series of independent clauses, each of which will introduce a new step in the process - we would say an obstacle or a hurdle but certainly it is an obstacle - and each of which we are now being asked to vote on, unlike the previous composite amendment which would have had to be put in its entirety.

Members must realise that we will be voting on each independent amendment. Unlike the previous amendment, each clause - if accepted by this Chamber - will be inserted into the substantive Bill before us; and each amendment, if passed, will then apply to whatever option this Chamber ultimately determines. Whether it is (a), (b), (c) or (d), the amendments will apply. Therefore it is critical that members understand what this series of amendments now will do.

The intention of some members is to knock off options (c) and (d). If this Chamber chooses to do otherwise, whatever is inserted into the substantive Bill will be the process that women must go through to obtain a termination of pregnancy. Therefore, it is incumbent on all members to realise what they are about to vote on.

I turn to the specifics of the first amendment at the bottom of page 14 of the Notice Paper. In order to understand it, one must understand section 201A of the Criminal Code, and one must return to the substantive Bill. Section 201A provides a justification for a termination, if it is procured in a justifiable manner, and if it is done with reasonable care and skill by a legally qualified medical practitioner. The amendment provides that, in addition to this, one needs to have a certificate issued by a medical practitioner who is independent of the medical practitioner who will be performing the termination. If the amendments proposed by the member for South Perth are supported, those two must be independent of the counsellor whom the woman must also consult. Therefore, we would be introducing obstacle and hurdle No 1: A woman must now go to two medical practitioners!

Mr Baker: She had to go to two anyway!

Ms McHALE: Perhaps that shows how uninformed the member is about the process.

Let us consider the impact of a woman needing to attend two medical practitioners. It will produce unacceptable delays and further stress to the family and to the woman in particular. It implies that one doctor is not capable of managing the process of counselling and assessing his or her patient. It also tends to ignore the role of a general practitioner in this area. It adds to the cost of health care by adding a second layer of consultation. As it is, too many abortions occur, but imagine doubling the number of consultations that must be carried out each year! It also misunderstands the woman's decision making, which is always with soul searching, questioning and consultation.

Mr PRINCE: I hope that I speak on behalf of all members in this place in expressing my absolute and utter dismay at whoever acted in this way to take records from a surgery and make them publicly available.

Several members: Hear, hear!

Mr PRINCE: There is no justification for acting in that way and putting at prejudice the rightfully confidential matters that are otherwise revealed. Secondly, in response to the member for Perth, a certificate is confidential. I have no doubt that the medical practitioner will keep a duplicate, and that will be as confidential as things ever can be - subject to burglary. However, the certificate possessed by the woman is a matter for her to keep confidential. In many respects, it is a protection for the medical practitioner. I have spoken to a number of medical practitioners - not only general practitioners but also gynaecologists. They are concerned always that their roles as counsellors and advisers are seen in the light in which they are for most of them. That is, what they do, they do extremely well with utmost integrity and honesty; yet sometimes the advice can come back on them because a person will forget, perhaps misinterpret or perhaps wish to bring it back on them in a way never presented.

A certificate of this nature - albeit paperwork and bureaucracy - is some protection for the medical practitioner that the job has been done, in the sense of the advice given and all the consequences explained. In that sense, although it is totally covered by confidentiality, it is protection for both parties. The fact that perhaps it could fall into hands that one would not want, applies to many other areas of life in matters confidential between a person and an adviser - whether of a financial or legal nature. It can also happen in medical matters now. Of course, medical opinion often is reduced to writing, and those are confidential documents. If the person who has receipt of them - and it is, after all, the patient's confidentiality, not the doctor's - chooses to have them revealed or inadvertently has them revealed, so be it. However, this is a protection for the medical practitioner as well as for the woman and the potential life that is within her.

The member for Thornlie raised matters of a procedural nature. Subject to being corrected by the member for South Perth, I understand that her comments were correct. The latest amendments moved by the member for South Perth are such that the vote on them should indicate the vote on the balance of the Bill, as we come to that after dealing with this amendment.

I urge members to realise that there needs to be consistency in the way they read, judge and vote on these amendments, otherwise we might have an inconsistency when we come back to the substantive Bill. If that happens, what I described two weeks ago as being the biggest evil here - apart from the subject matter of this debate - namely, a lack of certainty, will result. We must insofar as we can, as legislators, have certainty as a result of this process.

I seek leave to bring forward my adviser, Mr Greg Calcutt, the principal parliamentary counsel. He is available at the Table and outside the Chamber during the debate to provide advice to all members.

[Leave granted.]

Mr COURT: I wish to comment on this amendment, and the amendments that have been put together as a package

and introduced by the member for South Perth. During the past week some constructive negotiations and discussions have taken place among a number of members representing the different parties in this Chamber. There has been some give and take in trying to reach some broad agreement on the amendments to be put forward. The amendments we are currently considering are an acceptable package to me. I will be supporting the amendment we are now discussing. I do not have any difficulty with the concept of having to get a certificate from one doctor independent of the doctor who would be carrying out that procedure if it was appropriate. I thought that that was the procedure people were required to go through anyway. They go to their general practitioner and the general practitioner sends them to a specialist. Commonsense has been shown in the reworking of these amendments. Because of the serious nature and importance of what we are talking about - as I have said on many occasions, we are talking about life itself - these proposals to be incorporated into the Health Act are a responsible way of addressing a difficult issue.

The Minister for Health spoke about the release of confidential medical records. In a democracy it is absolutely critical that people's personal records remain private and confidential. I said in the media today that I did not take too kindly to the use of my family in advertisements. I am in public life and I can be attacked, lobbied or whatever; I am fair game. However, it is totally unacceptable to bring members of my family into this situation. They are not public figures; they cannot say anything, particularly a young three year old. It is unacceptable to imply in an advertisement that I am party to legislation that will sanction the killing of children. What must be understood here is that this is a democracy. What we are seeing is democracy in its purest form where we all have a conscience vote, a free vote on an issue. As mature people we must make a decision about what provisions are appropriate to be included in the legislation.

I compliment the member for South Perth and the other people who have been involved in trying to include some safeguards in an issue that is difficult to address. For those reasons I support this amendment.

Mr BRIDGE: It was mentioned by one or two speakers this afternoon that it is very important for us to gain a clear understanding of what this issue is all about. Since the day we commenced this debate I have had a very clear position on what it was all about. The core of this issue is the killing of an unborn child. That is the core; that is the position we are facing in this debate. Let us not get away from that. It is not a matter of pro-choice, the right choice, the woman's choice, your choice or my choice. We do not have the right to make that choice. Nobody alive has the right to say, "I will give consent to the taking of a life." Nobody has that right.

[Interruption from the gallery.]

The CHAIRMAN: Members of the gallery, this is an interesting and emotional debate. You are most welcome to observe the proceedings of this Chamber. However, you are not permitted to interrupt the proceedings. You are not to utter any words into this Chamber. I welcome you here but I ask you to obey the conventions of the House.

Mr BRIDGE: I am clear: It is not a matter of choice. Nobody has that right. Members should reflect upon the picture sent to us by somebody in recent days; it shows graphically scissors and a suction pump being used. People can say that it is not true evidence, but I believe it is reasonably reliable for me to accept. That in itself proves beyond doubt that we do not have the right to make such a determination. I return to the point I made on Tuesday that this issue should remain clearly within the Criminal Code. The best that we can do in a responsible, democratic and workable Parliament is come up with a few rules that say that the matter of abortion will remain where it is but there will be some dispensation, to which we seemingly grudgingly agree, to make it workable.

I do not like the idea of progressively removing this issue from the Criminal Code and putting it under the Health Act. Let us get down to the real issues here and let us be mature people talking about a significant and critical issue. When we look at examples of the barbaric practices involved in this issue and we associate that scene with an individual, we often find that it involves a doctor or a nurse or somebody in the medical profession. I will not happily depart from the Criminal Code and confer upon that group of people the responsibilities which are so strongly being put forward today as proper.

I have some major problems with the proposal. I know that people are talking about having struck an accord. When we talk about an accord being struck on this issue - I put it to members in the bush term - I feel crook in the guts; I feel sick in the guts when I hear people talking about political accords to deal with this issue. I have struck no political accord and I shall not. I want to make it clear to those people who are putting forward the virtues of this package that they are treading down a very dangerous path if they dare to remove this issue from the Criminal Code.

Mr Pendal interjected.

Mr BRIDGE: The member must show me that; he must prove that.

Mr Baker: We are not taking that course.

Mr BRIDGE: The member should prove it to me. I am making it abundantly clear that if it is not proved to me I do

not intend to support this amendment. In any case, it is a means to an end. This is a pretty poor effort to achieve that end result. I am not happy about this amendment. I will refrain from indicating at this time whether I will vote against it. I want to hear a few more views from people such as the member for Perth. However, the core of this debate is the killing of an unborn child. That has become clear also from the abundance of evidence that has been presented in the past week. And what are we doing? We are talking about compromising and striking some accord about people's right to have a say in the matter. Let us be grown up here.

Mr BAKER: I endorse the comments of the member for Kimberley. It is nonsense to claim that the proposal for two medical certificates will create a hurdle for women seeking abortions. In the majority of cases, a woman who seeks to procure an abortion must consult two medical practitioners. The word "certificate" is a term used in the legislation to refer to information of a medical nature. In those cases where women must see two medical practitioners, the doctors must prepare documentation including medical notes, remarks and comments. The legislation proposes that those notes, remarks and comments have the word "certificate" included on them. That is a minor point and would not be a hurdle from the point of view of the woman or her doctors. How long does it take a doctor to complete a certificate? There will be a need for the second doctor to state in his or her own words the reasons upon which he or she relies when signing the certificate. This is not something that will take two hours, a day or a week; it will take five minutes maximum! If it takes five minutes it is not a hurdle!

Confidentiality provisions apply to anything that is confidential - legal records, reports, records, documents and medical reports. It would be unfortunate were someone to breach the confidentiality attached to those documents, and we can seek to prohibit that. However, one cannot stop people breaking the law. A requirement to provide two certificates will not encourage people to break the law and to breach the general duty of confidentiality of these certificates. A simple example relates to the provision of medical certificates for employees who claim to be unfit for work. An employee is normally required to produce a medical certificate if he or she is absent from work for three or more consecutive days. That certificate must state that that person is unfit for work, and the doctor must state in his or her handwriting the reasons that person is unfit for work. That is hardly a hurdle. I negative the false allegation that the certificate provisions are a hurdle.

Mrs EDWARDES: I support the amendments moved by the member for South Perth. These amendments will ensure that abortion remains an offence under the Criminal Code and also that the necessary support mechanisms are in place. Members may have different views on whether to support paragraphs (a), (b),(c) or (d) of proposed new section 201A(3) of the Criminal Code; however, they would agree that these support mechanisms should be contained in the Health Act. These amendments support paragraphs (a) and (b). Abortion will be retained as an offence in the Criminal Code and support mechanisms will be included in the Health Act.

Mr Bridge: Why use the Health Act for those safety mechanisms? Why not leave them in the Criminal Code?

Mrs EDWARDES: It is not appropriate to deal with issues like counselling, the 48 hour cooling off period, and regulations about the type of certificate in the Criminal Code. However, it is appropriate for the offence to remain in the Criminal Code.

The concept of informed consent will be familiar to anybody who undergoes or performs any form of medical procedure. The certification process is well known to doctors. Informed consent is an imperative not only in this instance but in other medical procedures. Informed consent will be part of the process in these amendments, particularly in terms of certification.

I will support all the amendments moved by the member for South Perth on the basis that they have incorporated the modifications that I sought to move the last time this Committee sat. It is particularly important that we support the mechanisms for the justification process.

Dr TURNBULL: The amendments proposed for the Health Act qualify what will be contained in the Criminal Code. When we have debated these issues we will return to debate the Criminal Code and whether we will accept paragraphs (a), (b), (c) or (d) as the extent to which the law will extend. Any reasonable person would accept paragraph (a) which relates to amendments to the Criminal Code; that is; if the mother's life is in danger the mother will need an abortion. That is a medical fact. We might debate whether some doctors make the wrong judgment about whether the mother's life is in danger; however, a judgment must be made. There are occasions when an abortion is legal, so the conditions under which that occurs can be justifiably caught within the Health Act. I hope that members who are listening to this debate in their offices will understand why these regulations that justify having an abortion are included in the Health Act and the basis for that justification is in the Criminal Code.

I refer to comments made by some members about the requirement for two certificates. Doctors take certificates seriously. It might take only a few minutes to fill out a certificate. However, I assure members that doctors pay grave attention to their content. It will not be a quick matter for doctors. Those doctors who might have spoken to certain

members in the Chamber and who are pro-abortion represent only a percentage. Many doctors in our society do not support abortion on demand and they do not want a person coming in through their doors demanding an abortion and a certificate. Very few doctors would be prepared to do exactly what the patient asks them to do. If doctors are to be involved in this equation, they will want a process as well. A member opposite said that one doctor did not want a certificate. That member should go back to the doctor and ask that he consider the matter again very seriously because there will be a need for the certificate. The opinions of the doctors in my practice about what they will support on abortion cover a very wide spectrum, but I am sure none of them wants a person to bowl in through the door saying,"I want an abortion; you give me the certificate."

Dr HAMES: Some members have talked about the need for informed consent. They must recognise that this Bill, the so-called Foss Bill, contains the requirement for informed consent. The member for Joondalup referred to the medical certificate being a five minute job. He makes a nonsense of the whole concept of getting a medical certificate. Why do we need that certificate? It is there to make sure the person who wishes to have a termination is fully informed about the consequences for and against her termination. That is the whole purpose of having it here.

I agree with the sentiments expressed by many people that there are far too many terminations. All people will agree that 10 000 is an unacceptable number of terminations. Different people are proposing different mechanisms for trying to do something about that.

I would like to put more responsibility on the doctors in terms of that counselling component. I have discussed that with the Australian Medical Association which has agreed to put up a code of conduct for general practitioners for making sure that they know the sorts of things they should be saying to patients who are pregnant and seeking terminations, so they have views about both sides of the issue. The Health Department has a big role to play in trying to do something about so many women being pregnant in the first place. Almost all of the 10 000 pregnancies - a quarter of the total number of pregnancies each year - are unplanned.

Yesterday, I did straw polls of people who already had kids and found that a large number of the 29 000 pregnancies left were not planned pregnancies. A lot of those women got pregnant by accident and chose, as we did, to keep the child. Like me, many of them do not like abortions. Many people got pregnant by accident and chose to keep the child. If one-third of the pregnancies are unplanned, it means almost half of the pregnancies in Western Australia each year are not planned. Most of those people are using contraception. I do not think people realise how high the failure rate is. We must do something about the failure rate of contraception and about providing proper counselling.

These amendments before the Committee are designed to provide hurdles, but they do it in a fairly complicated manner. The general practitioner who recommends the termination should be putting in a big effort to provide counselling. If in the end that doctor provides a certificate, what is the purpose of it? Only if the case were litigated would that certificate be produced. It would give the personal details of the woman and why she chose to have a termination. That is no better than what we have been saying about people taking the personal details of doctors and chucking them around the place. The fact is that those are the details of the person who makes the choice. We are making things more complicated, particularly in country areas, where there is only one doctor, and another doctor must come to the town to give the anaesthetic. The certificate of the second doctor is provided anyway, if one is really wanted. It makes a farce of the procedure. These women need proper counselling by the doctor. The later amendments suggest that a qualified counsellor must be available to talk about the physical and psychological effects of having a termination. What does a counsellor know about the physical effects of this procedure? He or she has no medical training to go into the details that the doctor should have gone into in the first place.

I will vote against these amendments because they provide complications. A Bill has been proposed in the other place. It brings into the issue many of the proposals we want to see. In particular, we would like a better definition of up to what stage a termination will be legal. Will it be legal up to 20 weeks? Some timetable in the legislation would be good. This is also an opportunity for people to sit down and sensibly work out a better system for getting decent counselling for women. That is what is lacking. We must ensure women are doing everything possible to be informed about all the alternatives; to stop getting pregnant; to know about the risk they take because of the failure rate of contraceptives; and the consequences of having a termination, which is devastating. I am sorry; I cannot support any of these amendments.

Mr BARNETT: I think the Minister for Housing summarised the position very well. I also will not be voting for these amendments. We all agree that abortion is something we do not want to deal with. We would rather not have to deal with it. We have no choice; we have to. I said that last week. These amendments, which give a guise of greater acceptability, have shrouded within them requirements for certification, counselling and cooling off periods. All of those things, as well as second opinions by another doctor, are desirable and should happen; however, we should not be so naive as legislators to think that we can enshrine them in a statutory sense. We cannot legislate for a person's conscience or for morality for the individual.

The next vote we are approaching is the critical vote in this debate. Members should be conscious of that. To go down this path would be to set up a series of obstacles. As my colleague said, if those obstacles are not important, why set them up? It is a contrivance and it serves no purpose. We all hope women can make informed decisions, and they have the advice of medical practitioners and, hopefully, the support of partners and family and friends. However, we cannot make that a statutory requirement. The cumbersome mechanism that will be put in place if these provisions are passed will cause distress to women at a time of already great stress and tension. It will be cumbersome for the medical profession, and it will not work. If we agree to this approach, a number of people will walk away from this Chamber having eased their consciences, but having done absolutely nothing to help the plight of women in this position.

The member for Yokine was correct: We must rely on the ethics of the medical profession. It is desirable if they reflect some of the spirit and the mood of this debate. However, we should not delude ourselves into thinking that we can legislate on personal choice, matters of conscience and of individual morality. That is a sham; therefore, I strongly oppose these amendments.

Mrs van de KLASHORST: The member for Kimberley said that we must get to the heart of this matter, and that is that 9 000 women go to doctors every year for abortion. That is a fact. Appalling as it is - I have been saying this all along - we must move the provisions of this legislation into a health Bill or a medical Bill so that we can find out why contraception is failing and why women are not using contraception, and can set up a whole series of programs to help women so that they do not need to have abortions.

The amendment moved by the member for South Perth will set up a massive obstacle course for women who are facing one of the most difficult decisions they will ever have to make in their lives. I do not believe a woman just walks in and says lightly," I want an abortion". The decision to have an abortion would be absolutely traumatic for a woman. She would be torn in pieces; I know I would be. Her life circumstances would be terrible if she had to make such a decision.

What we need to do as legislators is realise that people want us to make a decision that will allow them to make their own choice, after they have received help. Not all women go to counsellors and doctors. One woman who came to see me said that she had sat with her family and extended family and discussed this matter for hours. When a woman turns up at the doctor, she does not want to have to go through another counselling session with someone who does not know her life circumstances and personal situation. She must be allowed to make the decision herself, or to seek counselling if it is available, but she should not be forced to undergo counselling. All women face different issues. Why should we make one rule for everyone? We do not do that in many other things that we do. We are saying to these women that they do not know what they want. Women who have reached the stage of going to doctors to undergo abortions know what they want or they would not be there.

I have been given some figures that indicate that 55 per cent of abortions in Western Australia are performed on women aged between 20 and 29. I do not believe that all the women in Western Australia aged between 20 and 29 do not have the right to make decisions. The figures indicate also that 21 per cent of women who front for abortions are aged between 30 and 39. I cannot make a decision for other women on such a major issue; it must be their choice and their decision. I cannot presume to tell other women what they must do with their lives and what choices they should make. I am not pro-abortion, and I would not have had an abortion, although I have not been in a situation where I needed one, so perhaps I cannot say that. As a woman, I think I understand this issue perhaps more than do some men, because I have children and grandchildren, but that does not give me the right to make decisions for other women. We cannot live their lives for them. We cannot be there for them when they have to make those decisions. All we can do is give them the right to choose. Therefore, I oppose these amendments.

Mrs PARKER: A significant majority of the population accepts that abortion is the taking of a human life. I will not debate that issue at the moment. The issue that I do want to raise is that we all accept that abortion dramatically affects a woman's health. These amendments are directed at a woman's health and at ensuring that a woman has before her all the information that she needs to make a good decision. These amendments do not represent a series of hurdles. Rather, a medical practitioner will certify that the issues have been discussed, and a counsellor will discuss with the woman the impact of an abortion both during and after the procedure, before the woman proceeds to have that abortion.

It is normal medical practice for doctors to explain to patients the outcome of any procedures that they intend to undergo. If a woman is contemplating a tubal ligation, the doctor will discuss the emotional and physical impacts of that procedure, and the impacts on her spouse or partner. The doctor will probably also refer the woman to a specialist, who will also discuss the impact of that procedure on her emotions, on her monthly cycle and on menopause. If a woman is contemplating hormone replacement therapy or a hysterectomy, the doctor and the specialist will talk about the increased health risks.

It is very difficult to get good research data on abortion, and I will not quote from unreliable data, but the *International Journal of Epidemiology* states that the risk of breast cancer almost doubles with one abortion and rises even further with two or more abortions. Is not a woman entitled to that information when she is making that decision? Secondly, *The American Journal of Obstetrics and Gynecology* states that between 2 and 3 per cent of all abortion patients suffer perforation of the uterus, that the risk of placenta previa is increased seven to fifteen-fold, and that abnormal placenta due to uterine damage increases the risk of foetal malformation, perinatal death and excessive bleeding during labour. Further reliable reports indicate that abortion increases the risk of subsequent ectopic pregnancies.

It is not fair to expect a woman to make an uninformed decision about a procedure that may so dramatically affect her health. These amendments are not cumbersome. They are consistent with the current medical practice for every other procedure. Why do we invoke that normal medical practice for every other procedure but not for abortion? Why is the normal medical practice of advising parents about a medical procedure for a minor not invoked in some cases of abortion? These amendments will bring abortion into line with normal medical practice and give women the opportunity to make a rounded and informed decision at this stressful time, along with the support of a counsellor, so that in later life they will not say, "Why didn't someone tell me?"

Mr PENDAL: The single valid point of substance raised by the member for Thornlie was her repugnance, which has since been echoed by the Minister for Health, at a person's medical history being plastered across the front page of this morning's *The West Australian*. I share the member's repugnance, and I say to all those people who would otherwise be inclined to support our amendments that that precise situation is covered in new clause 10 at page 17 of the Notice Paper, which provides that the Governor may make regulations for prohibiting the disclosure, except to such persons or for such purposes as may be prescribed, of information given or collected. That is, in other words, the Executive Director, Public Health, under the strict test that we have laid down in our amendments. I hope that sets the member's mind at rest.

Those members who have opposed these measures so far have not put forward one single point of substance other than the point made by the member for Thornlie, and that is adequately covered in the power to make regulations. Again, I commend the amendments, and I thank those members who have spoken in support.

Mr BAKER: The Leader of the House said words to the effect that it is wrong for the law to require persons involved in a moral quandary to undergo something. If that were the case, we had better start to repeal some legislation. Under the Family Law Act 1975, a commonwealth Act -

Mr Shave: A disgraceful Act.

Mr BAKER: Many criticisms have been made of that Act, but one good aspect of that Act is that parties involved in Family Court disputes involving child welfare issues such as custody, guardianship and access must as a matter of law - they have no choice - undergo counselling with a Family Court counsellor. That is mandatory. The object is to assist the parties in resolving their differences in relation to arrangements for the children of the marriage or the relationship. That works very effectively indeed. Counselling resolves a lot of disputes. When addressing those matters the parents discuss many issues arising out of the children's needs, such as their health, educational requirements and concern about moral turpitudes they may face as they grow up. Laws are in place already that require counselling. In addition, all participants in litigation involving the Family Court must attend a compulsory information session that informs them of what litigation entails. The procedure is that they first attend an information session and then a counselling session. What could possibly be wrong with that idea? If the members who oppose this amendment were consistent in their views, they would be banging on the doors of their federal members seeking the repeal of those provisions in the Family Law Act. That is just nonsense.

Just about every Australian State and Territory that has legislation regulating assisted human reproductive technology or in-vitro fertilisation makes it mandatory for all people participating in the process to undergo counselling. That covers sperm donors and the other parties involved. The idea of mandatory counselling is not new. Some people think they know everything in relation to a medical procedure, but in many cases they are wrong. I raise that matter to indicate that what is proposed is not new; it already exists.

Ms McHALE: I wonder whether I am reading the amendment correctly. If the Minister for Family and Children's Services is correct in saying it is a normal procedure, I cannot understand why we are debating an amendment that requires three certificates to be obtained before the termination can take place. How many other procedures require three medical certificates?

A number of men in this Chamber have had vasectomies. How many certificates did they need before that procedure? Other members in this Chamber will have had heart operations, and they were not required to obtain three certificates. The medical practitioner who refers the patient, the medical practitioner carrying out the procedure, and the

counsellor must provide certificates. That is not normal procedure. It is totally dishonest and a misrepresentation of the facts to suggest that it is.

Members contributing to this debate have said that the amendments do not introduce hurdles. That is totally wrong. It is also not accepted by the majority of medical practitioners in this field of medical expertise. It is certainly their view that it will produce unacceptable delays, in a situation which cannot be sustained and where there is a degree of urgency for informed decisions to be made. Members should not put additional hurdles in the way of these women and their families who must make very difficult decisions. Members should not try to convince themselves that these certificates from three independent medical or psychological services and the cooling off period, which will be reduced to two days, are not hurdles.

The certification and the statements of fact must be sent somewhere. These amendments are deleterious in relation to the safe abortions that most people wish to see carried out - with conditions. It has been argued in this place that pro-choice does not mean pro-abortion. Everyone is concerned about the number of abortions and about the lack of counselling facilities. One of the reasons for the lack is that technically abortion is an unlawful procedure. Therefore, it is hardly surprising that counselling is difficult to obtain in an environment that is covert and shrouded in the Criminal Code, and where medical practitioners feel uncomfortable in delivering this service. Were it to be openly safe, I am sure counselling would be more available.

There is also an inherent view among those who oppose the legalisation of abortion, that there is self-interest on the part of the providers of this medical procedure or, for instance, the Family Planning Association. The guidelines for counselling at the Family Planning Association include options of continuing the pregnancy and keeping the baby, adoption, and termination. A complete range of options is considered and a number of women will take options other than abortion. That is their choice.

Dr CONSTABLE: I thank the Minister for Water Resources for his very sensible comments in this debate. As other members have said, these amendments contain three hoops through which a woman must jump in order to achieve these three certificates. In my view the most important person from whom a woman should receive advice and counselling is her general practitioner or any other doctor she feels comfortable talking to. I speak not only as a member of Parliament but also as a registered psychologist, when I say that the best counselling anyone can receive is from the person they choose to go to, and not from somebody foisted upon them by legislation. We all know that the majority of people choose to seek advice from their GP. That is the person they trust and want to talk to. We also know that a vast number of appointments are made with GPs, not on the basis of physical ailments, although that may be the pretext, but because the patient wants to talk to the GP about a deeply personal, social or family matter and they go to the person they know and trust.

It is complete overkill to expect a woman to go through three steps to get three certificates, and it is unnecessary. The worst kind of counselling is that to which a woman is forced to go. It would be a charade to force a woman to go to a counsellor she did not know and did not want to go to. If this amendment were passed, this place would be legislating another hoop for a woman to jump through.

I agree with the comment by the Minister for Water Resources in response to the member for Joondalup. This is not a brief, five minute matter. That comment trivialises what this decision would mean to the woman, and certainly trivialises the work of a GP. Proper counselling would take much more than that.

A properly set up session with her general practitioner based on the suggested standardised code of conduct and advice from a GP will be worth far more than being forced to see a counsellor who presumably is not medically qualified. How could that counsellor possibly discuss physical aspects of a termination when he is not trained to do so? Who will all these counsellors be? Some of us must be trained for six years before we can be registered psychologists and therefore counsel people. Will only people who are registered be able to counsel or will anyone be able to counsel? We must address major issues in that regard. Why three counselling sessions? Why not one good counselling session with a GP? We do not need to legislate for that because it will happen anyway.

Mrs ROBERTS: Members opposing the amendments favour quick and easy abortions. They want women to have a choice to obtain their abortions as fast as they like. I am sure the member for Churchlands has a very good relationship with her GP; however, not all members of the community do. Many people rarely need to see their GPs. Some people do not find out that they do not get along with their GPs until they seek a pregnancy test and are offered an abortion as the first course of action. Many people will say that is the exception. Many people and my personal friends and family have told me that they have been diagnosed as pregnant and in almost the same breath, before any discussion, the doctor has offered to refer them to a clinic for a termination. I would have no confidence in those doctors undertaking that consultation.

Some members have pretended that the proposed amendment is an elaborate set of hurdles. At the first point of

reference the GP could fill out the certificate. Other than the doctor who performs the abortion filling out the certificate, the only "hurdle" would be the need to see a counsellor. I do not think that is particularly onerous. We all have friends and acquaintances who agree or disagree on this issue. Over the past week or so I have spoken to friends and acquaintances who have said that they favour abortion being legalised and taken out of the Criminal Code.

When I replied in the affirmative to those who asked if I supported the amendments moved by the member for South Perth nine out of 10 said that they thought it was a good idea to seek a second opinion. The feedback is that even those who favour abortions being available do not favour them being available quickly and easily. They favour women being much better informed.

I have spoken to people at length about a waiting period which would prevent a woman from going to a GP or an abortion clinic and procuring the abortion all in the same day.

These amendments will have a minimal effect. I am disappointed that they have not been embraced by people who say that abortion is such a serious matter.

I am insulted by the comparison between a vasectomy and an abortion. There is no comparison whatsoever between the taking of human life and a simple snip. This amendment does not seek to create big hurdles. Its effect will be as simple as discussing the matter with the GP one morning, getting the referral and certificate - probably within half an hour - and seeing a counsellor before procuring an abortion. Someone said the amendment would cause a two day delay. Two days is specified to provide for a minimum of one day. Those of us who consulted people about the amendments were advised that, if one day was required, the period between a woman consulting a doctor and obtaining an abortion could be much less than 24 hours. Specifying two days ensures that at least 24 hours is taken. Most reasonable people to whom I spoke, who were pro-abortion, did not think that was too long. I do not think it is too long. It is an entrenched position to preclude those checks and balances. We are talking about a few checks and balances. They are not particularly big hurdles. They are to be included in the Health Act.

For the sake of the community everybody should support the amendments.

Mr RIPPER: Advocates of this amendment such as the Minister for Women's Interests and the member for Joondalup cannot have it both ways. On the one hand they argue that this amendment seeks to provide nothing more than normal medical practice. If that is the case there is no need to put it into legislation. There is no justification whatsoever to put it into law if it is normal medical practice. They cannot on the one hand say it is absolutely necessary to put it into law and on the other hand argue that it is normal medical practice.

The truth is the advocates of this amendment want more than normal medical practice. They have two targets in mind: One set of targets are the women who might seek terminations of pregnancies. The other set is the doctors who might provide them with the termination of pregnancy services they might require. Their agenda is clear regarding women seeking terminations. The advocates of these amendments want to put obstacles in the way of women seeking that choice. They want to constrain, harass and frustrate them when they face very sensitive and difficult decisions. They want to make that an even more difficult decision for the woman.

The second group of people targeted is the group providing the termination services; that is, the doctors. This amendment seeks to increase the professional risks for doctors seeking to deliver these services. This amendment does not seek to require a doctor to produce a normal medical certificate. It is not a sick note for an employer saying someone had the flu and therefore could not turn up for work on Monday. It is a certificate saying that what would otherwise be a criminal offence carrying very serious penalties is justified under the legislation. It is not a minor matter. The doctor would be asked to certify an act that would otherwise see someone facing a significant term of imprisonment.

That is the amendment we are dealing with at the moment. Combined with all the other amendments it presents a serious set of obstacles for a woman seeking to exercise what I regard is her right to make a choice not to continue with a pregnancy. As I said during the second reading debate, I cannot accept that, for a woman, pregnancy should be compulsory following conception.

I do not often quote the Leader of the House -

Mrs Roberts: Don't start now.

Mr RIPPER: It is important; when he is advancing the right argument he should be quoted. Last time the House sat he described the amendments moved by the member for South Perth as a moral obstacle course for a woman seeking abortion. That was a very apt description of what the member for South Perth is seeking to impose on women who wish to exercise a choice that in a de facto way they were free to exercise for a quarter of a century.

These amendments project a deficient view of women. They suggest that women are not competent to make a serious

and sensitive decision, that they are frivolous beings who will not take the subject seriously enough and that they should not be trusted with decisions of this degree of seriousness. I do not share that view.

Let us not be misled about the purpose of these amendments: They have been put forward by anti-choice proponents to restrict choice.

This situation presents a real political problem for the Government. Women have enjoyed the right to have an abortion in a de facto way for 25 years. If some of these amendments are carried, those rights will be infringed upon. One of the most difficult political issues which can face members is the removal of rights; that is when we experience a backlash. There will be a backlash if the women of this community are denied those rights because of the conservatism of this Chamber. It will be the Government's problem, not the Opposition's.

Ms MacTIERNAN: I will comment on the language used in this amendment. If it dealt with the right of a woman to counselling, I would support it. However, it refers to an obligation to undergo counselling, not a right. I object to that for the reasons well set out by my colleagues. If at a later stage, when we finally sort out the mess between the two Chambers, we consider a regulation requiring a doctor to advise a woman about the availability of counselling and if we include an obligation on the Government of the day to provide counselling should it be wanted, I would support that. It is misleading to describe this as a right to counselling when in reality it is an obligation to undergo counselling. As the member for Belmont clearly pointed out, it is a destruction and not an augmentation of women's rights.

Mr MARSHALL: This has been a healthy debate and members have had a chance to make their contribution. However, members are reiterating the things that they believe are good about this legislation, and using the same rationale they used last week. We are going around in circles. We have heard from the learned doctor - the Minister for Water Resources - whose opinion I respect; from a psychologist - the member for Churchlands - whose opinion I respect; from lawyers, whose opinions I respect, but whose agenda I question; and from people with high morals and strong religious beliefs, whose opinions I also respect. However, the people I respect and whose opinion we should all respect are those outside this Chamber - the people of our electorates.

I am sure that pregnant women want to determine their own destiny. They do not want a psychologist, a doctor or a lawyer they have never met to determine their life. They want the choice to follow their religious beliefs or a particular theology just as others follow their own beliefs. They should be able to consult their doctor with great confidence on this issue. As I said earlier, this period of debate has been very interesting, but I do not believe it has changed any member's voting intention. Pregnant women trying to make the decision of their life do not want to be bamboozled by complicated amendments such as these. I will vote against the amendments.

Mr NICHOLLS: Having listened to the majority of speakers and looking at the amendments, I find myself supporting the member's intention; that is, to ensure that, when a woman seeks advice from a medical practitioner, there is some mechanism to ensure that that advice is provided. It is suggested that the vehicle to achieve that be a certificate. First, it would ensure that accountability existed and, second, it would provide a formal process to ensure that all information is provided.

However, the second part of the amendment seems somewhat prescriptive. If medical practitioners normally provide justification in their medical records, the first part of the amendment provides the option required. The second part is very narrow and prescriptive and in many ways will only aggravate medical practitioners or those involved in the process rather than achieve accountability in respect of the information provided before the woman makes a decision. Hopefully, the purpose of this amendment and our deliberations is to ensure that women receive good quality information prior to making a decision.

Mr COWAN: I will reiterate what I said at the beginning of this debate: We have in Western Australia a law that is different in its expression from the convention as it is practised. In this instance, while there might be some merit in seeking to do what the member for South Perth seeks to do, the intention in the original legislation does all of the things that led us to the convention as it is practised today and against which most people have found no argument. There are always some who are prepared to argue the case, but the majority support the convention as it has been practised, and that is what the original legislation enshrines.

Should there be a requirement for something to be included in the Health Act, as some members supporting these amendments are advocating, that is a separate issue. It can be done by the Government of the day should it wish to do so. However, in this instance, the first step is the important step; that is, to support the Bill in its original form, which I will do. If we reach a consensus between the Chambers about what changes will be made to the Criminal Code or any laws in this State, we can deliberate on that and that is the appropriate time to do so. This is confusing the issue. I will oppose these amendments and support the original Bill, and let us hope we can get on with it.

Amendment put and a division taken with the following result -

Ayes (25)

Mr Ainsworth	Mrs Holmes	Mr McNee	Mr Prince
Mr Baker	Mr Johnson	Mr Minson	Mrs Roberts
Mr Barron-Sullivan	Mr Kierath	Mr Nicholls	Mr Shave
Mr Bridge	Mr Kobelke	Mr Omodei	Mr Tubby
Mr Court	Mr MacLean	Mrs Parker	Dr Turnbull
Mrs Edwardes	Mr Masters	Mr Pendal	Mr Cunningham *(Teller)*
Mrs Hodson-Thomas			

Noes (29)

Ms Anwyl	Mr Cowan	Mr Marlborough	Mr Strickland
Mr Barnett	Mr Day	Mr Marshall	Mr Trenorden
Mr Bloffwitch	Dr Edwards	Mr McGinty	Mrs van de Klashorst
Mr Board	Dr Gallop	Mr McGowan	Ms Warnock
Mr Bradshaw	Mr Graham	Ms McHale	Mr Wiese
Mr Brown	Mr Grill	Mr Riebeling	Mr Osborne
Mr Carpenter	Dr Hames	Mr Ripper	*(Teller)*
Dr Constable	Ms MacTiernan		

Amendment thus negatived.

New clause 4 -

Mr PENDAL: I move -

Page 2, before line 4 - To insert the following -

4. Before Part XII of the *Health Act 1911* the following section is inserted -

"**Need for certificate from medical practitioner responsible for miscarriage**

316B. (1) Section 201A of *The Criminal Code* does not apply in respect of the procuring of a miscarriage unless the medical practitioner who procures the miscarriage has issued a certificate to the effect that the procuring of the miscarriage was justified within the meaning of that section.

(2) A certificate issued under subsection (1) must contain a full statement of the facts and conclusions upon which the medical practitioner has based his or her opinion, and a copy of the certificate must be given to the woman concerned prior to the taking of any action to procure her miscarriage. ".

Much of the argument on this new clause applies to the clause which has been disposed of. Nonetheless, I intend to dwell on the issue and hope that other members will do likewise. It is true that we have sought to add three parts to the equation. There are two to go; that is, a compulsion on the part of the abortionist to issue a certificate and that a person undergoing an abortion submit herself to the counselling processes. Whether at some later stage people take the view that getting only two out of three in the process is sufficient is another matter. The same demands that I believe should have been attached to the first doctor, to whom we refer as the family doctor or local general practitioner, must under all circumstances be passed by this Committee into law in respect of the second doctor who is carrying out the abortion. He or she must issue a certificate to the effect that the abortion is justified, again within the meaning of the section - I repeat - consistent with the aim and the terms contained in the Foss Bill.

I emphasise that this refines as well as defines what should have been refined and defined in the Foss Bill. I ask the Committee this question: Can anyone deny that the abortionist in this case has a clear, even a grave duty to women? Is it not a fairly ordinary demand that we should make of a doctor who is about to terminate a human life; that is, to go through the process which was outlined in some detail in my previous amendment? Does anyone suggest that we are imposing an onerous or burdensome duty? I for one was surprised to hear some members and indeed one medical practitioner make out that sort of argument when we were debating the previous amendment. I pose the question as to what happens currently in what we understand to be the two major abortion clinics currently operating in Western Australia.

In asking what their practice is, I bring home the point to the Committee that if that duty is not to be imposed on the doctor initially seeing the patient, at all costs, it is impossible to think that we should not impose that duty, that burden, on the second doctor.

Dr HAMES: I now have the opportunity to raise something that I raised privately with a member about the need for a certificate and its importance, and some recognition of the fact that the doctor has given the counselling that he should be giving in the first place. I appreciate there is a need to do that. However, under the original Foss Bill, there

is a requirement for counselling. How is the doctor to show that he has done that counselling? He can do it by means of certificate, but when the doctor appears before a court in regard to any issue relating to his patient, he is required to produce his notes. What will he have in those notes? He will have written down the details about the patient, giving all her details, and if a new law is passed that requires counselling, as it does under the Foss Bill, the doctor must show in his notes that counselling has been given. He will write in his notes "patient counselled regarding termination" and include details of her case. If the doctor does not do that, he will be liable under the Foss law for not having provided the counselling. What is the difference between a doctor having notes that he must produce in the court indicating that he has provided the counselling, and, at the end of the process, giving the patient a certificate that states, "I have provided you with counselling. Here are all your personal details that you told me about and all the circumstances why you think you need a termination"? This is unnecessary; the certificate indicating that counselling has been provided is in the doctor's written notes.

Mr PRINCE: The fact is that, as a matter of evidence, notes that are made contemporaneously with an interview can be relied upon in any form of litigation to refresh one's memory, and to say what was said and what was done. They are however things that must be shown to have been made at the time. The virtue of having a certificate, one part which is handed to the patient, the other part being the doctor's notes, is that no-one can ever dispute that the notes were made, or that the counselling was given, or that it was given in a particular way. Those are things that can otherwise be disputed. To proceed in this way is a protection to the medical practitioner.

Dr TURNBULL: I support the Minister for Health on this occasion. People who are sitting here listening to the debate should not necessarily see the previous vote as being linked to this subject because there is a need for a certificate somewhere. One of the pro-abortion members said there would be a requirement for a notification to the Health Department and that notification would be necessary for the collection of statistics. I see this certificate as part of that and there is a need for it to be in the Health Act. I do not see it as just part of the regulations in the Health Act.

It is possible to have this new clause, which proposes the insertion of new section 316B, standing alone, despite the fact that new section 316A has been defeated. As one member said, we have certificates for everything; we have certificates for sick leave, workers' compensation, and consent to operate. The certificates provided for under this proposed new section would be slightly more detailed: As the Minister for Water Resources said, there would be a statement that counselling had been provided and further on there may be regulations. I will not define in this debate what the counselling is and I am not sure if I will be supporting the clause on counselling, because I think the definition of counselling is something which will be far too great an item for the Parliament to determine. Despite the previous vote, the Parliament can endorse the need for a certificate from the medical practitioner responsible for the miscarriage.

Proposed section 316C is very important in that it provides for an independent medical practitioner. At the moment, as I explained before, and as the Minister for Water Resources would have to agree, almost everybody who has an abortion in Western Australia sees two medical practitioners. It would not be an extra cost on Medicare because Medicare pays for it currently. We are not talking about an extra cost, or about extra hurdles, so I ask members who voted against the previous amendment to give careful consideration to supporting proposed section 316B, which would then become 316A, and also for the consequential amendment that the medical practitioner must be independent.

Mr TRENORDEN: I have a lot of years in the insurance industry and some involvement with workers' compensation. I am aware of the certification system in workers' compensation and how they have been "fraudulised" by doctors. One could never say that those certificates in any way represent what is happening out there with the client or with the industry itself. In fact it is well known that if one goes to the doctor, one can get the certificate that one requires. I will not be supporting this particular amendment.

Ms McHALE: I rise once again to make very brief comments and to indicate my opposition to this amendment. The grounds for my opposition are essentially those I expressed on the previous amendment, so there is very little I can add. However, I would like to correct a comment by the member for Midland who took exception to my reference to vasectomy. Clearly I was not comparing a vasectomy to a termination. The point I was making was that this is the only procedure where three certificates are being asked for. Do not think that I am being frivolous when I talk about termination; far from it. It is important to realise that these certificates do not just sit in a doctor's drawer. They must be referred to the Executive Director of Public Health. It is rather erroneous for the member for Collie to say that this is not an additional hurdle, because a completely new bureaucratic process is being set up to manage the certificates.

An additional problem with the fact that the certificates must go to the executive director is confidentiality. If this information must contain the names of the women who are seeking abortions, we would have grave problems about maintaining confidentiality. Let us be clear that this information goes on to another authority, and costs are involved

in the management of that data. More importantly however, confidentiality comes into the question, and more importantly again is that this is yet another example of the hurdles that those who are opposed to abortion are trying to introduce into the system.

Sitting suspended from 6.00 to 7.30 pm

Ms McHALE: I make it clear once again that I am opposed to this clause for the reasons stated previously. This clause is intended to provide moral hurdles that women in a very stressful situation should not be subjected to. As legislators, we should not encourage this.

I also make it clear that I not only oppose the clause, but also prefer the Criminal Code Amendment (Abortion) Bill, currently being discussed in the other place, which offers a far better solution to the matters with which we are dealing this evening. I object to this clause, but not because I oppose counselling - as has been suggested by others. I certainly oppose mandatory counselling. I do not support this clause, which relates to a certificate from a medical practitioner responsible for a miscarriage, because it is an unnecessary burden to be placed upon women at a stressful time and it is clearly intended to place that burden upon them. It deviates quite markedly from normal medical practice, as indicated by the Minister for Water Resources who, as a medical practitioner, knows what is required in these matters. These extra requirements, being pressed upon the Committee by the group in this Chamber that does not support abortion in any circumstances, are directed towards placing burdens on women. Therefore, I oppose them.

I draw attention to a view expressed by a great number of public health doctors involved with the Coalition for Legal Abortion. They are the people called upon in everyday life to deal with termination, through their work in the public health service. They have drawn to our attention that these certificates would have to be forwarded to the Executive Director of Public Health. Once again, I alert the Chamber to the grave problems that arise with confidentiality. It is a gross breach of confidentiality for named information about women seeking abortion to be notified to anybody. I do not oppose notification; it is very sensible in public health practice.

I am certainly not opposed to counselling, as long as it is not forced on women. However, the wording of these amendments and their direction are such that they place unreasonable burdens upon women who are dealing with a situation that most people would give anything not to be faced with. We know that thousands of women will be faced with this problem every year, given the history of the past 25 years. It is not right for us, as legislators, to seek to place these burdens in legislation dealing with this matter.

Mrs PARKER: I support proposed new clause 4. A wide range of comments have been made in this debate, and I point out to those who have spoken that this proposal has nothing to do with the woman and an imposition on her. It is an imposition on the person procuring the abortion. The doctors procuring the abortion must provide certificates with some explanation of the conclusions upon which they based their opinion. I point out in the context of this debate that between 9 000 and 10 000 abortions are carried out in Western Australia each year. At present between 300 and 400 of those are conducted at the King Edward Memorial Hospital. Those abortions would meet the provisions relating to foetal abnormality or grave risk to the life of the mother. The practitioners at King Edward would have no difficulty meeting the requirements of this clause.

Those members who do not support the amendment are protecting largely the practitioners who operate from the clinics that provide the great bulk of abortions in this State. There have been few points of consensus in the debate so far, but consensus has been reached on the point that too many abortions are carried out in this State each year. If members want to bring that number back, it is not necessary to slow down the activities of the practitioners in the King Edward Memorial Hospital. They would have no difficulty complying with the proposed requirement. Those who plan to oppose this proposed clause should remind themselves that if they do not support the clause, they will in no way be addressing the excessive number of abortions in this State each year, which is currently one in four pregnancies. They will not be checking the activities of the practitioners in those clinics who stand to achieve great financial gains from their activities.

I challenge members to consider whether this is a philosophical position or whether it is in the best interests of the women in this State. Most members agree that between 9 000 and 10 000 abortions in this State every year is simply too many. There should be some regulation of the free and unchecked activity of the practitioners in the clinics to which I have referred. This proposed clause will not be a hindrance to the practitioners at King Edward Memorial Hospital or to pregnant women. It will be a hindrance to the activities of practitioners who may not take their responsibility for the procedure as seriously as they should and may not consider the health impact on women. Under this provision they will be required to seriously consider their activities.

I exhort members to judge each amendment on its merit. This is quite different; it is not a hindrance to the woman, but it is a challenge to the professional integrity and practice of medical practitioners throughout this State who are

performing abortions. It does not seriously challenge the activities of staff at King Edward Memorial Hospital. However, members who said that too many abortions were undertaken should think seriously about supporting this amendment. It is one way of addressing the issue of too many abortions and abortions which have not been seriously considered to be in the best interests of the women or of the human lives that have not yet seen the light of day.

Dr HAMES: Blaming the doctors in clinics for all the terminations is somewhat akin to shooting the messenger. The doctors are the end of the line for women who have been through a traumatic procedure to reach that stage. Those women make enormously difficult decisions before going to a clinic. The clinic doctors do not need money. They make enough money; they are worked off their feet. We should address the 50 per cent of unwanted pregnancies and ensure that the woman has proper counselling before the abortion decision gets anywhere near the clinics.

Having the doctor at the end of the line, who would perform the termination, fill out a certificate would be a meaningless exercise. To say it will address the overburden of terminations in our community is a nonsense.

Mr KOBELKE: It was suggested by an earlier speaker that somehow the requirement for a medical certificate meant that an abortion would no longer be treated as a normal medical procedure. I do not accept that a termination of pregnancy is a normal medical procedure. I believe Pap smears must be reported to a registry in certain cases.

Dr Edwards: You do not put the woman's sexual history on the record.

Mr KOBELKE: A requirement already exists to report as small an invasive procedure as that. If the child has been in gestation for more than 20 weeks there is a requirement for central reporting of a natural miscarriage. It has been suggested that the deliberate ending of the life of an unborn child should not require any medical certification or reporting. I do not accept that because I come from a position of upholding life and the life of an unborn child. Therefore it makes perfect sense to at least have a procedure that requires some form of certification by the medical practitioner.

One reason for that is that women should be given a choice. We have heard a great deal of worthwhile debate about what is involved in making a real choice. It cannot be a real choice if it is not informed. It cannot be a real choice if a woman is under such pressure that she feels she has no choice. If, as the member for South Perth intends to move, a period is required during which the woman can think about her decision, a mechanism is needed to make it workable. The requirement for a medical certificate is not the only way. However, it is a practical, effective and workable way of providing for that small delay to allow the woman time to make an informed choice.

Finally, I do not accept that all doctors, irrespective of whether they are in general practice or performing abortions, are necessarily ethical. However, I do not wish to cast aspersions on the bulk of doctors who are not only very capable and able practitioners but also ethical.

Recently a lady in her seventies with 10 per cent vision came to see me. After seeing three or four specialists over five years she was told by a doctor that he could repair her sight if she paid the money. On the prima facie evidence it seemed that doctor was out to make money. That doctor did not explain that removal of the cataract would improve her eyesight from 10 per cent to only 12 per cent. He said she would improve her eyesight if she paid $4 000 for an extensive cataract procedure. If, as a pensioner, she went on a waiting list she would not get the procedure. Although much of the evidence was not available to me, after talking to her GP the prima facie evidence was that it was unethical for that doctor to offer to perform eye surgery which would have very little benefit, which would cost her a lot of money and which raised her hopes after going from specialist to specialist.

We need measures that will bring doctors to account when performing abortions. This procedure will not be particularly burdensome if doctors are doing their jobs properly. The doctor will have undertaken the range of necessary examinations. Presumably he would have spoken to the woman and would be required to perform only the extra small task of committing that to paper. Although it would be a small added burden, it would not be too much to require of a doctor performing professionally and ethically in this area. For those reasons we need this amendment.

Mr BRIDGE: In this debate we must remember that the issue, which I described earlier in the afternoon, is the killing of an unborn baby. We should not divert too far from the core issue. We should stick closely to it and introduce a range of interpretations to the debate as we feel they are appropriate. In the context of sticking to the golden rule, and the core of this issue, I thought we always considered in this place a requirement for checks and balances.

Mr Pendal: Hear, hear!

Mr BRIDGE: I understood that from the very first day; therefore that should not be even remotely disputable. We should be striving for a clear definition of the checks and balances to be firmly entrenched in the processes which we seek to establish; that is, best practice. The amendment contains the word "certificate" which may seem awesome to some people. However, in essence it is a methodology by which checks and balances can be implemented.

Therefore it should not be difficult for the Chamber to come to that realisation and strongly support this amendment. The alternative would be something of an open slather exercise.

Ms MacTiernan: This is contrary to what you said this morning.

Mr BRIDGE: I have done what the member for Armadale has not been prepared to do; that is, after confronting the issue I have had the courage and guts to change my mind.

Ms MacTiernan: The member for Kimberley gave every impression that he thought it was repugnant that women should be forced to go through these procedures.

Mr BRIDGE: No, I did not. The most telling thing I said this morning was that I did not believe that women had that right of choice. I argued that no individual had the power of attorney and the right to make that choice. I am trying to clarify as we go through this exercise that there is no right beyond enshrining in the process a set of checks and balances. The requirement that a certificate must be provided is a control process. That is the best that we can deliver in the context of this legislation. It should not be all that difficult to come to grips with this requirement. I urge those members who are having difficulties to reflect on the cold reality of the core issue.

Mr BAKER: Some members in this Chamber are hung up on the use of the word "certificate". It is just a word. In lieu of "certificate" the clause could read "medical report" or "diary notes". The word "certificate" has been used because it is one word. The requirement is that some record or statement of facts of the circumstances upon which the doctor is relying on is kept.

Mr Ripper: "Certificate" underplays what is required.

Ms MacTiernan: The member for Roleystone says the provision will reduce the number of abortions, which is bizarre.

Mr BAKER: One thing that will not reduce the number of abortions or procured miscarriages is an open slather approach. On the basis of what has been argued by members in this Chamber who support pro-choice we have had an open slather approach for 25 years. That is the approach which, in part, has caused the high number of abortions in WA. The pro-choice group is proposing that the open slather approach will continue. If members were genuinely concerned about reducing the number of procured miscarriages they would not continue with the open slather approach.

Ms MacTiernan: What role does a certificate play in this?

Mr BAKER: It puts the medical opinion in the form of a certificate.

Ms MacTiernan: What does that achieve?

Mr Carpenter: It will intimidate women from making the decision - nothing more, nothing less. The member for Joondalup should stay out of this; it is not his decision.

Mr BAKER: That is nonsense. We want to ensure that any choice a woman makes on this issue is a fully informed one. I am glad the member for Willagee brought up that point: If that is the case, why is it that chapter XXXI of the Criminal Code defines the term "consent" - not consent as defined in the *Oxford Dictionary*, but as -

> a consent freely and voluntarily given and, without in any way affecting the meaning attributable to those words, a consent is not freely and voluntarily given if it is obtained by force, threat, intimidation, deceit or fraudulent means. That is an important step in the process of ensuring that informed consent is obtained and given.

The Foss Bill requires the doctor to form an opinion as to which circumstance applies in each case. Rather than the doctor simply making a note of that on a card, a letter or the back of a folder, he is being asked to complete a prescribed form. If it is a burden - which it is not - it is a burden for the doctor. After going through the counselling process to which the member for Yokine referred, it will be a five minute exercise.

Mr Ripper: Would the member like a full statement of his personal circumstances, including sexual history, sent to the Health Department?

Mr BAKER: If it is used for medical purposes. Members should not get hung up on the word "certificate". One can read "medical report" in lieu of "certificate".

Mr PRINCE: Section 335(5)(a) states that when a medical practitioner attends on the happening of any premature birth, stillbirth or abortion he shall send to the Executive Director of Public Health within 48 hours of the happening a report in the prescribed form. Section 335(5)(b) states that a medical practitioner or midwife attending a woman

at the delivery of a foetus after the twentieth week of pregnancy shall notify the Executive Director of Public Health in the prescribed form. The Health Act contains a requirement on doctors to report abortions. That is distinct from procuring a miscarriage.

Ms MacTiernan: What does this form prescribe?

Mr PRINCE: This is the Act; the form is prescribed by regulation. I can tell the member for Armadale there is and has been for a long time a requirement to report among other things an abortion and certainly to report the delivery of a foetus after the twenty-fifth week of pregnancy which is then recorded as a stillbirth.

The amendment before the Chamber requires a certificate to contain information as to the judgment of the doctor in accordance with the law. There is the distinction.

Ms MacTIERNAN: What has been lacking in the discussions of this provision is the reason for requiring a certificate, medical report or whatever other nice name that we give it. Before we put this into law we need some understanding as to why we are requiring it. What purpose will it serve?

Not one of the speakers in favour of the amendment, with the exception of the member for Ballajura, has advanced a reason. I must say the reason the member advanced was particularly bizarre. Her reason was that somehow or other, requiring people to have a certificate before they procured an abortion would stop them getting pregnant. It is an interesting form of birth control and contraception, but from the comments of the member -

Mr Shave: You are so used to misquoting me you are making a habit of it.

Ms MacTIERNAN: No. That is what the member said - that it would do something about reducing the need for abortion. Presumably to reduce the need for abortion one would need to reduce the number of pregnancies. So members opposite are promoting this certificate as a form of contraception. From time to time we require certificates; for example, before a third party gets involved in a mortgage or a guarantee in a domestic situation they are required to get a certificate of independent legal advice.

The purpose is to make sure that the person who obtains the legal advice fully understands the circumstances in which they are committing themselves. The certificate we are talking about here does nothing of the kind. The member for Joondalup continues to reassure us that this certificate will be run up in five minutes by the doctor. It will not do anything to ensure a greater degree of understanding or awareness on the part of patients.

I was particularly interested in the comments of the member for Nollamara, who said that if a certificate was required for Pap smears, why could it not be done for abortions? There is a very good reason why the presentation of Pap smears is reported: It is so that two years after women have had a Pap smear they can be advised that it is time for them to have another. I hope the member for Nollamara is not suggesting we follow that example and that the Executive Director of Public Health should write to people two years after they have had an abortion to ask them whether they have thought of having another one! It is a ludicrous example. What purpose is to be served? I want someone to explain what purpose will be served by having private and confidential information handed over to a health bureaucrat. It serves no purpose.

Mr Pendal interjected.

Ms MacTIERNAN: It is a serious procedure and the women who go through abortion understand it is a serious procedure. I am asking the member how the certificate will alter the situation. What does it add to the situation to have the doctor, in the words of the member for Joondalup, writing it up in five minutes? It could be a medical report; he could even call it notes. So what purpose will it serve? The notes will be sent to a public health official and important personal information about a woman's private life will be held for absolutely no reason.

Mr RIPPER: The member for Armadale has posed an important question and I would like to answer it because there is a pretty clear answer. This is about harassing doctors who provide services to women who need their pregnancies terminated. This is about increasing professional risk faced by doctors who provide such services. It is pretty clear that that is the agenda and that is why members opposite have not been able to provide a satisfactory, positive answer to the question posed by the member for Armadale.

The requirement in this clause is for no ordinary certificate. The member for Joondalup thinks we are hung up about the word certificate. That word understates what is required. It is not an ordinary medical certificate like a note one takes to one's employer to justify a day off. It is a full statement of the facts and conclusions upon which the medical practitioner has based his or her opinion. It is a certificate that the procuring of the miscarriage was justified within the meaning of section 201A of the Criminal Code. It is a combination of a medical opinion about the circumstances facing the woman and a legal opinion about how those circumstances fit with section 201A. So the doctor must give both a medical and a legal opinion. It must be a full statement, so "medical report" is perhaps a better description

than certificate. Medical and legal report is perhaps an even more accurate way of describing what is to be imposed upon someone who dares to offer services to women who might want to have a pregnancy terminated.

I am concerned about the privacy aspects. This is a small town. No matter what we say about laws regarding privacy, people know each other. The older I get, the more I am struck by the interconnections in a city the size of Perth. There will be serious privacy implications. A full statement of the facts and conclusions upon which the medical practitioner has based his or her opinion will inevitably include many very personal details about a woman's life. If I were in that position, I would not like to think that such a report would land in the Health Department where many people who might be known to the woman concerned would come across that full report of the circumstances which led her to seek termination of her pregnancy.

This amendment is about harassment of the medical practitioner and the woman. It is about trying to deter people from exercising a choice which they have had a right to exercise on a de facto basis for 25 years. The agenda is plain to see. It is not hidden by the rhetoric of all those who support this amendment. They are anti-choice and by hook or by crook they want to get as many anti-choice elements into the legislation as they can. I oppose the amendment.

Mr BAKER: The member for Armadale and the member for Belmont posed two questions. I interjected in an attempt to answer the questions and was unsuccessful, but I will do so now. Another reason relates to legal requirements. For those members in the Chamber who are happy with paragraphs (a) and (b) of the Foss Bill, as it is commonly known, which in effect reflects the Davidson test, I point out that the Davidson test itself requires a medical practitioner to hold certain beliefs in relation to procuring a miscarriage. The relevant part of the decision which relates to this amendment refers to the various elements the Crown must establish beyond a reasonable doubt before a prosecution will be successful. It says that the accused - the doctor procuring the miscarriage or the abortionist - must honestly believe on reasonable grounds that the act done by him was in the circumstances proportionate to the need to preserve the woman from serious danger to her life. The point is that the doctor procuring the abortion must have certain beliefs. That is the current situation if members accept that Davidson is the test which should apply in this State. The provision of the certificate referred to in this amendment will act as evidence of those beliefs. It is evidentiary in nature in that regard. Otherwise, a doctor would have to attend in court with his notes and then try to refresh his memory as to what transpired at the time and what matters he relied upon in forming his opinion. So the other purpose behind this certificate or medical report is to assist the doctor to evidence his honest and reasonable belief as to why a procured miscarriage was necessary. That is the answer to the question posed by members opposite.

Ms MacTIERNAN: That does not provide any answer at all. The medical practitioner is required to keep comprehensive notes as it is. The most offensive part of this requirement is not the necessity for a doctor to fill out a form or keep a medical record for himself. The offensive part of this amendment, and one which has not been explained and which can only be explained as an attempt to be a punitive measure, is that information should be forwarded for holding in a central bureaucracy where, as has been pointed out, a woman's privacy will be highly compromised. The member for Joondalup has not provided any answers at all. If that were the member's concern, one would simply move an amendment that would require the doctor to detail those things in the notes and files that he is already required by law to retain. This amendment goes a lot further than that; it is an attempt to put these matters into the public domain in order that women and their medical practitioners are frightened off the practice of abortion.

Mrs ROBERTS: It seems that in much of this debate logic goes out the window and people simply revert to form and to a particular position rather than contemplating the amendments put forward. I regard that as most unfortunate. A number of members in this Chamber are absolutely pro-life; they believe that a life commences at conception. Many of those members, including myself, have moved a long way. We are in the process of discussing these amendments, acknowledging the strong community views that are being put forward and the views of other members of this Chamber and what they reflect. We are attempting to say that, if this House is to legalise abortion, we believe some checks and balances need to be in place. Unfortunately too many members of this Chamber will not listen to what those checks and balances should be. I have heard some nonsense arguments in this Chamber tonight. I am sick and tired of hearing some people who profess to be feminists continuing to talk about the stressful time the woman is experiencing and therefore we should not burden her with counselling or inform her of the full range of choices. We should not make it mandatory. If she wants to find out about it, she can find out about it herself.

Other members have spoken from a most profoundly ignorant point of view, basically saying that all women know exactly what they are doing when they procure abortions; they are informed and understand the seriousness. They argue that women are stressed, so why not let them go ahead and get an abortion on the spur of the moment. I reject that argument. I believe that it is a stressful situation, and an awful lot more stressful than going to the doctor for any one of a range of other medical procedures. The likening of it to some other medical procedures has made me feel sick.

Ms MacTiernan: The member for Joondalup has told us that it will take the doctor five minutes to whip this up.

Mrs ROBERTS: The member for Armadale has missed the point completely. I did not interrupt her.

Several members interjected.

The CHAIRMAN: Order!

Mrs ROBERTS: I do not agree with her point of view. She has taken up the wrong argument. I have had to listen to arguments from her in which she has suggested that having a centralised bureaucracy which collates information about women who have had abortions is somehow so much worse than having several little localised repositories for information on women who have had abortions. Our two main clinics in Perth have all those names and addresses on record.

Why do we need a certificate? We need it because this is a very serious matter. The certificate is to assist in guarding against malpractice. An abortion is an awfully lot more serious than having an ingrown toenail removed, a limb in plaster, a tonsillectomy or an appendicectomy. People are giving that level of sanctity to this abortion debate. We are asking for a simple record by the doctor acknowledging that he was cognisant of the Criminal Code provisions on abortion and that the abortion was justified under those provisions. That is not much to ask considering the seriousness of the subject matter. Members who have taken up the argument that women should not be burdened with counselling are quite wrong. Not only lots of women and girls but also many men throughout the community are ignorant. They put too much blind faith in doctors and their opinions. They have accorded doctors a lot of respect. If the doctor says it is okay and legal, they will take the doctor's word for it. In moments of stress and vulnerability people need to buy a little time. Doctors must take some responsibility and sign off when they carry out an abortion.

Mr McNEE: I cannot see anything in the proposed clause which indicates that information has to be retained centrally. Maybe the Minister can advise me on that.

Mr Baker: I think that has been invented to assist the argument.

Mr McNEE: I rather suspect it has been. People should not worry too much about information being too public because people at the supermarket can get more on us when we use our credit cards than we would like them to. I do not support what was reported in the paper this morning. The member for Kimberley has got the message. Everybody seems to forget what we are talking about. We are talking about this subject as if we were about to build a bridge or something.

A member said that the amendments were put forward as a block. In this day and age we speak so quietly about things. When somebody breaks and enters a home and bashes up some old lady, we call it home invasion. We have sanitised these things. When we talk of an abortion, we talk about a termination of pregnancy. I remind members of something that has been forgotten; that is, the little baby in the mother's womb.

[Interruption from the gallery.]

The CHAIRMAN: Order!

Mr McNEE: That little baby did not ask to be there. It was supposed to have been the result of an act of love between two people. The member for Belmont said that, because the practice of abortion has been accepted de facto for 25 years, we will keep on doing it and that is fine. Do not let him ever complain to me about children breaking windows. If he wishes to keep on lowering standards, do not let him ask me why we have problems with law and order. There was shock and horror the other day when two boys, 13 and 11 years old, shot their school mates. Should we be shocked and horrified when today we seek to do the same sort of thing? Abortion is different because we cannot see it happen. I support ladies who have this problem and I want to make sure there are some checks and balances.

I mentioned to the Chamber the story of a couple of babies. One little baby who was thought to be about to die was taken to Melbourne. This shows how doctors can get it wrong. The baby was to have some huge operation when it got to Melbourne. It did not; it had a relatively simple one. Short of never being an Olympic swimmer, the baby will live a perfectly normal life. The mother was advised to have an abortion, but that brave little mother and the father said no. The mother was not frightened of making a decision; the decision was properly made.

That is the decision we must make. We have to be leaders for once in our lives. We have to take the lead and tell the people we will provide a moral direction in Western Australia that is worth fighting for. We might as well stand for nothing if we allow that sort of activity to be the sort of thing that takes us into the next millennium.

[Applause from gallery.]

The CHAIRMAN: This is an emotional subject. The convention of the House is that we allow no interference from the gallery. I am sure many of the people in the gallery do not consider applause to be interference; however it disrupts proceedings. I ask them to obey the conventions of the House and listen to the debate.

Mr BAKER: The member for Armadale said that, in many cases when a person is signing a third party guarantee and indemnity, the bank or the lender will require that person to obtain independent legal advice before signing that document. If that is the law, I accept that. The other point is that the certificate that the lawyer signs goes well beyond that. It confirms that the person signing the guarantee and indemnity has signed it freely, voluntarily, without threats or inducement, and not subject to duress, and that the agreement is not an unconscionable bargain. The member for Armadale said it is okay for people in those circumstances to get a lawyer to sign a certificate because we are dealing with property and money. However, we cannot have a certificate from a doctor in respect of a woman who seeks to procure an abortion! What sort of distorted logic is that? It is absolutely absurd! It shows that some people in this Chamber place material things well ahead of human life and human nature.

Mr PENDAL: One of the principal arguments of the member for Armadale is for us to have an understanding of the reason we need a doctor to issue a certificate. The member for Midland disposed of the objections that were raised. If she was not convinced by that, I draw her attention to a document produced by her side of the argument, the Coalition for Legal Abortion, and its resource material for the abortion debate dated 31 March 1998.

The document states that these proposals were agreed to at a meeting of representatives of the doctors' group, including the Royal Australian College of Obstetricians and Gynaecologists, General Practitioners and Psychiatrists, and other health professional organisations on 30 March 1998. What they said disposes of not only that argument and the question of the notification to the Health Department, and this side issue of a lack of privacy on the part of women, which we have already covered in the regulations, but also the arguments that have been mounted in advance of the clause on which we will discuss the question of counselling. However, this document from the Coalition for Legal Abortion refers to proposals put forward for consideration and all terminations of pregnancy must be notified to the Health Department.

Its people are advocating the very thing that we stand condemned for tonight. The member had the temerity to ask what a certificate was and she made fun of the member for Joondalup by suggesting that that meant a certificate or something on the back of a cigarette packet or on the back of an envelope. That is what they say on a specified form and in the manner which ensures that there are no particulars from which it may be possible to determine the identity of the woman. That is contained in the amendments currently before the House. We support that. The Coalition for Legal Abortion and our group have a meeting of minds and it is time we put the issue to the vote.

I look forward to the support of those members who up until now have argued falsely that we have been on the wrong track. The member for Kimberley brought it into very clear focus when he asked us in a rhetorical way about half an hour ago what is Parliament about if it is not about bringing checks and balances. I have spent 18 years in the two Houses of this Parliament and I have heard members on all sides say that Parliament is about imposing checks and balances, not just on Premiers, Ministers, Governments and departments, but on other people in society so that people do not trespass against the rights of others. We will put that to the test.

Given that the Committee has already rejected the amendment allowing for the involvement of two doctors, it will have the opportunity to not take doctors out of the equation altogether. I have spent my entire adult life listening to the argument that the abortion debate is about a woman and her doctor. Those people are the intimate partners who should determine the issue. Yet we are about to take the doctor out of the equation. I do not believe that the member for Dawesville, as a good man, could sanction that. There are other people in this Chamber who could not sanction taking out 50 per cent of the equation and I implore members, because I think we should go to a vote, to accept the notion, not only from my lips, but also from the coalition in favour of abortion.

Dr EDWARDS: The member for South Perth is wrong. This document refers to the notification of the occurrence of abortion, but very many notifications under the Health Act are effectively anonymous. For example, were I in general practice and I diagnosed someone with HIV - human immunodeficiency virus - which is or can be the start of AIDS, I would have to notify the Health Department. However, I would not include the person's name or identifying information.

I can only assume from the member for South Perth's amendment that a certificate containing the full statement of facts and the conclusions is identifying information. Earlier this year, psychiatric records from the Health Department were found on a rubbish tip. Women should be concerned about that. Although the group that I represent believes in notification, that notification should not identify women and leave them open to the sort of retribution that that woman called Sue who received all of that publicity had to put up with.

Amendment put and a division taken with the following result -

Ayes (25)

Mr Ainsworth	Mrs Hodson-Thomas	Mr McNee	Mrs Roberts
Mr Baker	Mrs Holmes	Mr Nicholls	Mr Shave
Mr Barron-Sullivan	Mr Johnson	Mr Omodei	Mr Sweetman
Mr Board	Mr Kierath	Mrs Parker	Mr Tubby
Mr Bridge	Mr Kobelke	Mr Pendal	Dr Turnbull
Mr Court	Mr MacLean	Mr Prince	Mr Cunningham *(Teller)*
Mrs Edwardes			

Noes (29)

Ms Anwyl	Dr Edwards	Mr Marshall	Mr Strickland
Mr Barnett	Dr Gallop	Mr Masters	Mr Thomas
Mr Bradshaw	Mr Graham	Mr McGinty	Mr Trenorden
Mr Brown	Mr Grill	Mr McGowan	Mrs van de Klashorst
Mr Carpenter	Dr Hames	Ms McHale	Ms Warnock
Dr Constable	Ms MacTiernan	Mr Riebeling	Mr Wiese
Mr Cowan	Mr Marlborough	Mr Ripper	Mr Osborne *(Teller)*
Mr Day			

Amendment thus negatived.

Mr PENDAL: Proposed clause 5 relates to the need for independent medical practitioners, but now following defeat of the earlier proposed clause this is effectively an absurdity and, at the most charitable, redundant. Therefore, I do not propose to move my proposed clause 5. The members whom I represent sought to have the referring doctor and the procuring doctor issue certificates.

The CHAIRMAN: The member does not have a question before the Chair.

Mr PENDAL: I ask for latitude. It would be an absurdity that the two medical practitioners be independent if they are not provided for in the Statute.

New clause 6: Right of woman to counselling -

Mr PENDAL: I move -

Page 2, before line 4 - To insert the following -

6. Before Part XII of the *Health Act 1911* the following section is inserted -

"**Right of woman to counselling**

316D. (1) Section 201A of *The Criminal Code* does not apply in respect of the procuring of a miscarriage unless the woman in respect of whom a miscarriage has been procured has received appropriate counselling in connection with the procuring of the miscarriage by a certified counsellor.

(2) woman has received appropriate counselling in connection with the procuring of a miscarriage if -

(a) a certified counsellor has counselled her concerning the physical and psychological implications of undertaking the miscarriage, and has had fully explained to her the nature of the procedure and its effect upon her and upon the unborn child;

(b) the counsellor and any organisation to which the counsellor belongs is fully independent of any medical practitioners who have issued certificates in connection with her miscarriage;

(c) the certified counsellor who has counselled the woman has issued a certificate that she has been counselled in accordance with this section; and

(d) the certified counsellor who has counselled the woman has given her a copy of the certificate. ".

Probably no branch of the social sciences in Australia, and no less in Western Australia, has grown more in the last generation than that which offers counselling services for people in need of independent knowledge imparted without

pressure. For example, in 1996-97, in Western Australia alone, the Department of Family and Children's Services gave counselling to more than 41 000 people who telephoned its 24-hour Crisis Care line. In the same year, more than 9 500 counselling calls were received by the department's Family Help Line. I ask members to consider that 75 per cent of those calls came from women. Therefore, one finds that the demand for those counselling services is very strong.

Twenty years ago the Government of Sir Charles Court established, under considerable public pressure, the Sexual Assault Referral Centre, which was a counselling centre to assist women who were the victims of sexual assault. No such service had existed until that point. That initiative is a parallel to this proposed service, as no such abortion counselling service currently exists. In that instance 20 years ago, a new service was needed and it was built from the ground floor up. The abortion counselling service, in this context at least, will be no different. If members wish to talk about rights in connection with abortion, there is an absolute right to counselling.

We envisage that this area will be dealt with by regulation. Therefore, the regulations will eventually find their way back into this Chamber. The safeguard for every member is that the regulations will be tabled and will be capable of disallowance. As with the counselling service offered by telephone by the Department of Family and Children's Services - we are talking there principally about country people - the regulations will need to specify that the prospective counsellors be social workers who are eligible for membership of the Australian Association of Social Workers Ltd. That is the current position. I have no reason to believe that a workable, professional system of counselling cannot be devised to deal with the present scenario for abortions, just as the position was met 20 years ago when proper recognition was given to the victims of sexual assault.

I foresee that in many cases country women will need to rely on a telephone counselling service, in much the same way as country residents need to rely on that sort of counselling today through Family and Children's Services. Telephone counselling may not be ideal in those circumstances - as we see with the current Crisis Care telephone service - but it is used extensively and, frankly, it is better than nothing. I commend the amendment to the Chamber.

Ms WARNOCK: A number of members have spoken to me about counselling and how important they believe it is. I agree, as do most doctors, if not all. I support the view that there should be a requirement to offer counselling to women contemplating abortion, and that no-one should be coerced into that counselling. The requirement should be to offer it, and people should be trained in non-judgmental, objective counselling which does not in any sense punish the woman who is already under stress.

Yesterday I received a telephone call from an organisation which offers counselling to patients who have sought a referral to one of the clinics in this town. The counsellor expressed a great deal of concern about the number of women reporting that they had experienced frightening and confusing advice from some of the free pregnancy testing organisations in this city. I do not know why that should be happening at this time. Perhaps it is the atmosphere surrounding this debate and this issue in this place. The counsellor said that a number of women - both those seeking abortions and those who had had an abortion in the past - were frightened and depressed. They had been forced to listen to abuse, and wanted to seek comfort and reassurance from the organisation. Whatever decision women make in this terribly stressful dilemma, it must be arrived at voluntarily and without coercion. Of course, this will be much easier to do if abortion is no longer in the Criminal Code but is regulated through the Health Act. Many members to whom I have spoken are certainly seeking that end. If that is the circumstance that we are dealing with in future - that is, it has come out of the Criminal Code and is placed in regulations under the Health Act - people can be trained openly to undertake professional counselling. That is the end that I seek.

I emphasise again that I do not believe that mandatory counselling is the way to go. It must be offered, and our already burdened hospital system must provide it. However, no-one should be forced to undergo counselling.

I refer now to the second part of the amendment relating to the need for independence of any medical practitioners who issue certificates. As drawn to my attention by doctors and public health professionals who have discussed the issue with many members, the problem is that it is simply unrealistic. Those best qualified to counsel will, in some cases, be excluded. For example, the genetic services department at the King Edward Memorial Hospital would be excluded from counselling, even though that staff would be the best qualified to counsel in the serious, late term abortions which, mercifully, are rare but sometimes, unfortunately, are necessary -

Mr McNee: Why?

Ms WARNOCK: Because of the need for independent counsellors. The requirement that the counsellor must be from an organisation independent from the doctors is unrealistic and unworkable. We should not be encouraging that circumstance.

Mr RIEBELING: I do not support the amendment. My reasons are simple: The member for South Perth said that victims of rape could be counselled at the Rape Referral Centre - and that is how it should be - and that counselling

should also be available to women who are considering abortion. That is appropriate. However, it should not be compulsory. If the amendment is passed, unless counselling is received, the provisions of the Criminal Code will take effect. That will place a compulsion requirement on a process which should be voluntary.

It is disappointing that in an effort to push a particular point of view, one of the main reasons put for counselling prior to abortion means that counselling also should be compulsory for birth control and contraception, and how to use those devices effectively, rather than concentrating only on the physical and psychological impact of an abortion.

Mr Pendal: Are you aware that your party has supported the Family Law Act provisions on counselling? You would not want to be inconsistent.

Mr RIEBELING: I am outlining my position on this amendment. If the member thinks that this amendment will not compel women to undergo counselling, he is misleading himself and this place. Proposed new section 316D will do precisely that. It does not offer a voluntary service. If this amendment is supported, women will commit an offence under the Criminal Code if they do not undergo counselling by a certified counsellor.

The member for South Perth alluded to the problems which would be created for country people. I am glad that the earlier amendments were not supported, because it would be impossible for the majority of women in the Pilbara to consult two medical practitioners. It is almost impossible to convince appropriate counsellors to go to country areas. It is debatable how appropriate it would be to provide telephone counselling in country areas. Women should have the right to receive counselling, and that right should be enshrined in legislation. However, counselling should not be compulsory.

Mr PRINCE: I speak now as the member for Albany, not as the Minister in charge of the Bill, because I wish to present a particular point of view about counselling. Virtually all members who spoke during the second reading debate stressed the need for and importance of counselling as a prerequisite to and after an abortion. Many stories were told of experiences which had been relayed to members, and no-one could doubt that counselling is an absolute essential. However, I have some difficulty with the way in which the amendment is written. Under proposed new section 316D(1), I have no difficulty with a woman who is seeking a miscarriage receiving appropriate counselling. However, proposed subsection (2) is highly prescriptive and would present considerable difficulty, not the least for the abortions performed on foetuses with gross abnormalities that are detected usually between 12 and 19 weeks of a pregnancy. Those procedures are almost all carried out at the King Edward Memorial Hospital and almost all require specialists in attendance. Very few abortions are carried out past the twentieth week of gestation, but they do happen. These are the exceptional cases and they are very difficult situations. The counselling available and given, usually not only to the woman but I am pleased to say also to the man and other people involved, is undertaken by the doctors and others involved in and more often than not carrying out the process. Why? Because they are best able to do it. They have the experience and the knowledge and are best able to explain the consequences of a particular chromosomal or skeletal abnormality and what will happen if the pregnancy proceeds to full term, the child dies in the womb and so on.

I distinguish those abortions from those performed in the two abortion clinics, as I am sure most members would. I understand well the position put by the member for South Perth and the others for whom he speaks, that they consider it to be wrong for the counselling to be undertaken by the abortion clinic. Many members would wish to see the counselling task separated from those performing the abortion. I sympathise with that view and, indeed, I agree with it. That is why I raised the problem about the way in which subclause (2) is drafted. Were it to pass in its present form, even with consequential amendments, it would effectively prevent those at King Edward Memorial Hospital who undertake this task for approximately 300 abortions a year from doing so, and that would be fundamentally wrong. However, it is intended to stop counselling inside the abortion clinic, which I agree is an objective we should seek to obtain. I cannot vote for this clause as it stands. I hope my position is clear in respect of what I see to be the preferable result; namely, that counselling should be, where appropriate, independent of those carrying out the procedure and that it should be undertaken prior to and after the event. Sometimes the counselling will result in there not being an abortion.

Who is competent and what form the counselling should take are also vexed questions. Over the past weeks I have gone to great lengths to speak to many doctors, which I believe I should given the position I hold. General practitioners and others have expressed their views, and many are strongly opposed to abortion. Those who find themselves involved say it is not something they would wish to see at the current frequency. However, they believe that, by and large, the doctor is the best person to counsel, particularly the GP.

Mrs ROBERTS: I am disappointed with those members who have spoken against this amendment. I do not understand what those supporting pro-choice have to fear from counselling. I do not see why women should not be compelled to be fully informed about the medical procedure they are about to undergo and the consequences of it. Counselling is required in many other situations.

One of the better explanations I have read is in an American article entitled "Abortion and the feminist sellout" by Melinda Tankard Reist, which states -

> Feminists have long insisted that women be told the truth and be given full information about issues concerning them. But with abortion, the right to know has become the right not to know.
>
> Abortionist Dr Warren M Hern, quoted in the FFL court brief, says that in medical practice there are "few surgical procedures given so little attention and so underrated in its potential hazards as abortion." A woman's ambivalence is dismissed, the risks of abortion downplayed and any real discussion of foetal characteristics or alternatives to abortion are avoided, says the court brief.
>
> According to the FFL Law Project, abortion is the only medical procedure in the US where normal requirements for informed consent prior to undergoing a medical procedure are suspended. The Supreme Court disallowed printed information on foetal development because, it said, this would "confuse" and "punish" the woman and "heighten her anxiety". Information regarding detrimental physical and psychological effects and "all particular medical risks" were struck as likely to "compound the problem of medical attendance, increase patients' anxiety and intrude upon the physicians' exercise of proper professional judgement." In other words, if she knew what she was doing, she mightn't show up at the abortion clinic.
>
> This attitude makes a mockery of the "informed consent" which feminists normally value highly. It puts women down: they are such bad decision makers and so easily "confused", it's better to keep this information from them.
>
> The problem of non-existent or token counselling has also been raised in Australia.
>
> In an article titled "Abortion Counselling in Australia", published in the *Australian Journal of Sex, Marriage and Family,* Kerry Petersen states:
>
> > Two major criticisms can be directed at the present system. First, abortion counselling is not readily available to all women seeking abortions; and second, it could be argued that some of the counselling that is done in the private sector is more concerned with 'appearances' and evidentiary matters than the genuine well-being of the clients . . . counselling should be independent of the abortion services in both the public and the private sectors.

That is the difficulty as I see it. There seems to be a campaign by those under the pro-choice umbrella to ensure that women are not fully informed. The way to empower women is to provide them with all the information and to ensure that that is done.

Let us keep in mind that these are obviously the same women who have not understood the medical information provided about contraception, otherwise many of them would not be pregnant in the first place. Contraception is readily available and highly effective. In most abortion cases, no contraception has been used. As I am the opposition spokesperson for the Police portfolio, a number of madams and prostitutes have visited my office to talk about prostitution law reform. I have asked them about the pregnancy rate among prostitutes. I was told that many of them have sex with 10 to 12 men a day and there is practically a nil rate of pregnancy. I was told that in nearly all instances they use oral contraceptives and they are supposed to use condoms as well. Contraception is effective. If these women were so well informed, perhaps they would not have fallen pregnant. I do not know why members do not want women armed with this information and I am disappointed that they have not taken a more reasoned approach to this sensible amendment.

Mr BARNETT: I do not support this amendment for the reasons already stated. It is essentially impractical; it amounts to forced counselling and I do not believe it will work. I will make a different observation from those made by others.

If members were to look at this subclause as a corollary, it states that, if counselling does not happen, criminality has occurred. That is entirely the wrong way of approaching this issue. Members like me who will vote against the amendment are not voting against counselling. However, this method of amendment in the context of the Criminal Code Amendment Bill gives entirely the wrong message. It would be far more sensible - depending on the final Bill passed through this House and the other House - to look at changes to the health legislation, which addresses counselling or cooling off periods or whatever else in a positive frame. The implication clearly is that if we do not have counselling, criminality is established, and I do not think that is a practical way of approaching a health issue.

Mrs van de KLASHORST: Once again I refer to some figures that indicate that 55 per cent of terminations are for women aged between 20 and 29 years; 21 per cent relate to women aged between 30 and 39 years; and 2 per cent relate to women aged over 40 years. Those women know what they want when they turn up for an abortion. I get

pretty upset when I hear people continually putting women down by saying that they do not know what they are doing. I refer members to the White Pages of the telephone directory which sets out the counselling services already available in Western Australia. From discussions with the women's health care facility that is in my former electorate, but after the redistribution is now in the electorate of the member for Midland, I know that many women go for help.

The first counselling organisation that comes to mind is the Family Planning Association of WA. Last year I believe approximately 18 000 people attended the Family Planning Association. This association gives advice on not only family planning, but also pregnancy and any issue to do with women's health. As members of Parliament we were invited to visit the association late last year. I accepted the invitation and saw its operation. The section in the telephone book dealing with facilities for women lists the women's health care places located in Perth and Midland and the multicultural women's health centre located in South Fremantle. Counselling about women's health is available through the Health Department. The large list of these support groups shown in the telephone directory is evidence that counselling is widely available.

Many agencies dealing with pregnancy counselling are listed, one of which is Pregnancy Assistance. I drive home along Great Eastern Highway. I often pass a pregnancy counselling house on the left hand side near the Ascot Racecourse. The other services listed include the Pregnancy Counselling and Family Planning Services, Pregnancy Lifeline, Pregnancy Problem House, and the Pregnancy Support and Post Abortion Helpline. This demonstrates that many counselling services are available for women.

I reiterate: Women make this decision after they have thought about it. They do not just walk into a doctor's surgery and say that they want an abortion. They would have thought about it very carefully. Many will have already been for counselling. From the prison system and the justice system, we know that mandatory counselling does not work. We must encourage people to go for counselling of their own accord. We can do all the mandatory counselling in the world within the justice system and it just does not work; we do not get results from it.

The Armadale domestic violence group provides counselling and is getting a positive result of between 80 per cent and 90 per cent. We should compare that with the mandatory counselling system in the prisons where we get nowhere near that success rate. If we force people into counselling, or introduce a punitive element, it will not work. We must provide information to people about where they can go if they need help. Here I am thinking, in particular, of very young people who should be counselled. As I said, most women have made a decision before they walk into the doctor's surgery to ask for help. We are insulting these women by putting this sort of a provision into legislation. We must look at the whole issue and work with some of these agencies to try to help women from becoming pregnant in the first place. I oppose this amendment.

Mr BRIDGE: The member for Swan Hills has highlighted the extent to which counselling services are already in place. We are not at odds with her about that. Those services are clearly shown in the telephone book. That is not the intent of this amendment. It comes back to the terminology I have used regularly in this debate; that is, checks and balances. It is important that if we go through the processes that are in this amendment, we do all we can to ensure those checks and balances are in place. We do that by identifying a set of rules consistent with the practices that are agreed upon by the Parliament. We must not assume that because there is an abundance of those services, that is the way to deal with this issue. As we go down this path, we must connect this issue with this requirement; bring them together and set the rules in place so that there is a recognition of the checks and balances; and approach them in the context of whatever action a person might take to obtain an abortion.

On a few occasions I have had discussions with women who have had fairly close association with these practices that are part of abortion, and they have told me that regularly the women who go to these clinics have little or no familiarity with the issues. Once they arrive at the clinic, it is too late. The general tactic employed is to get the job over and done with as quickly as possible. In the words of one person, no sooner had the lady walked into the clinic than she was being put into a gown in preparation for the procedure. If that is the case, there should not be any hesitation in submitting to this requirement. A provision should be in place to give these ladies a sporting chance, through counselling, to have the necessary knowledge at least to be familiar with the nature of the decision to which they have committed themselves. This is straightforward to me, as it has been all along. We must come back to the core issue; that is, the provision of checks and balances and a sensible safety process that should be supported by us collectively in this debate.

Mr AINSWORTH: The member for Swan Hills talked about a range of agencies being advertised in the telephone directory that provide the sorts of counselling services she feels are appropriate in the circumstances surrounding a person seeking or considering an abortion. That might be true for some people who are not under other sorts of pressures or who are aware that these services are available and have the time to contact these agencies and obtain counselling of a somewhat independent nature.

However, this Parliament is dealing with a piece of legislation that is of major social consequence. We have a

responsibility to make sure that all women who are considering undertaking an abortion are fully informed and counselled in an independent way so that they are not pressured by an anxious boyfriend or shocked family members who find that the single daughter is suddenly pregnant, or are not frightened of the consequences of going through with their pregnancies because of the condemnation of society if they do so. People in that situation, as quite a percentage of the women who consider having an abortion are, will not be able freely and openly to obtain consultation from someone who can provide them with independent advice without other people pressuring them to make a decision which is not based on that good advice and counselling they might receive. By that I do not imply that the independent advice should be to counsel people against making a decision to go ahead with the abortion. I am saying that women should be given, as a right and by a requirement under law, adequate counselling which is not slewed one way or the other and is not undertaken under coercion and pressure from family and friends to make a decision in one direction. The choice should be made freely by the person concerned after proper counselling.

In other areas of law we require that people know precisely what they are undertaking before they undertake it. For example, when entering into some simple financial contracts with no life-threatening consequences, a potential borrower must complete a section on the form which he must sign, which indicates that he has had the terms of the contract explained to him and he fully understands what he is entering into. It might be a fairly big financial contract with severe financial consequences for that person but very rarely is it a case of life and death. There is no doubt about the case when a woman goes in for an abortion; most definitely it is a case of life and death if she decides to go ahead. I do not see it as being unreasonable at all not only to provide services for women to be counselled but also to ensure that counselling is given prior to decisions being made. By that means, we as a Parliament and society can be sure that whatever percentage of women are being coerced, forced or frightened into considering abortions, they are not making decisions without proper independent counselling; therefore, if they make decisions at least they can do so based on facts rather than pressure and lack of information.

Mr GRILL: If members reflect upon what we are doing here tonight, they may realise it may not represent a very big change in medical convention, but it does represent a very big change in the present criminal law. I do not want to frustrate the process of abortion, because it is inevitable that it will happen. However, we must make sure that it takes place in the best circumstances, as I made clear in my contribution to the second reading debate. We need to send a signal to the community at large that we wish to ensure that people who undergo abortions do so with a full knowledge of the medical procedures and consequences. Quite a number of vulnerable women in our community need some form of counselling. They come under pressure from one source or another. They are fragile in this whole procedure. I have some concern for those people. It is not a tremendous impost to ask them to accept that they should go through some form of compulsory counselling. We have required that for other matters.

The Minister for Resources Development made the valid point that perhaps it is rather draconian to put people in gaol for failing to attend counselling. However, we need to send a message to the electorate at large that counselling is important. Therefore, I would be prepared to support this or a similar amendment.

The Minister for Health has indicated that proposed subsection (2) is probably not the best way to codify the law on this subject. He might well be right. It might be advisable for the mover of the amendment to proceed with proposed subsection (1), so that we have a general statement of the law, and then allow the rest of the proposed new section to be set out in a regulation, as the Minister for Health suggested, which can be concluded with better consideration and more time. It could set out penalties in the event that counselling does not take place. Those penalties could be of a financial nature and not the sorts of penalties about which the Minister for Resources Development was concerned.

To say that women do not need counselling is to say that all women have the same level of knowledge about their own health; that is manifestly untrue. A huge number of people in our society and a huge number of women, especially young women, do not know a great deal about their health and the various procedures that may take place. All of us understand that quite a number of people who will be involved in these procedures will not be mature and experienced women. We have a duty towards them. This Chamber also has a duty to indicate to the public at large and to those who are concerned about this legislation in general that we are prepared to do something to ensure that counselling takes place. I do not believe that all women have the same level of moral awareness or knowledge of their health. I also do not believe that all medical practitioners have the same high levels of ethical standards that we would all like to think they have - most do but some do not. Some of the arguments I have heard tonight opposing counselling come down to the acceptance of medical practitioners all having the same high standards. They do not, and nor do women have the same knowledge. I strongly support some message coming from this Chamber, perhaps in the form of proposed subsection (1) of the amendment, to indicate that we strongly support counselling for women contemplating abortion.

Mrs HODSON-THOMAS: I will speak of the vulnerability of women when they fall pregnant. I would ask most male members of this place to remember when their wives were pregnant. Some were fragile and vulnerable while

others may not have been, but they probably needed a lot of love, care and tenderness. A woman contemplating abortion must make a very difficult decision. She is thinking about terminating a life which is part of her genetic material. I defy all members to think that it is easy to go off and terminate a life. Many women who subsequently have children are reminded that they went into abortions without making informed decisions about how it would one day affect them. They look at their babies in their arms and say to themselves, "I terminated another baby who was of my genetic material." I ask all members to stop and think and to provide those women with an opportunity to obtain information to help them make informed choices rather than throwing a telephone book at them. Melinda Tankard Reist wrote "Abortion and the feminist sellout". She quoted Germaine Greer who wrote in *The Sydney Morning Herald* -

> . . . the fiction of the right to 'choice' masked women's real vulnerability in the matter of reproduction. It is typical of the contradictions that break women's hearts that when they availed themselves of their fragile right to abortion they often, even usually, went with grief and humiliation to carry out a painful duty that was presented to them as a privilege . . . Abortion is the last in a long line of non-choices . . .

I ask all members to stop and think seriously about providing women with the opportunity to avail themselves of information, so if they ultimately decide to terminate their pregnancies at least the information was given to them.

Mr PENDAL: Some moments ago the member for Eyre made a suggestion. In the meantime the Minister at the Table has attempted to make a helpful suggestion. There is clearly the need, if I proceed with my amendment, to do something with proposed subsection (2), which has now been affected by the loss of earlier clauses. I ask members to take into account that, unlike the Minister at the Table, earlier Committees denied us the opportunity to have legal advice readily available.

Mr Deputy Chairman, I suggest that you do leave the Chair until the ringing of the bells or that you report progress and seek leave to sit again in 15 minutes. Either way that would give us a chance to have 15 minutes outside the Chamber to determine whether we are prepared to cobble together something that is acceptable.

Mr PRINCE: That is a reasonable request to which most members probably would accede. This would enable those whose task it is to draft things to draft something which would allow the member for South Perth to come back with an amendment to his amendment, and the debate could proceed.

The DEPUTY CHAIRMAN (Mr Sweetman): I will leave the Chair until the ringing of the bells.

Sitting suspended from 9.21 to 10.32 pm

Mr PENDAL: I seek leave to withdraw the amendment which was before the Committee prior to the suspension under the heading of Right of woman to counselling, 316D, with a view to inserting a replacement.

Amendment, by leave, withdrawn.

New clause 3 -

Mr PENDAL: I move -

> Page 2, before line 4 - To insert the following -
>
> **3.** After section 316 of the *Health Act 1911* the following new Part XIA is inserted -
>
> **"PART XIA - GROUNDS FOR PROCURING MISCARRIAGES**
>
> **Counselling**
>
> **316A.** A medical practitioner who procures a miscarriage commits an offence unless the woman concerned has, before the miscarriage is procured, received counselling in accordance with the regulations.
>
> Penalty $10 000. ".

The essence of what is happening now before the Committee is that there arose in the last section of the debate a number of concerns and in fact a number of objections which clearly meant that the proposed section was not going to make the grade. The people who sponsored the original 316D took special notice of what the member for Eyre had to say, and his concern that it might have been the case that the woman could have been the subject of custodial penalties for not undergoing the counselling. The new section reflects the view that the onus for that offer of the counsel or advice rests with the medical practitioner, and in that case where that medical practitioner fails in that duty, he or she would be subject to a fine of up to $10 000, and no penalty would accrue to the woman concerned. That takes into account the express concern of the member for Eyre. It puts the focus back again where our original

amendment intended it to be. There should be a circuit breaker by which counselling is offered. Counsel is advice, advice is knowledge, and again I pose the question to the Committee: In what circumstances could any member be concerned about a woman being armed with knowledge; because the knowledge becomes advice, the advice is counsel, and the woman is then in a position of making a better informed judgment than would otherwise be the case. I also point out to the supporters of the original amendment that if this provision is not passed, the subsequent provision for a two day cooling off period becomes redundant and therefore two important provisos will have been lost. I say to those people who so far have shown some propensity to oppose the amendment - that is, to oppose an amendment which gives knowledge to a woman - I am quite happy for it to be public record that they have done so. For those reasons I commend the replacement amendment to members of the Committee and suggest that an early vote on this amendment may well allow to us proceed to the cooling off period clause.

Mr NICHOLLS: Having listened to the member for South Perth, I have some difficulty in supporting an amendment that would place an onus on an individual who has no capacity at all to control the actions of another, in that the doctor would, under this amendment, be placed in a situation where, should the woman not undertake counselling, nothing will happen to the woman who is responsible for obtaining the counselling, but will punish the doctor, who has no capacity at all to ensure that the counselling takes place, will be punished.

Mr Grill: Only if he went ahead.

Mr NICHOLLS: Let me provide a hypothetical example: A doctor asked a woman if she had had counselling, to which she replied yes. He believed her and went ahead with the abortion only to find out later that she did not have the counselling. If we accept the amendment we will create a problem.

Mr Grill: He would have a clear defence.

Mr NICHOLLS: He may do, but we as a Parliament are suggesting that we will penalise a person who does not have the capacity to ensure that the actions are fulfilled.

Mr Grill: If the person who wanted the abortion to go ahead had received counselling, it would be a decision that the general practitioner would have to make.

Mr NICHOLLS: I am a strong supporter of counselling being provided but if this Parliament is to be consistent, when it provides for repercussions when counselling is not provided, surely those repercussions should be against the woman who is required to have the counselling. I do not support that.

Mr Pendal: Neither does this amendment.

Mr NICHOLLS: An amendment that would apply a penalty to the doctor simply because the woman had not undertaken counselling is unfair.

Mr Grill: The penalty on the woman is that the doctor would not go ahead with the miscarriage.

Mr NICHOLLS: The Bill seeks to ensure that counselling is available to a woman prior to the decision to go ahead with an abortion; it is not to provide some mechanism to catch out doctors who may procure an abortion when counselling has not taken place.

Mr Pendal: It is provided for in the regulations and that is the primary function of the whole thing - to provide counselling. This is to provide a mechanism if it does not happen, and the villain of the piece becomes the doctor.

Mr NICHOLLS: Unfortunately, I have some difficulty supporting an amendment that would impose punishment on a doctor because another person had not undertaken counselling. I find it difficult to accept that.

Mr Grill: It is nothing to do with what the other person does. It is what the doctor does. If he goes ahead with an abortion when counselling has not taken place, he commits an offence.

Mr Cowan: Read the definition of "informed consent" and you will realise how silly this is.

Mr NICHOLLS: The aim is to ensure that women who are considering an abortion receive good quality information on which to base their decision. The source of that information is counselling, and that is a very good and solid objective. However, I have major concerns about the suggestion that punishment would be imposed on the basis that a doctor went ahead with an abortion but the woman had not had counselling before the abortion was carried out. The doctor would face prosecution or a fine but the woman who had not had the counselling prescribed under the Act would not face any repercussions, and that does not seem fair.

Dr HAMES: I seek some clarification from members about this proposal. I am somewhat ambivalent about supporting a clause that makes counselling compulsory. I have mixed feelings. I am a strong supporter of more counselling because one of the biggest complaints from women who have had a termination is that they did not

receive adequate counselling at the time. I had intended to argue against the original amendments, particularly those that would not allow the general practitioner to provide the counselling. In country towns particularly there might be only one GP in the town, and there will be no control over the sort of counselling likely to be available. Only one counsellor might be available for that woman to see, and that counsellor could have strong views on either side of the argument. There may be no guarantees of confidentiality, depending on the counsellor available. Nothing in the proposal indicates the qualifications a counsellor must have, it states only that the doctor who may have looked after the patient for many years cannot provide the counselling. I intended to argue against that component.

I am not sure about the reference to the regulations and what they are likely to be. Is there still some question about whether it shall be the doctor or a separate, independent counsellor? The member for Eyre said a message should be given about counselling. The original Foss Bill required counselling with reference to the provisions in paragraphs (a) to (d). The Bill proposed by the Minister for Mines, which is still to come to this place, refers more specifically to the regulations determining what counselling is required. In that case, counselling would not necessarily be compulsory. It is essential for women to receive reasonable counselling, but I am not certain they should be forced to have it if they do not want it. I will listen to those arguments.

How can it be demonstrated that the woman has had counselling? How will the person procuring the abortion know whether that woman has had counselling unless she has a certificate? Where will the certificate come from? Will it be from the doctor or the counsellor? The Committee has already defeated the provision relating to certificates.

Mr Pendal interjected.

Dr HAMES: It does not, and that is the deficiency of the Foss Bill. The member should not talk about my Government. Members are on both sides of this argument and that is not in accordance with whether they are government or opposition members. The member has seen the way this has divided members, and it is certainly not on party lines. I have never seen more argument among members of the same party than I have seen in this debate. That does not change the issue. The member is right in saying that it is not included in the Foss Bill. That is one of my concerns. It is proposed in the Moore amendments to provide regulations, but I would be much more comfortable with those regulations because they come from a different angle. The regulations relating to this Bill come from an angle similar to that apparent in the previous amendment that I did not agree with, particularly the provision that the person's GP cannot provide the counselling. That GP is specifically excluded and the woman must talk to another counsellor, who is not necessarily required to have any qualifications, about psychological and physical aspects. A doctor is best trained to talk about the physical aspects. I would like some idea of what exactly this amendment is about and what proposal has been discussed outside this Chamber.

Ms MacTIERNAN: I am also puzzled about the meaning of the provision. For example, would it be possible for the medical practitioner procuring the miscarriage to also be the person providing the counsellor? That seems possible. If that is the case, it shows that this whole thing is a charade. The members are not trying to do anything constructive, but are trying to be seen to be doing something constructive. The whole argument of those who have supported compulsory counselling has been that those who oppose it do not want women to be informed or to make an informed choice. That misses the point made, firstly, by the Deputy Premier in relation to the Foss Bill, which makes it clear that these defences are available only if there is informed consent. Even if the Foss Bill did not require that, nothing in the Bill before us tonight overturns the provision in common law and criminal law that a medical practitioner who procures an abortion on a woman without her informed consent is in breach of the criminal law. It would constitute an assault and battery on that woman and would be a punishable offence; indeed, it would be punishable by imprisonment. Also, it would give rise to a civil law action in tort. Therefore, a provision is already entrenched within our law which ensures that a woman can be given an abortion only if she is truly making an informed consent. As a corollary to that situation, doctors who are to procure an abortion have a responsibility in the criminal and common law, in addition to the proposed responsibilities within the amendments to the Criminal Code as part of the Foss Bill -

Mr Prince: Consent is no defence to grievous bodily harm, and abortion is grievous bodily harm -

Ms MacTIERNAN: To whom?

Mr Prince: To the women. That is why section 259 is expressed in the way it is. Otherwise, your reasoning is sound.

Ms MacTIERNAN: If a woman did not give informed consent -

Mr Prince: You say that the common law and criminal law apply, but you had it slightly wrong because an abortion, other than in the way defined in the code, would be grievous bodily harm. One cannot consent to grievous bodily harm unless it is for surgical purposes under section 259.

Ms MacTIERNAN: All right. If that is correct, the combination of the provisions in the Foss Bill and the code

would require informed consent. That informed consent requirement would mean that a woman must understand the nature of the procedure, its impact and its possible risk. All of those things constitute informed consent. They would apply without the requirement for mandatory counselling.

Like many members, I would like counselling facilities made properly available to any woman who needs that service. Those of us who do not support women being forced into counselling indicate that existing provisions ensure that women must be informed. Secondly, we know that women who are compelled to undertake counselling will not take benefit of it. We want to see regulations which give women the real option.

Mr GRILL: I assure members that this amendment is a genuine attempt at compromise between people who want some form of compulsory counselling and those who want a form of non-compulsory counselling or no counselling at all. This amendment is very simple, as members who have read it understand. It will apply in a manner suggested by a number of members who have spoken against compulsory counselling; namely, it places the issue somewhere within the regulations. None of us can say at this stage what those regulations will ultimately be. However, we know the set of people who will be charged with drafting the regulations no matter which legislation gets up.

This compromise will bring about a form of counselling, but also removes all of the objections raised tonight against counselling except one; that is, it does not remove the need for some element of compulsion. First, the amendment is non-prescriptive as it does not contain all the paraphernalia of the amendment it proposes to replace: It does not mention certificates, certified counsellors, physical and psychological implications and so on. It is a simple amendment.

Second, it does not prescribe who will perform the counselling. It simply states that counselling is needed. Who will provide the counselling will be left for people to consider at greater length, although not so much at their leisure, when properly assessing this aspect. It will allow much more flexibility for the regulators regarding who might be a counsellor as it is non-prescriptive.

Also, it provides no custodial penalty, and overcomes one of the major objections of the opponents to the counselling clause. It provides no penalty at all for the woman, and a fairly moderate penalty for the medical practitioner who proceeds with an abortion when counselling has not taken place. That is the only area in which the amendment does not overcome objections to the counselling provision. The fine to be imposed will be very moderate indeed and no threat of a custodial sentence will be involved.

Dr Hames: How will the doctor know whether the woman has had counselling?

Mr GRILL: That will be the subject of regulations. When the Minister for Housing spoke on two previous occasions, he referred to possible regulations applying to legislation in the other House. It would be up to the persons drafting the regulations to prescribe those matters. This amendment leaves a great deal of flexibility and overcomes many of the objections raised, such as that of the Minister handling the Bill regarding counsellors from King Edward Memorial Hospital for Women being excluded under the prescriptive amendment. This amendment will remove that immediate objection and allow us to consider these matters at a later date.

This amendment retains compulsory counselling, but it will be in the softest of forms. It will apply penalties, not to women, but only to a doctor who wilfully goes ahead in circumstances in which he or she should not proceed with an abortion. I recommend the amendment.

Mr TRENORDEN: I do not support the amendment on a simple basis: We are here because of uncertainty with the situation which arose with charges laid some weeks ago. We are now debating a Bill which is causing great angst in society. If members pass this amendment, undoubtedly we will be back in the House in the future debating the disallowance of the regulations.

Mr Grill: We will be doing that whichever way it goes.

Mr Cowan: No, we will not.

Mr TRENORDEN: I see no reason for that. I support giving certainty to the community when it asks for certainty. This amendment will not give certainty. It will place the matter into regulations for future debate. I will not support that proposition.

Mr CARPENTER: This amendment is deficient on almost every ground it seeks to cover. In no way should we support it. Fundamentally, the amendment requires compulsory counselling, to which I and the majority of Parliament object. Under this proposition, a woman will not be able to access an abortion unless she can demonstrate in some way or other that she has undertaken counselling. As the member for Eyre said earlier this evening, some women will desperately require counselling and some women will not want it. This amendment will force counselling on them irrespective of whether they want it or need it. We have no right to do that.

Mr Baker: How can you say that they won't want it?

Mr CARPENTER: As I said, some women may not want it. I am not saying they cannot have it. Some women will say that they do not want counselling, they want an abortion. How will a doctor know the woman has received counselling and the nature of the counselling? We cannot pass an amendment which will bring uncertainty to the original provision.

This amendment is a poor attempt to appease various parties. We are trying to make decisions on the run about fundamentally important legislation by adjourning for 15 minutes and running outside the Chamber. It is a hopeless way of addressing matters at the heart of this debate. I will not accept that women must be forced to have counselling before they have an abortion. I will not accept an amendment which provides for a $10 000 penalty if a doctor cannot demonstrate that a woman has had counselling prior to having an abortion. As the member for Mandurah said - the initial response to this amendment was right without our being told tonight - how will a doctor know whether the woman has had counselling? Can we pass legislation in this Parliament which will affect the doctor's livelihood, and create the likelihood of a $10 000 fine?

I accept that the amendments moved by the member for Eyre were proposed with the best intentions. However, they are hopelessly deficient and we cannot accept them.

Mr COWAN: I can understand that this is one of the last acts of desperation by people trying to get some changes to what is now known as the Foss Bill. I suggest to a few people they take a little bit of time out and read the original Bill. They would then find that in proposed subsection (3) are four paragraphs. I imagine that if one goes through the processes provided in the first three paragraphs with the physician there would be continuing counselling to allow the patient to reach a decision about whether paragraphs (a), (b) and (c) meet the standards. Then the question of informed consent arises. If the woman does not satisfy paragraphs (a), (b) or (c) of the Bill we seek to amend, paragraph (d) provides for the requirement of informed consent. The definition of informed consent is -

> . . . consent given by the woman after she has received counselling about the consequences of an induced miscarriage.

I do not know whether members want to finesse this issue, other than seeking the support of a few waverers who have indicated they would be prepared to vote for some form of reinforcement or strengthening of the requirement for counselling. Once again - I will say this time and time again - a convention has been in place in Western Australia for 20 to 25 years. In this case the strengthening of this provision takes us away from the convention. If members want to do that, I am sure they will support it. I do not want to do that; I want to see that the convention is written into the law. I oppose the amendment.

Mr NICHOLLS: Having heard the various speakers I have no doubt that the member for South Perth and others seek to ensure that women have the best possible quality information regarding their choices and procedure prior to a decision. For that reason, efforts are being made to ensure that information is delivered to the woman before the doctor or medical practitioner undertakes any action to perform a miscarriage. However, enshrining in legislation a requirement for compulsory counselling assumes, firstly, that the counselling will be professional and will provide all the details and information the woman will require; secondly, that it will be immediately available or accessible by the woman concerned; and thirdly, that it will deliver an assurance to the community that the information is transmitted to the woman.

We are trying to ensure that a woman who is considering procuring a miscarriage receives good quality, unbiased information prior to making a decision. I am not sure simply requiring compulsory counselling will achieve that end. If that is the objective, perhaps we should be talking about a requirement for unbiased, quality information. That could be provided through videos, printed material, tapes and a range of options that do not require a compulsory interview or counselling session.

My other concern was raised by some speakers about the qualifications of counsellors. I am not sure that we can assume that simply because someone holds the status of a counsellor he can provide the quality of information a woman requires. Although we could provide some skill levels or qualification for counsellors, I agree with the Minister for Housing that a woman might require information that only a doctor or qualified medical practitioner could provide. Do we then require doctors to go through some form of training to become an acceptable counsellor? It will become farcical. Therefore, we should focus our attention on the provision of quality information which is as unbiased as possible, but which will seriously benefit a woman considering an abortion.

The member for South Perth indicated that if this amendment failed the cooling off amendment would fail as a result. I do not agree with him. We can require that information be provided, and that a cooling off period should follow the provision of that information. That would achieve the result sought by the member for South Perth and many other members without it being a compulsory requirement that women attend counselling, and then applying some

punitive action against the doctor should the woman not undertake counselling and the procurement of a miscarriage proceeded.

Mrs ROBERTS: Of all the members who have spoken on this amendment, only the member for Eyre has supported it. That is because we want to proceed and take this matter to a vote. It is interesting that the many members who have talked about procrastination and our not making much progress have been those who have been delaying this clause -

Several members interjected.

Mr Cowan: We waited while you drafted it. The horse has well and truly bolted.

Mrs ROBERTS: We should do as the Deputy Premier says, not as he does! That is typical of him.

Mr Cowan: Sit down and we will vote on it!

Mrs ROBERTS: The Deputy Premier's remarks are unparliamentary and rude.

Mr Cowan: I thought you were being very rude when you said that you wanted to put it to a vote! We have been talking for 50 or 60 hours - and now you are trying to hurry things along!

Mrs ROBERTS: The Deputy Premier should listen for a couple of minutes, and then we can vote. He has just ensured that I speak for five minutes, not for two minutes!

It is unfortunate that members have taken an entrenched attitude. They are not looking openly at the amendments moved by the member for South Perth; their attitude is to oppose all the amendments offered by him. They are suspicious of his amendments due to his very strong pro-life stand. This amendment is a very considered effort at a compromise. It is obvious that the compromise will not appease all people. It does not appease many of us who will be voting for it -

Mr Cowan: Don't vote for it!

Mrs ROBERTS: We will vote on it. We too would like to specify the degree of counselling that should be required; we know the level of counselling we might like to insist on, and that paragraphs (a) to (d) in the former amendment are not satisfactory to most members. Some members have suggested that the amendments are not of any quality or discernment. The amendments were arrived at in consultation with the Minister in charge of the Bill; his counsel, Mr Calcutt; and other learned people sitting in the Speaker's Gallery. The best legal advice we could muster at a brief meeting comprising 12 to 14 people - eight of whom are lawyers - was to leave these matters to the regulations. We have exposed tonight that we have received nothing but rhetoric from some members who have said that they are in favour of counselling, but when it comes to prescribing it in the Bill and leaving the detail to the regulations, or to the Minister for Health to put them in the Health Act, they still say that they will not support it. I do not think that those members are being true to their word.

Mr THOMAS: I oppose the amendment, but I do not do so because I am opposed to a requirement for counselling. My colleague, the member for Willagee, spoke earlier against mandatory counselling. Debate has been about whether mandatory counselling should occur before a person has an abortion or a medical practitioner seeks to procure an abortion. The point is that no proposition has been placed before us that does not require mandatory counselling. The Deputy Premier emphasised that point. Proposed section 201A(1)(d) in the Foss Bill sets the criteria for informed consent. The definition of informed consent requires counselling. There are some deficiencies in the definition and we should address those when we come to the Bill.

However, there are greater deficiencies in the amendment. There is virtually no direction on the nature and subject of counselling. It simply states that counselling will be in accordance with the regulations, but we have no idea of the contents of the regulations. Of course, we have the capacity to disallow regulations, but on such an important matter we should be giving a direction.

I admire the draftsman of the Foss Bill. He has done a good job in tackling such a complex matter. The Bill goes some way towards directing the subject matter for counselling; that is, a woman should receive counselling about the consequences of an induced miscarriage. I foreshadow a further amendment, because women should receive counselling about the alternatives to an induced miscarriage. We should give some direction regarding the drafting of the regulations, including the nature and subject matter of counselling that people receive. We have had debate about whether there should be a requirement for counselling or mandatory counselling. Some people say that it is an imposition on a woman to require counselling when she seeks the termination of a pregnancy. I admit that many mature women in the community know exactly what they want, and in a sense we are wasting their time and that of the counsellor to require counselling. It is a small imposition to require a person to have counselling. If a woman

informs the counsellor that she knows what she is doing, and is aware of the alternatives, and has already made a decision, it will be a short counselling session. It will be a small imposition.

We should aim to reduce the number of abortions in the community. There are alternatives, such as adoptions within the family, and those alternatives are not explored as much as they should be. Counselling could provide the presentation of positive alternatives to women who contemplate an abortion. The Foss Bill envisages mandatory counselling - if one wants to call it that. We do not need to pass this amendment to achieve that aim. We can reject the amendment and continue with the Bill, and provide some amendments to the definition of informed consent which deals with counselling, so that the legislation will be further improved. It is not necessary to pass this amendment.

Mr PENDAL: We should put the matter to the test. It is a simple proposition. People either believe in counselling or they will go on the record as being against it -

Several members interjected.

The DEPUTY CHAIRMAN (Mrs Holmes): Order!

Mr PENDAL: I think members protest too much! The loudest protester, the Deputy Premier, said a few moments ago that it is all covered in the Foss Bill. He is the expert!

Mr Cowan: I am not.

Mr PENDAL: The Deputy Premier is not! I will put that to the test: At page 3 of the Foss Bill, the definition of informed consent provides the minimum understanding of what constitutes counselling. I have just been criticised by the member for Cockburn because I have not been specific enough. My amendments spell out in considerable detail what is meant by counselling. Neither the Davenport Bill nor the Foss Bill does that.

Mr Baker: The member for Cockburn said he wanted certainty.

Mr PENDAL: Exactly. That is why I want to put members to the test: They should either vote for the amendment or go on the record to say they do not want counselling.

Mr Ripper: You mislead the Chamber.

Mr PENDAL: I do not. I thank the member for Eyre for the suggested alteration to that which was proposed to the Committee earlier. It is disarmingly simple and builds on the definition of informed consent that is contained in the Foss Bill. Nowhere else in any legislation in either the upper or the lower House has anyone gone to the trouble to define what is meant by counselling. The member for Willagee appears not to have read proposed section 316H of the Health Act under which much of the detail proposed to be in the regulations is set out.

Proposed new section 316H states that the Governor may make regulations to certify individuals and organisations as appropriate counsellors for the purpose of section 316D, which will be renamed. How can we be more specific than that? The Government has allowed a Bill to be introduced which provides the minimalist approach to what is counselling, and I have referred to that. If any of the members on my right and some on my left have been trying to find some wisdom in the Foss Bill as to what counselling means, they will not find it. The best opportunity they have is in both the substance of the amendment moved by the member for Eyre and that which will follow by way of proposed new section 316H.

My final point is also my starting point: Let us put it to the vote. This is a simple clause, and members must decide whether they believe that a woman moving down the path towards an abortion should be given counselling or whether that knowledge is a dangerous thing to her. Counsel is advice and advice is drawn from knowledge. This amendment seeks no more and no less than to provide a woman with knowledge. I would have thought that would widen the scope for a woman's understanding of what she was about to do and not restrict it. We should vote on this.

Mr GRILL: The members for Willagee and Mandurah had some problems about the sort of evidence that would be provided to a doctor before he would proceed with an abortion; that is, evidence of counselling. I do not think that this is a problem. I interjected on the member for Mandurah to say that the doctor in those circumstances would be fully covered by the provisions of Criminal Code. General provisions in the Criminal Code apply right across the board to all criminal offences. Section 24 of the Criminal Code states that anyone who carries out an act under the honest and reasonable belief that the facts upon which that act was based are correct is not criminally responsible. It is a test that is well understood and universally applied. It is a test which the courts have found easy to apply and they apply it on every day of the week. It does not represent a problem. It is enough that the doctor had an honest and reasonable view that the person had undergone counselling. That satisfies the test under the Criminal Code. Members can make up a problem, but there is not a problem there. It is not something that is amorphous; it is well and truly tested before the courts. We do not need to go beyond that with regulations.

Some members here tonight have objected that this clause is too simple and not prescriptive enough, yet the lament earlier was that the amendment put forward by my friend the member for South Perth was too prescriptive and endeavoured to go too far. It seems that one cannot do the right thing in this place. When I convinced a team of people with whom I do not normally have a lot of communion that they should put forward something that was minimalist, unobjectionable and benign to overcome most of the objections put forward on the other side, there was some reluctance. However, at the end of day they did that in the sense of compromise and well knowing that it was a long way from their hearts' desire. They well knew it was a benign clause. If one wanted a clause which encompassed compulsory counselling one would not have a more benign clause than this.

Mr Carpenter: That is the problem. You create the problem.

Mr GRILL: We can all use sophistry. What I have noticed about this debate is that it has become polarised.

Mr Cowan: It always was.

Mr GRILL: It should not be that way. The debate has become acrimonious this evening. It does not necessarily need to be. This clause is an olive branch. It is a reasonable and fair attempt at compromise. It is put forward in those terms. If it is not accepted in those terms it is a reflection upon those members who are objecting to it and those members who have cast slurs upon it. I remind members of one thing: Those members who now say it is not prescriptive enough will need to rely on similar sorts of regulations to get the other piece of legislation through this Chamber.

We need regulations to accompany any piece of legislation. That legislation, whether it be the Davenport Bill or the Foss Bill, will be drafted by exactly the same people and will be either allowed or disallowed by the same people. Those members who have problems about regulations now will have exactly the same problems about regulations at a later date. This is a benign amendment that is put forward in a sense of compromise.

Mr NICHOLLS: I object to the insinuation by the member for South Perth that those people who do not support his amendment do not support counselling. That is a nonsense and he knows it - although it may be a reasonably good strategy in the debate. I do not believe that compulsorily requiring people to go to counselling imparts information and knowledge so they can make a better and informed decision. However, I support the intent to try to ensure that women receive good quality information and knowledge prior to making their decision.

Mr Grill: What will happen? You will walk away from this Chamber and this debate with nothing.

Mr NICHOLLS: After the words "receive counselling" the member might consider inserting the words "either from themselves or an appropriate counsellor in accordance with the regulations". If that were the case, we would provide for there to be a doctor who has the capacity to provide the counselling or, if the doctor did not, he or she would be required to direct that woman to an appropriate counsellor in accordance with the regulations. I would be happy with that because it would then ensure that the doctor had the capacity to deliver what was required by the legislation. I would be happy on the basis that I believe that that would ensure the woman received the information she requires before making the decision, but at least it moves towards the common goal we are trying to reach; that is, that we have a process requiring information to be provided before a procured miscarriage goes ahead.

I offer that because that would then address my concern that we are applying a punishment to an individual who does not have within his or her capacity the means to force another to be involved in some other process prior to their going through the procedure. That is of concern to me; I do not believe it is fair or necessary. This might be a way to address that concern. It would mean that the doctor has the ability to deliver that counselling or refer that person to an appropriate counsellor.

Mrs Roberts: That is the case under the proposed amendments.

Mr NICHOLLS: Yes. That would address my concerns, albeit that I do not believe that any compulsory counselling will necessarily provide the knowledge required. I would much prefer to see information provided in a form most suitable for the woman concerned.

Dr TURNBULL: I feel very concerned that many members want to get this over and done with; they want to dispose of the issue. It is analogous to the way many people feel when faced with the prospect of having an abortion: They want to get rid of the problem and do not want to discuss the details. I sense that feeling here.

As has been pointed out by many members tonight, this amendment refers to clause 5 of the Criminal Code Amendment Bill and "informed consent". Members recognise that "counselling" in that clause will require some sort of regulation, and the best place to have it is the Health Act. It must be very clearly stated, as this amendment does, that the medical practitioner who procures a miscarriage must have an assurance that counselling has taken place. The member for Mandurah cannot include the requirement that the medical practitioner who procures the miscarriage

has performed the counselling. In Western Australia, of the 9 000 abortions performed every year, at least 8 000 are performed at two clinics by two different doctors. That is all. This is a huge machine, where people march in for an abortion. It will not stop -

Ms MacTiernan: Are you saying they do not have referrals to those clinics and have not already been to a doctor?

Dr TURNBULL: I am not saying that. I am referring to the member for Mandurah's suggestion that we agree to the person procuring the abortion doing the counselling. The general practitioner can do the counselling, but the person doing the abortion cannot. Many members do not realise exactly how this procedure happens. The abortionist must be kept at arm's length. The reason I have supported including the requirement for counselling in the regulations is that there are all sorts of variations in counselling. Perhaps someone from the country who has a very sympathetic general practitioner who is their usual practitioner can receive the counselling from that person. However, in many cases, these referrals are not from doctors like the member for Maylands. Many of these referrals are done by a city general practitioner who is known for providing certificates or letters without asking many questions.

I have heard many members say that they believe counselling is required. The Minister for Water Resources has said that he wants counselling, but that he will not vote for this amendment because it is too wide and does not include a description. Despite that, these regulations must be prepared in a considered situation. That is the very reason we are trying to make it as broad as possible. We must have some sort of regulation because this is mentioned in clause 5 of the Criminal Code Amendment Bill.

Mr THOMAS: The member for South Perth said I criticised his amendment because it gave no direction as to what should be the subject matter of counselling. That is important and Parliament should give directions rather than leave the issue to be determined in regulations.

The member then drew my attention to his proposed section 316H, which is not before the Committee and there is no guarantee that it will be passed. I draw his attention to the fact that the proposed section does not address the subject matter of the counselling. It gives the procedures and the mechanisms that must be followed, but does not detail that counselling should address the consequences of having a pregnancy terminated or alternatives that might be available. We as a Parliament should direct that that be the subject of counselling.

Because I am in favour of counselling, I believe we should reject the amendment put forward by the member for South Perth and the consequential amendments and amend the definition of informed consent when we reach that stage of the debate. I will move amendments at that stage and we can deal with the matter creatively rather than with the amendments proposed by the members for South Perth and Eyre.

Mrs van de KLASHORST: I direct the attention of the Committee to page 20 of the Notice Paper which sets out an amendment I will seek to move, should the debate get that far. That amendment might solve the problem. It seeks to add to the original Foss Bill the words "Informed consent". That might help members to make up their mind about that aspect. Some members have said that the Foss Bill is deficient in that regard.

Mr NICHOLLS: I move -

> That the amendment be amended by inserting after the word "regulations" the following -
>
> from
>
> (a) the medical practitioner; or
>
> (b) a counsellor authorized under the regulations

I believe that will provide the best opportunity for information as prescribed in the regulations to be provided to the woman prior to the decision being made. It will also remove my concern that a doctor would be held accountable for the actions of another, where that doctor does not have any capacity to ensure the woman receives counselling as required within the prescribed regulations.

I believe this amendment is an achievable compromise and addresses most of the concerns that have been expressed. I hope it gains the support of the members for South Perth and Eyre.

Mr PENDAL: I do not accept the amendment to include the medical practitioner as set out in paragraph (a). As an example, in this case, the person would be one of the two doctors to whom the member for Collie has referred as being in charge of the two abortion clinics. They would be in an excellent position to be giving some independent counselling! Therefore, I, for one, will be voting against that amendment on the amendment and will be adhering to the amendment moved by the member for Eyre. Before this gets even more complicated than it is, I believe we should go to a vote.

Amendment on the amendment put and a division taken with the following result -

Ayes (4)

Mr Grill	Ms MacTiernan	Mr Bloffwitch *(Teller)*
	Mr Nicholls	

Noes (50)

Mr Ainsworth	Mr Day	Mr McGinty	Mr Shave
Ms Anwyl	Mrs Edwardes	Mr McGowan	Mr Strickland
Mr Baker	Dr Edwards	Ms McHale	Mr Sweetman
Mr Barnett	Dr Gallop	Mr McNee	Mr Thomas
Mr Barron-Sullivan	Mr Graham	Mr Minson	Mr Trenorden
Mr Board	Dr Hames	Mr Omodei	Mr Tubby
Mr Bradshaw	Mrs Hodson-Thomas	Mr Osborne	Dr Turnbull
Mr Bridge	Mr Johnson	Mrs Parker	Mrs van de Klashorst
Mr Brown	Mr Kobelke	Mr Pendal	Ms Warnock
Mr Carpenter	Mr MacLean	M Prince	Mr Wiese
Dr Constable	Mr Marlborough	Mr Riebeling	Mr Cunningham *(Teller)*
Mr Court	Mr Marshall	Mr Ripper	
Mr Cowan	Mr Masters	Mrs Roberts	

Amendment on the amendment thus negatived.

The DEPUTY CHAIRMAN (Mrs Holmes): The question now is that new clause 3 as moved by the member for South Perth be agreed to.

New clause put and a division taken with the following result -

Ayes 26

Mr Ainsworth	Mrs Edwardes	Mr McNee	Mrs Roberts
Mr Baker	Mr Grill	Mr Minson	Mr Shave
Mr Barron-Sullivan	Mrs Hodson-Thomas	Mr Omodei	Mr Sweetman
Mr Bridge	Mr Johnson	Mrs Parker	Mr Tubby
Mr Board	Mr Kobelke	Mr Pendal	Dr Turnbull
Mr Court	Mr MacLean	Mr Prince	Mr Cunningham *(Teller)*
Mr Day	Mr Masters		

Noes 28

Ms Anwyl	Mr Cowan	Mr Marshall	Mr Strickland
Mr Barnett	Dr Edwards	Mr McGinty	Mr Thomas
Mr Bloffwitch	Dr Gallop	Mr McGowan	Mr Trenorden
Mr Bradshaw	Mr Graham	Ms McHale	Ms Warnock
Mr Brown	Dr Hames	Mr Nicholls	Mrs van de Klashorst
Mr Carpenter	Ms MacTiernan	Mr Riebeling	Mr Wiese
Dr Constable	Mr Marlborough	Mr Ripper	Mr Osborne*(Teller)*

New clause thus negatived.

New clause 9 -

Mr PENDAL: New clause 4 will not now be moved by me for obvious reasons, because the Committee has effectively destroyed the concept of a two day cooling off period. Therefore I proceed to page 17 of the printed Notice Paper. I move -

Page 2, before line 4 - To insert the following -

9. Before Part XII of the *Health Act 1911* the following section is inserted -

"**Choice for medical professionals**

316G. No person is under a duty, whether by contract or by any statutory or other legal requirement, to participate in the procurement of any miscarriage. ".

This is a conscientious objection clause. The human rights of doctors and nurses employed in government hospitals are at stake here. Unless members are prepared to vote for this amendment, if nothing else, health professionals whose moral or ethical position is that abortion is wrong, could be directed to take part in an abortion.

This amendment recognises that abortion is a fundamental issue of conscience, and it provides that no person may be forced to take part in such a procedure. This provision typically will apply to medical practitioners and nurses. To my personal knowledge, one professional was told by her superiors that, given her attitude that abortion was wrong, she really had no place at the hospital at which they worked. In this day and age of workplace agreements, it would be relatively simple for an oppressive employer to make out a case that a doctor or nurse must do as they are told - that is, perform an abortion - or leave the job. That is an unconscionable demand to make on professionals who hold the view that abortion is repugnant. Any legislation which authorises the making of such a demand would fundamentally breach the provisions of the International Covenant of Civil and Political Rights concerning freedom of opinion and religion. Australia is a state signatory to that covenant and would be in breach of its international obligation in such circumstances. No possible argument can be made to deny nurses and doctors what is essentially a conscientious objection protective measure. I commend the amendment to the Committee.

Ms MacTIERNAN: I support the amendment. I am not sure that the wording is the most appropriate, but I support the principle outlined by the member for South Perth. I believe strongly in choice, and that principle must be extended to those people who cannot accept abortion. As a result of the strength of my view about choice and the right for people to exercise conscience in this area, I accept the principle of the amendment.

Mr PRINCE: I understand from those who have informed me about hospital procedures that it is almost unheard of for anybody who has a strong objection to be requested to be involved in any form of termination or abortion procedure. However, it is technically possible for that to happen. It seems to be totally justifiable to put in law that which is good practice in this area. Consequently, I urge all members to support the amendment - but not to speak to it.

Dr HAMES: I concur with the comments of the Minister for Health. It is true that in practice the enforcement to which the member for South Perth referred does not happen. Many doctors have a strong conscientious objection to abortions and refuse to perform them, to counsel people to undertake one or to have anything to do with them. The difficulty arises in a hospital situation, like at King Edward Memorial Hospital for Women, where an operation is performed. A nurse working in that situation may have a strong conscientious objection to the procedure, but may be involved or threatened in some way. I am sure that it would not happen at King Edward; nevertheless, the potential exists. I agree with the Minister for Health in his comments. It is reasonable that we support this amendment.

Dr EDWARDS: I also support the amendment. My understanding is that little pressure would be applied to doctors in this way as few doctors are involved in the procedure. Nurses would be most likely to be affected. Does the fact that the heading says "choice for medical professionals" detract from the words beneath? Will it still cover anyone who might be involved?

Mr PRINCE: The heading has no weight at all in determining the proper interpretation of the clause. The clause is read on its own for statutory interpretation; the heading is for assistance only.

Ms WARNOCK: I support this amendment and concur with the Minister for Housing that few medical practitioners are involved in this practice. It is rare indeed for anybody to be compelled to be involved in this procedure. I spoke at length to doctors in the public health area, and they said that such compulsion for medical professionals would be appalling for the patients, apart from anyone else.

One person who was counselled in a very difficult and stressful late abortion due to a serious genetic abnormality was touched by the hospital's efforts to ensure that the counsellor and the medical personnel involved were suitable for the occasion and chose to be involved. Currently, there is no compulsion for involvement. I agree, as does the medical profession, that such protection should be prescribed, and doctors and nurses should be given the option to choose not to be involved in this area. I stress, however, that that is the present practice and I am very pleased it is.

Ms McHALE: I also support this amendment. If this is a matter of conscience and choice as the member for South Perth said, it is a great shame that it is not extended to the whole area of this debate. There is inherent contradiction in the argument that on the one hand it can be a matter of choice and conscience for the practitioners while on the other hand it is not a matter of choice and conscience for the woman.

[Interruption from the gallery.]

The CHAIRMAN: Order!

Ms McHALE: I hope that doctors who have a philosophical difference will be required to make patients fully aware of the alternatives.

New clause put and passed.

Progress reported.

JOINT STANDING COMMITTEE ON THE ANTI-CORRUPTION COMMISSION

Suspension of Standing Orders

On motion by Mr Barnett (Leader of the House), resolved with an absolute majority -

> That so much of the standing orders be suspended as is necessary to enable the Joint Standing Committee on the Anti-Corruption Commission to sit while the House is sitting on Wednesday, 1 April 1998.

BILLS (3) - ASSENT

Messages from the Governor received and read notifying assent to the following Bills -

1. Local Government Amendment Bill.
2. Country High School Hostels Authority Amendment Bill.
3. Misuse of Drugs Amendment Bill.

House adjourned at 12.15 am (Wednesday)

QUESTIONS ON NOTICE

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

GOVERNMENT DEPARTMENTS AND AGENCIES - INSURANCE

2909. Dr CONSTABLE to the Treasurer:

(1) What is the general policy regarding the choice of insurance for Government agencies?

(2) Are insurance contracts put out to tender?

(3) What are the criteria for choosing insurance policies and premiums?

Mr COURT replied:

(1) The Government of Western Australia has a policy of self-insurance supported by reinsurance for catastrophic losses. On 17 June 1996, Cabinet approved the adoption of a Managed Fund approach to administer insurable risks of government agencies. The Managed Fund, known as RiskCover, which commenced from 1 July 1997, is underwritten by the Government, and administered by the Insurance Commission of Western Australia on behalf of the Government and its agencies for an initial period of 5 years. When debated in both Houses of Parliament as part of the Insurance Commission of Western Australia Amendment Act, RiskCover received full support from both the Government and the Opposition and their comments can be found in Hansard on Tuesday 17 September (Legislative Assembly) and Wednesday 16 October 1996 (Legislative Council).

Supervision of the financial performance of the Fund is carried out by Treasury in conjunction with RiskCover and an Agency Panel comprised of Agency representatives. RiskCover is a simple and effective risk financing mechanism to assist government with management of its risk exposure through a combination of risk management programs, self-insurance and reinsurance. RiskCover also assists agencies to manage risk better, to reduce exposures and costs at an agency and whole-of-government level, and to provide a facility to finance residual risk.

(2) No. The RiskCover self-insurance Managed Fund is protected by reinsurance for losses in excess of $10 million across all classes except property which is reinsured on a proportional basis. Reinsurance is purchased by a contracted reinsurance Broker from the National and International reinsurance market. The role of the reinsurance Broker (who is appointed by tender) is to canvass the reinsurance market for the most competitive price and terms. Due to the nature of reinsurance it is not appropriate or necessary to tender its placement.

(3) (i) The nature of the risk or exposure.
(ii) The extent and quality of the coverage.
(iii) The price.
(iv) The security of the reinsurers.
(v) The quality of the insurer/reinsurer.

TOBACCO FRANCHISE FEES

2931. Dr CONSTABLE to the Treasurer:

(1) What percentage of tobacco franchise fees has gone to Healthway in each of the last five years?

(2) What amount of tobacco franchise fees has been paid each year to Healthway since the inception of the scheme?

Mr COURT replied:

(1)-(2)

Year	Tobacco Franchise License Fees $	Transfer to Healthway by State Revenue $	Transfer to Healthway by Treasury $	%
1990/91	110,592,016		11,059,200	
1991/92	108,417,473		10,901,747	
1992/93	129,107,277		12,910,727	10.00
1993/94	212,099,356	12,900,000		6.08

1994/95	247,985,389	12,900,000	5.20
1995/96	281,660,732	12,900,000	4.58
1996/97	292,253,780	12,900,000	4.41
1997/98	23,995,836	1,679,709	7.00

SCHOOL PSYCHOLOGISTS - ALLOCATION AND FUNDING

2936. Dr CONSTABLE to the Minister for Education:

In each school district -

(1) How many school psychologists are allocated to each school from Student Services?

(2) How many schools purchase from their own budgets school psychology services in addition to the allocated services, and which ones?

Mr BARNETT replied:

(1) School Psychologists are appointed to districts and not to schools. All schools have access to the School Psychology Service through the district office. The level of service provided is determined by the district office on a needs basis. 1998 District requests for School Psychologist FTE's are:

	FTE's
Albany	5.40
Bunbury	7.40
Cannington	17.00
Esperance	2.60
Fremantle	19.00
Goldfields	3.60
Joondalup	10.00
Kimberly	4.00
Midlands	9.10
Mid West	8.00
Narrogin	4.00
Peel	11.00
Perth	20.20
Pilbara	6.00
Swan	23.10
Warren-Blackwood	5.00
TOTAL FTE's	155.40

(2) To date the following schools have purchased school psychology time:

Cannington District	FTE's
East Maddington Primary School	0.05
Queens Park Primary School	0.1
Como Senior High School	0.5
Belmont Senior High School	0.1
Wirribirra Primary School	0.2
Fremantle District	
North Lake Senior Campus	0.6
Perth District	
Churchlands Senior High School	0.4
Duncraig Senior High School	0.2
Warwick Senior High School	0.2
Swan District	
Balga Senior High School	0.2
Ballajura Community College	0.2
Lockridge Senior High School	0.2
Governor Stirling Senior High School	0.2
Swan View Senior High School	0.2

PRIVATE SECTOR INVESTMENT IN REGIONAL INFRASTRUCTURE

2991. Mr BROWN to the Minister for Commerce and Trade:

(1) Did the Minister release a media statement on 2 December 1997 calling for greater private sector investment in regional infrastructure?

(2) Did the Minister say in that media statement that some of the best opportunities in regional Western

Australia are for smaller operations processing mineral or agricultural products for niche markets and in tourism?

(3) If so, exactly what opportunities was the Minister referring to?

(4) Does the Government or any of its departments have any indication of the level of private sector investment in regional infrastructure?

(5) What is the level of private sector investment in such infrastructure?

(6) Is the Government and/or any of its agencies aware of examples where such investment has been made?

(7) What are the examples the Government is aware of?

Mr COWAN replied:

(1)-(2) Yes.

(3) It is difficult to be specific as many opportunities are still under consideration but examples are -

The recently issued "Tourism Investment Profile", prepared by the Tourism Commission and the Department of Commerce and Trade, lists over 30 opportunities, ranging from resorts to airport development and marinas in regional Western Australia.

"Investment in Regional Western Australia" prepared by the Department of Commerce & Trade, will shortly be released. This will outline mineral and agricultural investment opportunities in the State's nine Regions.

In addition, the Department of Commerce and Trade was allocated $5m in 1997-98 in the Regional Headworks Development Scheme to assist companies establish in regional Western Australia.

(4) Last year some twenty projects were commissioned across the State, representing inward investment in resource extraction and processing, totalling almost $2.7b. Investments of this magnitude have been occurring for several years but it is difficult to accurately desegregate the infrastructure components.

(5) As outlined in (4), major regions of the State have been developed by privately funded infrastructure (eg Pilbara iron ore/oil and gas). Ongoing opportunities collectively exceed $20b.

(6) Yes

(7) Two significant projects have occurred over the past two years:

Dampier to Goldfields gas pipeline	($450m)
Pilbara Energy Project	($80m)

ABORIGINAL AFFAIRS DEPARTMENT - STAFF

2996. Mr BROWN to the Minister for Aboriginal Affairs:

(1) How many staff were employed by the Aboriginal Affairs Department on -

(a) 1 January 1997;
(b) 31 December 1997?

(2) How many staff left the Aboriginal Affairs Department in the 1997 calendar year?

(3) How many new staff were employed by the Department in the 1997 calendar year?

(4) Was the turnover of staff in the 1997 calendar year higher than other years?

(5) If not, what other years were higher?

(6) Is the Minister/Government aware of the reason for the staff turnover level?

(7) What is the reason/s?

Dr HAMES replied:

(1) (a) 122.
(b) 99.

(2) 36.

(3) 18.

(4) Yes.

(5) Not applicable.

(6)-(7) Possible reasons for staff turnover include promotion, transfer, health, alternate career opportunities, and secondment.

REPORT ON AIRCONDITIONING IN SCHOOLS

3000. Mr BROWN to the Minister for Education:

(1) Is the Minister aware of an article that appeared in *The West Australian* on 17 December 1997 concerning the report on airconditioning in schools?

(2) Is the report publicly available?

(3) If not, when will the report be made available to the public?

(4) Has the Minister/Government drawn up any plans which will see air-conditioning installed in all schools over a period of time?

(5) When is it envisaged all schools will be provided with airconditioning?

(6) What is the total cost, or estimated cost, of airconditioning all schools?

(7) How many schools in the Bassendean electorate will be provided with airconditioning/air cooling in the 1997-98 financial year?

(8) What schools will be provided with airconditioning/air cooling?

Mr BARNETT replied:

(1) Yes.

(2) Yes, the report is available from the Education Department of Western Australia.

(3) Not applicable.

(4-5) No. Earlier this year, however, an announcement was made regarding the inclusion of an additional eighty (80) schools in the zone where schools are provided with air-cooling. Air-cooling will be provided in these schools over the next three years. Attached, for information, is a copy of the media statement on this matter. [See paper No 1282.]

There are no definite plans to provide air-cooling in all schools at present.

(6) The estimated cost to provide air-cooling in all schools is $65 million.

(7)-(8) It is not planned to instal air-cooling in any schools in the Bassendean electorate during the 1997/98 financial year.

ASIAN CURRENCY CRISIS - EFFECT ON RESOURCES INDUSTRY

3007. Mr BROWN to the Minister for Resources Development:

(1) Has the Minister or any of his departments and agencies assessed the degree to which the Asian currency crisis will impact on the resources industry?

(2) If so, what will be the economic impact of the crisis on the resources sector in Western Australia?

(3) If not, why not?

Mr BARNETT replied:

(1) Yes. The Department of Resources Development has provided me with preliminary advice.

(2) It is too soon to know the outcomes of world financial institutions' efforts to resolve the Asian currency crisis. While there is no doubt that the instability in Asian financial markets will affect the performance of the national and State economies, the size, timing and distribution of those effects remains uncertain and

may be limited because most Western Australian resource commodities are traded in US$. Demand uncertainty combined with a lower supply of investment capital may lead some developers to look closely at the timing of major new investments. Final decisions on project go-ahead may be deferred until the situation in Asia becomes clearer.

(3) Not applicable.

COMMUNITY LANGUAGES PROGRAM

3076. Mr KOBELKE to the Minister for Education:

(1) How many schools or centres received funding under the Community Languages Program in 1997?

(2) In each case, what was the name of the organisation conducting the language program, the centre at which it was conducted and the number of students for whom a grant was paid?

Mr BARNETT replied:

(1) Forty-six schools or centres received funding under the Community Languages Program in 1997.

(2) [See paper No 1283.]

EXMOUTH RESORT AND CANAL DEVELOPMENT - 1995 MEETING

3082. Mr BROWN to the Minister for Lands:

(1) In 1995 did John Willis attend a meeting with representatives of the Trade Centre Pty Ltd and other government officers to discuss a proposal to develop a resort on the west coast of Cape Range?

(2) How many meetings did this officer attend?

(3) What was the date(s) of the meeting?

(4) Who participated in the meeting?

(5) Did the officers prepare a report of the meeting or any memorandum or note following the meeting to either the Minister or senior ranking officers in the department?

(6) What was the nature of that minute or communication?

(7) Who was the minute or communication with?

(8) Were any meetings held within the department to assess the proposal following that meeting?

(9) What meetings were held and when?

(10) Who attended the meetings?

(11) What recommendations emanated out of each meeting?

Mr SHAVE replied:

(1) Yes.

(2) One.

(3) 1 March 1995.

(4) Representatives from Ningaloo Reef Resort/Trade Centre Pty Ltd, Department of Conservation and Land Management, Western Australian Tourism Commission, Department of Land Administration, Ministry for Planning.

(5) No report was prepared by Mr Willis.

(6)-(7) Not applicable.

(8) No.

(9)-(11) Not applicable.

EXMOUTH RESORT AND CANAL DEVELOPMENT - 1995 MEETING

3083. Mr BROWN to the Minister for Planning:

(1) In 1995 did Max Poole attend a meeting with representatives of the Trade Centre Pty Ltd and other government officers to discuss a proposal to develop a resort on the west coast of Cape Range?

(2) How many meetings did this officer attend?

(3) What was the date(s) of the meeting?

(4) Who participated in the meeting?

(5) Did the officers prepare a report of the meeting or any memorandum or note following the meeting to either the Minister or senior ranking officers in the department?

(6) What was the nature of that minute or communication?

(7) Who was the minute or communication with?

(8) Were any meetings held within the department to assess the proposal following that meeting?

(9) What meetings were held and when?

(10) Who attended the meetings?

(11) What recommendations emanated out of each meeting?

Mr KIERATH replied:

(1) Mr Poole was invited to attend a meeting at the Department of Conservation and Land Management offices in 1995 by the WA Tourism Commission to discuss a proposal to develop a resort on the west coast of Cape Range.

(2) One.

(3) 1 March 1995.

(4) Officers from the WA Tourism Commission (Chair), Department of Conservation and Land Management, Department of Land Administration, Gascoyne Development Commission, Shire of Exmouth, Ministry for Planning, and the proponent.

(5) No. A single page summary of the meeting was circulated to those who attended.

(6) It was a summary of the broad course of action and the next steps to be taken.

(7) Those who attended the meeting.

(8) No.

(9)-(11) Not applicable.

CLEANING INDUSTRY TRAINEESHIPS

3092. Mr BROWN to the Minister for Employment and Training:

(1) Did the Minister issue a media release on 23 December 1997 concerning the first traineeships in the cleaning industry being opened?

(2) What is the duration of the traineeship?

(3) What formal training is provided during the traineeship period?

(4) What Government contribution is made to the traineeship?

(5) Do trainees, on completion of the traineeship, receive a formal qualification?

(6) Is the formal qualification recognised by TAFE?

(7) Is the traineeship qualification able to be used to gain credits in other TAFE subjects?

(8) If so, what subjects?

(9) What are the rates of pay payable to adult and junior trainees?

Mrs EDWARDES replied:

(1) Yes.

(2) The duration is 12 months, with provision made in the terms of the agreement for reduction in term if the competencies are achieved in a shorter period.

(3) Trainees undertake the prescribed off-the-job training with a registered training provider.

(4) The State contributes towards the cost of the off-the-job training.

(5) Yes. Trainees receive a Certificate in the name of the Traineeship undertaken.

(6) Yes. This is nationally recognised qualification.

(7) Yes. Traineeship credits can be used in other study areas.

(8) This would depend on the area of study being undertaken and the competencies involved.

(9) Trainees are employed under appropriate Award or Workplace Agreements.

MUNDARING TO KALGOORLIE-BOULDER PIPELINE - REVENUE

3099. Mr GRILL to the Minister for Water Resources:

(1) What is the annual revenue from the sale of water from the Mundaring to Kalgoorlie-Boulder pipeline?

(2) How much of that revenue is derived from the pipeline west of Southern Cross and how much is derived from the sale of water from the pipeline east of Southern Cross?

(3) How does residential consumption per household in Kalgoorlie-Boulder compare with residential average consumption in the metropolitan area?

Dr HAMES replied:

(1) Annual revenue is:

water sales $22,050,426
annual water charges $6,191,284

(2) West of Southern Cross:

water sales $7,282,974
annual water charges $3,349,284

East of, and including, Southern Cross:

water sales $14,770,452
annual water charges $2,841,998

(3) Average annual residential consumption -

Perth metropolitan area	= 320kls
Kalgoorlie/Boulder	= 432kls

PUBLIC SECTOR MANAGEMENT OFFICE - SUICIDES AFTER REDUNDANCY

3120. Mr BROWN to the Minister for Public Sector Management:

(1) Has the Government carried out any research to determine the number of former employees who have committed suicide after being made redundant or "offered" and accepted voluntary redundancy?

(2) When was the research carried out?

(3) What did the research reveal?

(4) If research of this nature has not been undertaken, will the Government initiate such research?

(5) If not, why not?

Mr COURT replied:

(1)-(5) Acceptance of a redundancy payment is voluntary. Employees are encouraged to seek independent financial advice prior to accepting an offer of voluntary redundancy. The Government is not aware of any evidence to indicate that research of this nature is necessary or appropriate.

STATE FINANCE - CAPITAL FUNDING FOR MAJOR WORKS

3122. Mr BROWN to the Minister for Education:

(1) Further to question on notice 2839 of 1997, will the Minister advise if the $11.5 million in capital funding sought for major works was the major works in Midland?

(2) If so, exactly what major works were envisaged?

(3) If not, what was the $11.5 million sought for?

(4) How much has been allocated in 1999 for electronic links between universities to be upgraded?

(5) What amount of those funds will be used to upgrade the Midland University links?

Mr BARNETT replied:

(1) Yes.

(2) The estimate was from Edith Cowan University and incorporated a General-purpose Teaching Building ($7.5 million) and the refurbishment of a building for the Visual and Performing Arts ($4.0 million).

(3) Not applicable.

(4) $2.5million

(5) $270,000 has been allocated to Edith Cowan University to link Midland into the Perth Academic Research Network system.

HIRE PURCHASE ACT 1959 - REVIEW

3135. Mr BROWN to the Minister for Fair Trading:

(1) Has the Government given detailed consideration to any or all the recommendations in the Legislation Committee Report No 35?

(2) Has the Government carried out a review of the Hire Purchase Act 1959 as recommended by the committee?

(3) Does the Government intend to review or repeal that Act?

(4) If so, when?

(5) What action does the Government propose to take on that Act?

Mr SHAVE replied:

(1) Yes.

(2) The Ministry of Fair Trading is conducting a review of the operation of the *Hire Purchase Act 1959*, which includes considering the impact of the enactment of the *Consumer Credit (Western Australia) Act 1996*, as recommended by the Legislation Committee.

(3)-(5) It is expected that the review of the Act will be completed in the near future. It is not possible to comment on any further action which the Government proposes to take on the Act until the review has been completed and Cabinet considers any recommendations made.

SEWERAGE INFILL PROGRAM - BASSENDEAN

3137. Mr BROWN to the Minister for Water Resources:

(1) How many properties in the Bassendean electorate have been provided with deep sewerage between the commencement of the infill sewerage project in 1993 and the 1 March 1998?

(2) What has been the total cost of the infill sewerage project in the Bassendean electorate?

(3) What revenue has been gained from additional rate increases due to sewerage being provided?

(4) What income has been received from the provision of deep sewerage being made available under the infill service project in Bassendean?

(5) At the conclusion of the infill sewerage project, what is the expected -

(a) cost of the project;
(b) additional income received as a result of the project over a period of ten years,

anticipated to be in the Bassendean electorate?

Dr HAMES replied:

(1) 1588.

(2) $13.6 million.

(3)-(4) Anticipated increase in rates from Infill Sewerage Program is $635,000 for 1997/98.

(5) (a) $23 million.

(b) Estimated as $1.48 million per annum.

GOVERNMENT DEPARTMENTS AND AGENCIES - NATIONAL POLICY BODIES

3143. Mr BROWN to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

(1) How many national policy bodies does the Deputy Premier and each of the departments and agencies under the Deputy Premier's control participate on?

(2) What is the name of each policy body?

(3) Does each policy body meet on one or more occasions during the calendar year?

(4) Has the Deputy Premier and/or any of the departments or agencies under the Deputy Premier's control made representations to that policy body and/or the Commonwealth or other State governments for the policy body to be abolished or changed in any way?

(5) If so -

(a) what was the nature of the submission made;

(b) when was the submission made?

Mr COWAN replied:

Department of Trade & Commerce

(1) Eight.

(2) Online Council
Ministerial Council on Industry, Technology and Regional Development
Ministerial Meetings of the National Trade Consultations
National Association of Testing Authorities
Putting Cables Underground Working Group
Year 2000 National Industry Awareness Strategy
Government Technology and Telecommunications Committee
Ministerial Working Group on Regional Affairs.

(3) Yes, except for the Ministerial Council on Industry, Technology and Regional Development which meets as required.

(4) No.

(5) Not applicable.

Small Business Development Corporation

(1) Representatives from the Small Business Development Corporation have participated on three national policy bodies.

(2) Commonwealth/State Working Group on Quasi-Regulation and Performance Indicators.
National Executive of Small Business Agencies.
Business Information Services Committee.

(3) Yes.

(4) No.

(5) Not applicable.

Perth International Centre for Application of Solar Energy

(1) Nil.

(2)-(5) Not applicable.

Technology and Industry Advisory Council

(1) Nil.

(2)-(5) Not applicable.

Gascoyne Development Commission

(1) Nil.

(2)-(5) Not applicable.

Goldfields Esperance Development Commission

(1) Nil.

(2)-(5) Not applicable.

Great Southern Development Commission

(1) Nil.

(2)-(5) Not applicable.

Kimberley Development Commission

(1) Nil.

(2)-(5) Not applicable.

Mid West Development Commission

(1) Nil.

(2)-(5) Not applicable.

Peel Development Commission

(1) Nil.

(2)-(5) Not applicable.

Pilbara Development Commission

(1) Nil.

(2)-(5) Not applicable.

South West Development Commission

(1) Nil.

(2)-(5) Not applicable.

Wheatbelt Development Commission

(1) Nil.

(2)-(5) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES - NATIONAL POLICY BODIES

3153. Mr BROWN to the Minister representing the Minister for Finance:

(1) How many national policy bodies does the Minister and each of the departments and agencies under the Minister's control participate on?

(2) What is the name of each policy body?

(3) Does each policy body meet on one or more occasions during the calendar year?

(4) Has the Premier and/or any of the departments or agencies under the Minister's control made representations to that policy body and/or the Commonwealth or other State governments for the policy body to be abolished or changed in any way?

(5) If so -

(a) what was the nature of the submission made;
(b) when was the submission made?

Mr COURT replied:

The Minister for Finance has provided the following response:

(1) One. Insurance Commission of Western Australia.

(2) National Chief Executives of Compulsory Third Party Insurance. The body does not have a statutory basis but was formed by agreement by the state bodies responsible for compulsory third party personal insurance.

(3) Meets every six months at the National Motor Accidents Compensation Conferences.

(4) No.

(5) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES - NATIONAL POLICY BODIES

3155. Mr BROWN to the Minister representing the Minister for Racing and Gaming:

(1) How many national policy bodies does the Minister and each of the departments and agencies under the Minister's control participate on?

(2) What is the name of each policy body?

(3) Does each policy body meet on one or more occasions during the calendar year?

(4) Has the Premier and/or any of the departments or agencies under the Minister's control made representations to that policy body and/or the Commonwealth or other State governments for the policy body to be abolished or changed in any way?

(5) If so -

(a) what was the nature of the submission made;
(b) when was the submission made?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response:

(1) Nil.

(2)-(5) Not applicable.

PORT HEDLAND - RESIDENTS LIVING IN CARAVANS

3174. Mr GRAHAM to the Minister for Local Government:

(1) Is the Minister aware of the problems associated with the large amount of residents living in caravans in the town of Port Hedland?

(2) If yes to (1) above -

(a) on what date did the Minister become aware of the problems;

(b) what action did the Minister take as a consequence of becoming aware of the problems;

(c) on what date did the Minister take action?

(3) If no to (1) above, will the Minister make himself aware of the problems?

Mr OMODEI replied:

(1)-(3) I am aware of the caravan problems in Port Hedland. The Council has written appraising me of its problems. In addition Officers from my office and the Department of Local Government have had extensive discussions with the Chief Executive Officer of the Town on the matter. The problem is one for the Council to control under legislation which it administers.

INFORMATION TECHNOLOGY - GOVERNMENT'S POLICY

3197. Mr GRAHAM to the Minister for Commerce and Trade:

(1) Does the Government have a policy on information technology?

(2) If no to (1) above, why not?

(3) If yes to (1) above, from where is the policy available?

Mr COWAN replied:

(1) The Information Policy Council (IPC) has produced a series of policies and guidelines on information and communications. They include policies on information and telecommunications management, priorities for regional telecommunications, planning for electronic customer service delivery and best practice guidelines for using the Internet. The Office of Information and Communications now has responsibility for Strategic Outcomes in this area and is reviewing these policies.

(2) Not applicable.

(3) These policies and guidelines may all be found in electronic form at the IPC website: http://www.wa.gov.au/IPC. Copies of the policies and guidelines are also available from the Office of Information and Communications, Department of Commerce and Trade, 170 St Georges Terrace, Perth, WA 6000.

COMMONWEALTH REGIONAL TELECOMMUNICATIONS INFRASTRUCTURE FUND APPLICATIONS

3199. Mr GRAHAM to the Minister for Commerce and Trade:

(1) Has the Government allocated any priority to applications for grant funds under the Commonwealth Regional Telecommunications Infrastructure Fund?

(2) If no to (1) above, why not?

(3) If yes to (1) above, what is the order of priority?

Mr COWAN replied:

(1) No.

(2) It is a Commonwealth program in which project proponents submit their applications directly to the Commonwealth. The Commonwealth appointed an independent Board which determines funding priorities and allocations. However, in assessing applications from Western Australia, the Board seeks advice from the Western Australian Government. In making recommendations to the independent RTIF Board, the Western Australian Government gives equal weight to -

local community initiatives
wide area infrastructure projects.

It should be noted that the Board gives preference to applications which have a significant local funding contribution.

(3) Not applicable.

LOCAL GOVERNMENT REGULATIONS

3221. Mr McGOWAN to the Minister for Local Government:

I refer to question on notice No. 817 of 1997 in which the Minister advised that he had received a preliminary report from the Executive Director of the Department of Local Government in respect of possible new regulations under section 4 (59) of the Local Government Act 1995 and ask -

(a) is the Department of Local Government proceeding with preparation of the regulations;

(b) if not, why not;

(c) if yes, when will the regulations be published;

(d) will the regulations apply to every council in the State; and

(e) if not, what will the criteria be in determining whether or not the regulations apply to a particular council?

Mr OMODEI replied:

(a) Yes

(b) Not applicable.

(c) As soon as they have been drafted.

(d) Yes.

(e) Not applicable.

CITY OF WANNEROO - ROYAL COMMISSION'S REPORT

3224. Mr McGOWAN to the Minister for Local Government:

I refer to the Final Report of the Royal Commission into the City of Wanneroo and to the recommendation that the conflict of interest provisions in the Local Government Act 1995 be amended and ask -

(a) does the Minister agree with the recommendation?

(b) if not, why not?

(c) if yes, has the Minister given instructions for such amendments to be drafted;

(d) if not, why not; and

(e) if yes -

(i) when did the Minister give these instructions; and
(ii) in which session of Parliament will the legislation be introduced?

Mr OMODEI replied:

(a)-(b) The Local Government Act 1995 deals with financial interests, not conflicts of interest.

(c) The working party established by the Department of Local Government to consider policy and legislative responses to the final report of the Royal Commission into the City of Wanneroo concluded that "while extremely important, conflicts of interest should not be covered in the Local Government Act 1995 because of the multi-faceted nature of conflicts and consequent problems with a strict legislative definition. However, the working party noted that many local government codes of conduct address conflicts of interest and agreed that regulation should be prepared to require all local governments' codes to incorporate core principles about this issue".

(d) Not applicable.

(e) (i) February 1998.

(ii) The changes will be dealt with in conjunction with other changes to the Local Government Act and Regulations. The Act amendments will be included in an Amendment Bill which I intend to introduce in the Spring Session of 1998. The Regulatory changes will be introduced in a combined package as soon as possible.

NATIONAL ESTATE GRANTS PROGRAM

3227. Ms McHALE to the Minister for Heritage:

(1) I refer to the Annual Report of the Heritage Council 1996-97 and ask what has been the effect on Western Australia of the Federal Government's decision to cease the State component of the National Estate Grants Program during 1996-97?

(2) What will be the likely effect during 1997-98?

(3) How many local authorities have not yet completed their municipal inventory?

(4) Which local authorities have not yet started a municipal inventory?

(5) How much funding was allocated for the Conservation Incentive Program for the financial years -

(a) 1997-98;
(b) 1996-97;
(c) 1995-96;
(d) 1994-95;
(e) 1993-94;
(f) 1992-93?

(6) How many Heritage Council employees accepted the Ministry for Planning Workplace Agreement?

(7) How many remain on an Enterprise Agreement?

(8) When will the redrafted Heritage Act be introduced into Parliament?

(9) Is the Heritage Council web site available to the public?

(10) Given the survey results (p 27) that reveal the Heritage Council is considered by 44 per cent of survey respondents to be ineffective in communicating the services it offers, what is the Minister going to do to ensure that the Heritage Council becomes more able to communicate its role and services?

(11) Will the Minister explain why the average time taken to assess referrals has increased by 77 per cent from 13 days in 1993-94 to 23 days in 1996-97?

Mr KIERATH replied:

(1) Reduced allocation to State heritage of over $600 000.

(2) As above, however the new State funded Heritage Grants Program of $1 million per annum over four years has offset the impact in the Historic Environment.

(Note 1: 30-50% of the $600 000 was allocated to the Historic Environment in the past)

(Note 2: Representations are being made through State Heritage Ministers for increased Commonwealth funding to heritage as part of a National Heritage Strategy)

(3) 42.

(4) None.

(5)

1997-98	$ 5 000*
1996-97	$ 51 000
1995-96	$ 78 000
1994-95	$ 59 500
1993-94	$ 75 000
1992-93	$197 000

* The new Heritage Grants Program has replaced the Conservation Incentive Program and in 1997-98 approximately $1 million in grants has been offered to applicants.

(6)-(7) Eight.

(8) It is intended to be introduced this year.

(9) No, final adjustments are currently being made and it is anticipated that the site will be on line within the next few weeks.

(10) The Heritage Council has begun implementing a strategy to work more closely with real estate agents,

providing information to them in a variety of formats, including sessions within their training courses and articles in their newsletters.

(11) A change in calculation method is the reason for the apparent increase in the average time taken to assess referrals since 1993-94. In fact, the average time taken to assess referrals has actually decreased in the last three years as a result of a review of the referrals process and resulting increased efficiencies.

SCHOOL CHAPLAINCY PROGRAM

3229. Ms McHALE to the Minister for Education:

(1) Is the Minister aware that State funding to the Churches Commission on Education for the school chaplaincy program has remained at $90 000 for the last three years?

(2) Is the Minister intending to increase the funding to the Churches Commission in the 1998-99 State Budget?

(3) If yes, by how much?

(4) If not, would the Minister consider so doing?

Mr BARNETT replied:

(1) Yes, the Minister is aware that State funding towards the School Chaplaincy program has remained at $90,000 for the last three years.

(2) The Minister recently met the representatives of the Churches' Commission and undertook to investigate the provision of increased funding.

(3) This is yet to be determined.

(4) Not applicable.

MINISTRY OF FAIR TRADING - STAFF

3235. Ms MacTIERNAN to the Minister for Fair Trading:

(1) With respect to the Housing and Policy Directorate of the Ministry for Fair Trading of the staff employed in this Directorate during the years 1996-97 -

(a) did all the new staff meet the qualifications and criteria set out for the position they were appointed to;

(b) if no to above, which new staff and what positions were involved?

(2) Were any new staff for the years 1996-97 recruited from other States?

(3) If yes to (2) above, what were the names of these staff, what positions do they occupy and from what State did they move from?

Mr SHAVE replied:

(1) (a) I am advised by the Ministry of Fair Trading that the Housing and Real Estate Policy directorate did not exist until the end of 1996. I am also advised that in regard to appointments made in that directorate during 1997, the Ministry is satisfied that all new staff employed met the qualifications and criteria set out for the positions to which they were appointed.

(b) In view of the response I have given to point (a) above, this question is not applicable.

(2) Yes.

(3) Only one staff member was recruited from another state. Mr Tony Kyriacou from Victoria, was employed as a legal officer from 24 April 1997 to 21 August 1997. All other appointees were resident in Western Australia at the time they were contacted, or applied for positions with, the Ministry.

NON-GOVERNMENT SCHOOLS - YEARS 11 AND 12 STUDENTS

3238. Dr CONSTABLE to the Minister for Education:

How many non-Government schools have more than 400 students in years 11 and 12, combined?

Mr BARNETT replied:

Two. Newman College and Chisholm College.

DAMPIER TO BUNBURY GAS PIPELINE - COST

3241. Dr CONSTABLE to the Minister for Energy:

(1) What was the cost of building the Dampier to Bunbury pipeline?

(2) Was that sum borrowed, and if so, did SECWA bear the debt?

(3) If yes to (2) above, when SECWA was split into Western Power and AlintaGas, how was the debt apportioned?

(4) Now that the pipeline has been sold, will the debt be retired, and if so, in what proportions?

Mr BARNETT replied:

(1) The cost of building the Dampier to Bunbury Natural Gas Pipeline (DBNGP) was $1,380 million as at 31 December 1997.

(2) The DBNGP was built with borrowed funds with the debt being borne by SECWA. After 1 January 1995, all DBNGP related debt was borne by AlintaGas.

(3) The debt which SECWA held on 31 December 1994 was apportioned between Western Power and AlintaGas on the basis of the net assets assigned to each corporation on 1 January 1995.

(4) All DBNGP related debt will be retired.

UNDERGROUND POWER - SOUTH PERTH

3244. Mr PENDAL to the Minister for Energy:

(1) With reference to the recently announced Government initiative to assist local government in undergrounding power lines in their districts I ask, is the Minister aware of the plan to underground the 22kv feeder through parts of South Perth, including Vista, Elizabeth and Hensman Streets?

(2) Has Western Power been asked or encouraged to consult with the City of South Perth in respect of undergrounding all other appropriate electric transmission lines along this route either as part of the Government initiative or in support of it?

(3) Is the Minister aware of the city's preparedness to consider assisting with any additional cost incurred as a result of such additional undergrounding?

(4) Will the Minister undertake to request Western Power urgently to place the project on hold, sufficient to allow such discussions to occur?

Mr BARNETT replied:

(1) No.

(2) No. The cable is being installed as part of an upgrade programme designed to avoid potential power overload problems on the primary 11kv network, which was identified during the summer of 1996/97. Western Power has made funds available to complete the upgrade project during this current financial year 1997/98.

(3) No. The local authority has not yet submitted any proposal for its participation in the State Underground Power Programme.

(4) No. Western Power advises that it is critical for this work to be completed well before the onset of the 1998/99 summer. This does not allow time for it to be considered under the timelines announced for the State Underground Power Programme and, irrespective of timing, there is no guarantee that it would be successful in receiving funding under the programme against competition from other proposals.

AUSTRALIAN RESOURCE INDUSTRIES (AUST) PTY LTD

3246. Dr EDWARDS to the Minister for Commerce and Trade:

(1) With respect to your correspondence of 6 October 1997 to Australian Resource Industries (Aust) Pty Ltd what Government Departments were involved in researching and compiling the response?

(2) What documents were consulted either for background information or for assessing the feasibility of the proposal?

(3) What other organisations were contacted for verbal or other advice on the proposal?

(4) What were the reasons for rejecting the proposal?

Mr COWAN replied:

(1) The Department of Commerce and Trade and the Department of Environmental Protection.

(2) Information from a range of sources on the resource renewal project as provided by Australian Resource Industries (Aust) Pty Ltd, the report of the Parliamentary Select Committee on Recycling and Waste Management (1995), a departmental report to the Minister for the Environment by the Advisory Council on Waste Management (June 1996) and a memorandum from the Minister for the Environment (14 April 1997) to the Minister for Commerce and Trade.

(3) None.

(4) The process is technically unproven and the project is not regarded as commercially or contractually feasible in the medium term future.

COLLIE POWER STATION - GREENHOUSE GAS EMISSIONS

3248. Dr EDWARDS to the Minister for Energy:

(1) What steps, if any, is the Government taking to mitigate the additional greenhouse gas emissions which will occur as a result of the new coal fired power station at Collie?

(2) Does the Government still intend to build a new 600 megawatt power station at Collie or will it only be 300 megawatts?

(3) Is the Minister aware that the Australian Capital Territory Government has committed to reduce its greenhouse gas emissions by 10 per cent by 2010?

(4) Will the Western Australian Government also set a target to reduce its greenhouse gas emissions?

(5) If not, why not?

Mr BARNETT replied:

(1) The Government when it took office reduced the size of the proposed coal fired power station at Collie from 600 megawatts to 300 megawatts, halving the potential greenhouse gas emissions. The Collie Power Station is more greenhouse gas efficient than the old coal-fired plant that it will displace. To mitigate the remaining emissions, Western Power is undertaking a range of greenhouse gas abating actions under its Greenhouse Cooperative Agreement with the Federal Government. These aim to reduce Western Power's greenhouse gas emissions in 2000 by 7% against a "business as usual" scenario including Collie Power Station. One strategy is tree planting and Western Power has already planted 2.2 million trees estimated to absorb around 50,000 tonnes of carbon dioxide per annum.

(2) Although there is provision for extensions, Western Power has no plans at present to increase the capacity of the new Collie Power Station beyond 300 megawatts.

(3) Yes.

(4) Western Australia is committed to contributing to the national effort to reduce greenhouse gas emissions below the "business as usual" scenario. Strategies are being developed to meet the commitment made at Kyoto. They may include a specific net greenhouse emissions target.

(5) The Western Australian economy is very different from that of the Australian Capital Territory and the same strategies for reducing greenhouse gases are not applicable.

ALTERNATIVE ENERGY DEVELOPMENT BOARD

3249. Dr EDWARDS to the Minister for Energy:

(1) How long has the Alternative Energy Development Board (AEDB) been in operation?

(2) How many renewable energy projects has it supported in that time?

(3) How much money has it spent on renewable energy research?

(4) How much has the AEDB spent on administration in the same period of time?

(5) How many AEDB projects have been completed?

(6) How many patents or new processes have resulted from AEDB projects?

(7) How much return on investment has the Government received from AEDB projects?

(8) What are the priority areas for funding by the AEDB?

Mr BARNETT replied:

(1) Establishment of the Alternative Energy Development Board (AEDB) was approved in a Cabinet minute in August 1994.

(2) Since that time the AEDB has approved 20 renewable energy projects and 14 projects which have both renewable energy and energy efficiency components.

(3) The AEDB has provided $910,000 to research, development, demonstration and education projects related to renewable energy or more efficient use of energy since its inception.

(4) The AEDB has spent $172,000 on administration during the same period.

(5) Twelve.

(6) Five.

(7) None. AEDB funding is not provided for projects which are commercially viable in their own right but to support emerging technologies. Grantees are not expected to repay funds.

(8) The AEDB gives priority to energy conservation/efficiency as well as renewable energy because the cost of saving a unit of energy is usually less than the cost of producing the same amount from renewable sources. The priority areas for 1998 are:

energy use in commercial buildings;
energy use by the mining industry; and
energy use in regional and remote areas.

WESTERN POWER - RENEWABLE ENERGY PROJECTS

3251. Dr EDWARDS to the Minister for Energy:

(1) What proportion of Western Power's generating capacity is currently provided by renewable energy?

(2) Is the Minister aware that the Prime Minister has promised that 2 per cent of Australia's power requirements will be generated by renewable energy by 2010?

(3) If yes, how does Western Power plan to reach this goal?

(4) What major renewable energy projects has Western Power completed in the last three years?

(5) Does Western Power have any new renewable energy projects planned?

(6) If yes, what are they?

(7) What is their planned electricity output?

Mr BARNETT replied:

(1) Approximately 1% of Western Power’s generating capacity is currently provided by renewable energy power systems.

(2) Yes.

(3) Western Power is developing a 12 year plan for renewable energy projects to 2010.

(4) In the last three years Western Power completed the Kalbarri 20kW photovoltaic power system (September 1995), contracted to buy power from the 30MW Ord Hydro installation allowing its progression and contracted to buy additional power from land-fill gas generation at Canning Vale and Kalamunda tip sites totalling 4.7MW in generating capacity.

(5) Yes.

(6) Western Power is proceeding with the installation of a 230kW variable speed wind turbine at Denham due for completion in June 1998. This will be the first large variable speed wind turbine installation in Australia. With the exception of hydro electricity, this represents the highest renewable energy penetration on any utility power system in Australia to date, at greater than 20%. Western Power is also negotiating a purchase agreement to supply Broome and Derby's electricity from a proposed 48MW Tidal Power Station near Derby. Grid-connected renewable energy project options are being assessed by Western Power staff in light of the Prime Minister's announcement.

(7) The Denham wind turbine will have a generating capacity of 230kW. The Derby Tidal station will have a nominal 48MW output of which Western Power could take 30MW. Electricity output of other project options on the grid has not been decided on but will be of a size that will provide economies of scale and will make a significant contribution towards meeting the Prime Minister's additional 2% requirement.

GREEN POWER SCHEMES

3252. Dr EDWARDS to the Minister for Energy:

(1) Is the Minister familiar with Green Power schemes such as that sponsored by the Sustainable Energy Development Authority (SEDA) in New South Wales?

(2) Does Western Australia have anything similar?

(3) If not, why not?

(4) Is the Minister aware that Energy Australia intends to install a 200 kilowatt photovoltaic system in the Hunter Valley of NSW to supply Green Power customers and that this will be nearly ten times larger than the Kalbarri system installed recently by Western Power?

(5) Is the Minister aware that Energy Australia has also committed to installing a 60 kilowatt wind turbine at Newcastle, NSW and that this will also supply Green Power markets?

(6) Is the Minister aware that Great Southern Energy and Pacific Power in NSW are currently installing a 5 megawatt wind farm at Crookwell in NSW to supply Green Power markets and that this will be the largest wind farm in Australia?

(7) Is the Minister aware that SEDA expects that Green Power demand will account for 5 per cent of the generating capacity in NSW by 1999 resulting in greenhouse savings of about two million tonnes of carbon dioxide per annum?

(8) Is the Minister aware that the Electricity Trust of South Australia has recently engaged a WA based firm to supply a 100 kilowatt solar energy system for Wilpena Pound?

(9) What is the peak generating capacity of the Kalbarri System?

(10) When was it installed?

(11) Is the Minister concerned that WA may be losing its lead in renewable energy due to lack of Government leadership?

Mr BARNETT replied:

(1) Yes.

(2) No.

(3) To date there have been better opportunities to commercially utilise renewable energy in off-grid applications in Western Australia. New South Wales has had to focus on how it can finance non-commercial application on its main grid.

(4) Yes.

(5) Yes. Energy Australia's 600 (not 60) kilowatt wind turbine has actually been operating for about six months with a disappointing level of output. It has been situated more on visual/PR grounds and represents a poor investment of customer's green power premium payments.

(6) Yes.

(7) Yes, but SEDA are not expecting this goal to be achieved until after 2000. Under SEDA guidelines 60% of "greenpower sales" will need to come from a new renewable generating plant. To meet the expected 5% demand for "greenpower" the equivalent of nearly one hundred "Crookwell" windfarms will need to be installed by 2000. This seems unrealistic.

(8) Yes and this is another example where WA companies are leaders in renewable energy.

(9) 20 kilowatts.

(10) It was installed during 1995 and opened on 8 September 1995. This was the first large grid-connected photovoltaic power system on an Australian grid. It was a research project involving a new design concept for a grid-connected inverter. Experience from this project helped the WA based firm mentioned in question (8) win the contract for Wilpena Point and others off-shore.

(11) No, as illustrated in question (8). WA remains a leader in research and innovative application of renewable energy. I expect that to continue through the establishment of the Australian CRC for Renewable Energy at Murdoch and other programs that our Government supports.

TUARTS, LAKE PRESTON AREA - AERIAL RECONNAISSANCE

3258. Dr EDWARDS to the Minister for the Environment:

(1) Has the aerial reconnaissance to map the current extent of decline of tuarts in the Lake Preston area been completed?

(2) If not, when it is expected to be completed?

Mrs EDWARDES replied:

(1)-(2) An aerial reconnaissance has been conducted of the tuart foliage damage in the Lake Preston area by the Department of Conservation and Land Management. The location of the main area of trees with affected crowns was noted for future reference. Detailed maps have not been produced as the occurrence is not site specific and will be found anywhere there are conducive natural conditions. The crown damage is believed to result from an infestation by an insect (Phoracantha impavida) possibly predisposed by frost and exacerbated by a dry season. Trees are now recovering.

WILDLIFE CONSERVATION ACT 1950 - REVIEW

3259. Dr EDWARDS to the Minister for the Environment:

(1) What work has been done to initiate a review of the Wildlife Conservation Act 1950?

(2) What consultation has been undertaken with stakeholders?

(3) When will the draft be released for public comment?

Mrs EDWARDES replied:

(1) Review of the *Wildlife Conservation Act 1950* has commenced taking into account public submissions received in response to a draft Wildlife Conservation Bill released in November 1992, legislative changes made elsewhere in the intervening period and Government policy with regard to conservation of biological diversity.

(2) Consultation with stakeholders will commence shortly.

(3) Drafting of a Bill will not be undertaken until the review process is completed.

OMEX SITE REMEDIATION PLAN

3268. Mrs ROBERTS to the Minister for the Environment:

(1) Did the 6.9 million remediation plan for the Omex site in Bellevue announced by the Premier on 9 October 1997 include the relocation expenses for those properties requiring relocation?

(2) If so, what progress has been made so far and how much money has been committed to relocation expenses?

(3) If not, why not?

(4) Is it the case that private residents living on contaminated land in Bellevue will have to wait until some time in April or May to be relocated?

(5) What assurances can you give these residents that they will not be exposed to further health risks as a result of remaining on land known to be contaminated?

Mrs EDWARDES replied:

(1) Yes.

(2) Negotiations have occurred with all the owners of properties required by the State. No funds have yet been committed to relocation expenses.

(3) Negotiations are still continuing on property acquisition.

(4) It is expected the State will be in a position to make formal offers to acquire the properties under consideration in April 1998.

(5) The best advice the State has is that the land where people live around the Omex site is not contaminated. The planning for the remediation project will include measures to control potential odours, dust and other issues during the actual operation.

OMEX SITE REMEDIATION PLAN

3270. Mrs ROBERTS to the Minister for the Environment:

(1) How much of the $6.9 million remediation plan for the Omex site in Bellevue has been expended so far?

(2) Will the Minister provide an itemised breakdown of that money which is part of the $6.9 million that has been expended so far?

(3) How much Government money was expended during 1997-98 in relation to the Omex site apart from any part of the $6.9 million announced in October 1997?

(4) What was that money expended on?

Mrs EDWARDES replied:

(1) I am advised that to 24 February 1998 approximately $37,000 of the project budget has been expended.

(2) The main items of expenditure have been, in approximate terms:

Valuation and Land acquisition negotiations	$16,000
Project management and Referral (to EPA) documents	$14,600
Development/assessment of Environmental Management Contract	$ 3,100
Miscellaneous Expenditure	$ 3,300

(3)-(4) A significant sum has been spent on salaries and related costs in agencies such as DEP, LandCorp, Health Department, Crown Solicitor's Office, Valuer General's Office and Water and Rivers Commission, outside the project budget.

OMEX SITE REMEDIATION PLAN

3271. Mrs ROBERTS to the Minister for the Environment:

(1) How much of the $6.9 million allocation to the Omex site in Bellevue has been committed by way of tender or contract but not yet been expended?

(2) Will the Minister provide an itemised breakdown of that committed money?

Mrs EDWARDES replied:

(1) Approximately $305,000 as at 16 March, 1998.

(2) Approximately $270,000 for a contract to provide environmental management services through the life of the project; $22,000 for LandCorp project management (not salary) costs to 30 June 1998; $3,000 for support in developing and assessing tenders; and approximately $10,000 for soil sampling investigations and reports in the area.

KINGSTON SITE, QUEENSLAND

3273. Mrs ROBERTS to the Minister for the Environment:

(1) Further to your answer to question on notice 2380 of 1997 are you aware whether there were only 3 properties with houses actually built on top of the pit in Kingston?

(2) If not, how many properties did have houses over the pit in Kingston?

(3) Is it the case that some 23 property owners were relocated in Kingston?

Mrs EDWARDES replied:

(1) I understand three houses were actually located on top of pits at the site.

(2) Not applicable.

(3) I understand that 20 property owners were relocated from the Kingston site (according to Queensland Government reports).

OMEX SITE - RELOCATION OF RESIDENTS

3274. Mrs ROBERTS to the Minister for the Environment:

(1) With relation to the clean up of the contaminated site in Bellevue and the consideration of relocating residents in Bellevue, will each of the following factors be taken into account -

(a) stress and anxiety related health issues suffered by residents and caused by the proximity to the site;

(b) property devaluations suffered by residents contiguous to the site; and

(c) the need for a buffer zone during the remediation to protect property values in the rest of Bellevue and ensure no further hardship and inconvenience to residents contiguous to the site?

(2) If not, why not?

(3) What other factors, if any, will be taken into account?

(4) Have you considered the criteria considered in relation to the Kingston site that determined whether or not to relocate residents?

(5) If so, will those same criteria apply in Bellevue?

(6) If not, why not?

Mrs EDWARDES replied:

(1) (a) Potential health issues related to the cleanup of the site will be considered during the planning and implementation of the cleanup operation.

(b) The values of properties on and adjacent to the site are being considered by the Valuer General in accord with due process.

(c) The State is seeking to purchase some residential properties contiguous to the Omex site to in part provide a buffer during the remediation operation.

(2) Not applicable.

(3) Other factors taken into account will include known contamination, future land use, operational needs, public health during the remediation operation, and other related matters.

(4)-(6) The Health Department and the Department of Environmental Protection have closely considered the reports and documents available from the Kingston site. The advice I have is that the Kingston site was a much more complex situation than the Omex site, as it had a history of gold mining, tailings dams, oil residue disposal and municipal waste disposal with houses built on and adjacent to these areas. The reports do not, I understand, indicate any specific criteria were used to relocate residents. The State is continually reviewing its knowledge and actions in relation to the Omex site, and at this stage I see no reason to change our general strategy for remediating the site.

MR TERRY MARTIN

Contracts with Ministry of Planning

3292. Dr EDWARDS to the Minister for Planning :

(1) Does the former Chief Executive Officer of the Ministry of Planning, Terry Martin, or a company with which he is associated (Planning and Urban Management Professionals), have any contracts for work with the Department of Planning?

(2) If yes -

(a) what are the contracts for;
(b) when were they entered into; and
(c) what is the cost of the contracts?

Mr KIERATH replied:

(1) No.

(2) (a)-(c) Not applicable.

MR TERRY MARTIN

Contracts with Ministry of Planning

3293. Dr EDWARDS to the Minister for Planning:

In relation to the contracts that Terry Martin has with the Department of Planning -

(a) were they advertised;
(b) when were they advertised; and
(c) how many applications were received?

Mr KIERATH replied:

I refer the member to my response to question 3292.

MR TERRY MARTIN

Contracts with Ministry of Planning

3294 Dr EDWARDS to the Minister for Planning:

In relation to the contracts that Terry Martin has with the Department of Planning -

(a) do any of the contracts indicate that Mr Martin is to be provided with access to Department of Planning resources; and

(b) if yes, what type of resources does Mr Martin have access to?

Mr KIERATH replied:

I refer the member to my response to question 3292.

RESOURCE COMPANIES

Local Content Compliance Assessments

3306. Mr GRAHAM to the Minister for Resources Development:

(1) What is/are the process/es for ongoing assessment of the compliance of resource companies to any local content clauses contained in their Agreement Acts?

(2) From where can the results of any ongoing assessment be obtained?

Mr BARNETT replied:

(1) Where an Agreement Act contains a local content reporting obligation, the usual procedure is:

(a) The Proponent forwards a formal Report on the project expenditure for the previously agreed reporting period to the Minister for Resources Development.

(b) When the Report is accepted by the Minister, the Proponent is advised that the Report has met the obligations of the Act for that period.

(2) The results of on-going assessment of project expenditure are based upon "commercial-in-confidence" information and are used to advise the Minister. General enquiries on local content matters should be addressed to the Department of Resources Development.

HALLS CREEK POST OFFICE

3308. Mr GRAHAM to the Minister for Heritage:

(1) What action has the Minister taken to ensure the preservation of the Old Halls Creek Post office?

(2) On what date did the Minister take action?

Mr KIERATH replied:

(1)-(2) The Old Halls Creek Post Office was entered in the State Register of Heritage Places by the Heritage Council of Western Australia on 9 January 1998, and is therefore protected under the Heritage of Western Australia Act 1990.

MINISTER'S FAMILY

Government Credit Card Issue

3327. Mr RIPPER to the Minister for the Environment; Employment and Training:

(1) Has the Minister's spouse, or any other member of the Minister's family, been issued with a Government credit card?

(2) If yes, who was the card issued to and for what purpose?

Mrs EDWARDES replied:

(1) No.

(2) Not applicable.

MINISTER'S FAMILY

Government Credit Card Issue

3329. Mr RIPPER to the Minister for Labour Relations; Planning; Heritage:

(1) Has the Minister's spouse, or any other member of the Minister's family, been issued with a Government credit card?

(2) If yes, who was the card issued to and for what purpose?

Mr KIERATH replied:

(1) No.

(2) Not applicable.

MINISTER'S FAMILY

Government Credit Card Issue

3330. Mr RIPPER to the Minister for Lands; Fair Trading; Parliamentary and Electoral Affairs:

(1) Has the Minister's spouse, or any other member of the Minister's family, been issued with a Government credit card?

(2) If yes, who was the card issued to and for what purpose?

Mr SHAVE replied:

(1) No.

(2) Not applicable.

MINISTER'S FAMILY

Government Credit Card Issue

3332. Mr RIPPER to the Minister for Local Government; Disability Services:

(1) Has the Minister's spouse, or any other member of the Minister's family, been issued with a Government credit card?

(2) If yes, who was the card issued to and for what purpose?

Mr OMODEI replied:

(1) No.

(2) Not applicable.

MINISTER'S FAMILY

Government Credit Card Issue

3334. Mr RIPPER to the Minister representing the Minister for Finance:

(1) Has the Minister's spouse, or any other member of the Minister's family, been issued with a Government credit card?

(2) If yes, who was the card issued to and for what purpose?

Mr COURT replied:

The Minister for Finance has provided the following response:

(1) No.

(2) Not applicable.

MINISTER'S FAMILY

Government Credit Card Issue

3335. Mr RIPPER to the Minister for Works; Services; Multicultural and Ethnic Affairs; Youth:

(1) Has the Minister's spouse, or any other member of the Minister's family, been issued with a Government credit card?

(2) If yes, who was the card issued to and for what purpose?

Mr BOARD replied:

(1) No.

(2) Not applicable.

MINISTER'S FAMILY

Government Credit Card Issue

3336. Mr RIPPER to the Minister representing the Minister for Racing and Gaming:

(1) Has the Minister's spouse, or any other member of the Minister's family, been issued with a Government credit card?

(2) If yes, who was the card issued to and for what purpose?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response:

(1) No.

(2) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES

Corporate Credit Card Allocation and Guidelines

3351. Mr RIPPER to the Minister for Labour Relations; Planning; Heritage:

(1) How many staff in the departments and agencies under the Minister's control have been allocated Corporate Credit Cards?

(2) Is there a policy in place to guide staff in the use of these credit cards?

(3) If yes to (2) above, where is this policy published?

(4) If no to (2) above, why not?

Mr KIERATH replied:

Labour Relations:

Department of Productivity and Labour Relations -

(1) Three.

(2) Yes.

(3) The policy is published in the Departmental 'Accounting Manual' and is distributed to card holders on issue of a card.

(4) Not applicable.

Commissioner of Workplace Agreements -

(1) 10.

(2) Yes.

(3) Commissioner of Workplace Agreements' Administration Policy and Procedures Manual.

(4) Not applicable.

WorkSafe Western Australia -

(1) Three.

(2) Yes.

(3) Guidelines for use are set out in the WorkSafe Western Australia's Accounting Manual, Goods and Services Policy and Financial Circulars.

(4) Not applicable.

WorkCover Western Australia -

(1) Two.

(2) Yes.

(3) It is published in the department's Supply Policy Manual and is available from the Finance and Asset Management Branch.

(4) Not applicable.

Department of the Registrar, WA Industrial Relations Commission -

(1) 12.

(2) Yes.

(3) The Department of the Registrar has a comprehensive policy and supporting in-house manual.

(4) Not applicable.

Planning:

Ministry for Planning/Planning Appeals Office -

(1) Ministry for Planning - 35
WA Planning Commission - two
Planning Appeals Office - three

(2) Yes.

(3) In-house policy and Ministerial Guidelines.

(4) Not applicable.

Subiaco Redevelopment Authority -

(1) Two.

(2) Yes.

(3) Supply Procedures Manual.

(4) Not applicable.

East Perth Redevelopment Authority -

(1) Two.

(2) Yes.

(3) Authority guidelines.

(4) Not applicable.

Heritage:

Heritage Council of WA -

(1) Six.

(2) Yes.

(3) In the Accounting and Office Procedures Manual.

(4) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES

Corporate Credit Card Allocation and Guidelines

3357. Mr RIPPER to the Minister for Works; Services; Multicultural and Ethnic Affairs; Youth:

(1) How many staff in the departments and agencies under the Minister's control have been allocated Corporate Credit Cards?

(2) Is there a policy in place to guide staff in the use of these credit cards?

(3) If yes to (2) above, where is this policy published?

(4) If no to (2) above, why not?

Mr BOARD replied:

I am advised that:

STATE SUPPLY COMMISSION

(1) 15.

(2) Each cardholder is required to sign a Condition of Use declaration statement prior to being issued a Corporate Credit Card which complements the State Supply Commission Policy 1.4 "Use of Corporate Credit Cards and Manual Purchase Orders".

(3) This policy is published in the State Supply Commission's Accounting Manual and the State Supply Commission Policy Manual.

(4) Not applicable.

OFFICE OF MULTICULTURAL INTERESTS

(1) 2.

(2) The Office of Multicultural Interests abides by the State Supply Commission's management policy on the use of corporate cards.

(3) The Supply Policy Manual is published by the State Supply Commission of Western Australia.

(4) Not applicable.

DEPARTMENT OF CONTRACT AND MANAGEMENT SERVICES

(1) 85.

(2) Yes.

(3) The policy is detailed in the CAMS internal Supply Policy & Procedures Manual.

(4) Not applicable.

OFFICE OF YOUTH AFFAIRS

(1) 2.

(2) Yes.

(3) State Supply Commission policy; Financial Administration and Audit Act; and Department of Contract and Management Services' Corporate Credit Card - Users Agreement and Acknowledgement Form.

(4) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES

Corporate Credit Card Monitoring

3373. Mr RIPPER to the Minister for Labour Relations; Planning; Heritage:

In relation to use of Corporate Credit Cards in departments and agencies under the control of the Minister -

(a) what type of monitoring mechanism is in place to ensure that policy regarding usage of these cards is being adhered to;

(b) what system is used to verify transactions; and

(c) is a register of issued and cancelled cards maintained in each department and agency?

Mr KIERATH replied:

In relation to the use of Corporate Credit Cards in departments and agencies under my control, I advise as follows -

(a)-(b) All expenditure transactions involving the use of Corporate Credit Cards must be verified and certified by officers authorised to do so in accordance with the Financial Administration and Audit Act.

(c) Yes.

GOVERNMENT DEPARTMENTS AND AGENCIES

Corporate Credit Card Monitoring

3379. Mr RIPPER to the Minister for Works; Services; Multicultural and Ethnic Affairs; Youth:

In relation to use of Corporate Credit Cards in departments and agencies under the control of the Minister -

(a) what type of monitoring mechanism is in place to ensure that policy regarding usage of these cards is being adhered to;

(b) what system is used to verify transactions; and

(c) is a register of issued and cancelled cards maintained in each department and agency?

Mr BOARD replied:

I am advised that:

STATE SUPPLY COMMISSION

(a) Each month the credit card statement is checked to ensure expenditure is in accordance with the signed "Conditions of Use" declaration for that cardholder.

(b) Each month a reconciliation is carried out whereby the credit card statement is matched to individual receipts for the services provided.

(c) Yes.

OFFICE OF MULTICULTURAL INTERESTS

(a) The accounts payable system and the audit of the Office of Multicultural Interests ensures that the policy regarding the use of the corporate cards is adhered to.

(b) The approval of the Accountable Officer (Executive Director) is required prior to all purchases regardless of the method of payment.

(c) Yes.

DEPARTMENT OF CONTRACT AND MANAGEMENT SERVICES

(a) The payment of Credit Card statements is managed centrally. Transactions are scrutinised to ensure appropriate usage of cards.

(b) All transactions are required to have either a receipt from the supplier which is matched to the statement prior to payment or, in the case of telephone transactions, a form providing details of the transaction.

(c) Yes.

OFFICE OF YOUTH AFFAIRS

(a) Incurring Officer, appointed under Treasurer's Instruction 305, ensures expenditure on Corporate Card is for official purposes only.

(b) Receipts and dockets are matched to recorded transactions and certified that expenditure was incurred on official Government business.

(c) Yes, at the Department of Contract and Management Services.

SALE OF GOVERNMENT ASSETS OVER $1 MILLION

3423. Dr GALLOP to the Minister for Works; Services; Multicultural and Ethnic Affairs; Youth:

Will the Minister provide the following details for all Government owned assets sold since January 1993 (excluding land and building sales undertaken in the ordinary course of business, for example land sales undertaken by the Department of Land Administration), in both the general government and government trading enterprise sector of their portfolio areas, which had a sale value of $1 million or more -

(a) name and nature of the asset;
(b) date sold;
(c) nature of sale and name of buyer;
(d) proceeds received from the asset;
(e) associated revenue from the sale, such as stamp duty;
(f) the application of the funds received; and
(g) any associated costs incurred in the sale process?

Mr BOARD replied:

I am advised that:

DEPARTMENT OF CONTRACT AND MANAGEMENT SERVICES

There have been three asset sales with a value of $1 million or more since January 1993 made by the Department of Contract and Management Services (CAMS) or the agencies which amalgamated to form CAMS. The details of these are:

(a) (1) Stock, Plant and Equipment ex-State Printing Service.
(2) Passenger Vehicles - ex-Fleetwest.
(3) Land - ex-Dept of State Services, Pilbara Street, Welshpool.

(b) (1) January 1995.
(2) July 1996 to May 1997 (five lots).
(3) November 1997.

(c) (1) Various assets sold as part of privatisation of State Printing Services to Allwest Print.
(2) 3,492 vehicles sold as part of privatisation of Government passenger vehicle fleet to Wesfleet Pty Ltd.
(3) Land sold as part of privatisation of State Disposals Centre to Automotive Holdings Group Pty Ltd and Gilpin Park Pty Ltd.

(d) (1) $ 3,585,000.
(2) $78,541,000.
(3) $ 4,010,000.

(e) (1)-(2) None.
(3) $166,000 Stamp Duty.

(f) (1)-(2) Proceeds returned to Consolidated Fund.
(3) Proceeds retained by CAMS.

(g) (1)-(2) No direct selling costs; the sale was part of total privatisation.
(3) $35,000 selling costs.

STATE SUPPLY COMMISSION

(a)-(g) Not applicable.

OFFICE OF YOUTH AFFAIRS

(a)-(g) Not applicable.

OFFICE OF MULTICULTURAL INTERESTS

(a)-(g) Not applicable.

QUESTIONS WITHOUT NOTICE

ANTI-CORRUPTION COMMISSION

Secrecy Laws

978. Dr GALLOP to the Premier:

I refer to the Anti-Corruption Commission's policy issued last Friday providing an interpretation of the secrecy laws under which it acts and which the ACC claims will allow public discussion of matters before it while protecting people under investigation.

(1) As the Minister responsible for the ACC, can the Premier assure the House that he understands the policy?

(2) If so, will he explain for the benefit of Parliament and the public how that policy operates in practice?

Mr COURT replied:

(1)-(2) As the Leader of the Opposition knows, the Anti-Corruption Commission has extensive powers. It is independent and reports to this Parliament, and a joint committee of both Houses of Parliament oversees its operations. I understand that committee will release its findings in relation to some of the secrecy provisions. As the Leader of the Opposition knows, the ACC has considerable discretion in determining how it handles its investigations. It is important to understand that we cannot have a corruption commission with incredibly wide powers if we do not have secrecy provisions to protect informants, people who are making allegations and those against whom allegations are being made.

Dr Gallop: It is not working well if that is the criterion.

Mr COURT: For some years the Leader of the Opposition has come into the Parliament and accused the commission of being a toothless tiger.

Dr Gallop: We called for a royal commission. If one had been established two years ago it would have been completing its inquiries now. You and your Government are the cause of the crisis in morale in the Police Service. Explain this policy; you are the Minister responsible.

Mr COURT: Does the leader want me to answer the question?

The Anti-Corruption Commission has the power to appoint a special investigator with the powers of a royal commission.

Dr Gallop: We know that.

Mr COURT: It is using those powers. Members would appreciate that an independent body with those powers should have proper secrecy provisions. When a person is charged, the matter then becomes public and those charges go through the appropriate court processes. It is important to understand that all people are innocent until proved guilty.

REGIONAL FOREST AGREEMENT

979. Mr MASTERS to the Minister for the Environment:

The WA Forests Alliance is strengthening its campaign to protect larger areas of south west forests from logging. This coincides with the release of the comprehensive regional assessment report, which states that 31 per cent of forests are already held in secure reserves, with 58 per cent of existing old growth forests similarly protected.

Can the Minister please outline the expected schedule and actions leading up to the completion of the regional forest agreement for Western Australia and the extensive range of reports that have been prepared as part of the comprehensive regional assessment report?

Mrs EDWARDES replied:

I thank the member for some notice of this question. The regional forest agreement has three distinct phases, the first of which has been completed with the release of the comprehensive regional assessment report. The second phase will involve the release of a public consultation paper that will develop some of the approaches being discussed for a comprehensive, adequate and representative forest reserve system. When released, that report will be available for six weeks. Members of the public will be able to go to several open days, either in the Perth region or in the south west region. Stakeholders will also be invited to use the computer and data processors available to develop further their submissions to the respective Federal and State Governments. A web page will also be available for anyone to access and it will be updated on a fortnightly basis.

A number of other reports already exist and are available to the public, including a report by an independent expert advisory group into ecologically sustainable forest management, a world heritage assessment report, an assessment of mineral and hydrocarbon resources and a biodiversity data review. The third and final stage, after the consultation paper has been released and public submissions have been received, is the development and signing of the agreement.

POLICE CORRUPTION

Officers under Investigation

980. Mrs ROBERTS to the Minister for Police:

(1) How many serving police officers are currently under investigation for corrupt or improper conduct by the Western Australia Police Service or any other investigative agency?

(2) How many police officers are currently awaiting trial on criminal charges?

(3) How many officers are currently suspended with or without pay pending finalisation of investigations or charges against them?

Mr DAY replied:

I thank the member for some notice of this question.

(1) It has not been possible to determine the number of officers under investigation in the time available. However, as soon as that information is forthcoming, I will make it available to the member.

Mr Ripper: Will you make a statement to the House?

Mr DAY: I am happy to do that or to provide the information directly to the member for Midland.

Investigations undertaken by other agencies, such as the ACC, obviously are not within my ministerial responsibility.

(2) 10.

(3) 14.

LESCHENAULT ESTUARY

981. Mr BARRON-SULLIVAN to the Minister for Water Resources:

The Minister would be aware of the vital necessity to protect the environment of the Leschenault Estuary in the interests of residents in the Australind-Eaton area and the broader community.

(1) Can the Minister provide details of programs currently in place to help protect and rehabilitate the waters and foreshores of the estuary and rivers flowing into it?

(2) What is the cost and source of funding for these programs?

Dr HAMES replied:

I thank the member for some notice of this question.

(1)-(2) Obviously this Government has a great interest in and responsibility for the Leschenault Estuary. The work currently undertaken by the Leschenault Inlet Management Authority and the Water and Rivers Commission includes estuary cleaning, foreshore protection works, provision of foreshore facilities, community support, interpretive information and public awareness promotions. The Water and Rivers Commission has had a budget this financial year of $320 000 from consolidated revenue to rehabilitate waterways. A further $49 900 of national heritage funds is available for landholder assistance in river restoration and protection work. That will increase to $69 900 for each following financial year.

That demonstrates this Government's tremendous commitment to improving the quality of that water. Studies indicate there has been no overall change in water quality in recent years. That means, first, that there has been a big increase in the pressure on that area of water by increased development and, second, that a considerable amount of work is still to be done. The Government's commitment to ensuring that standards are improved in this area is strong.

DOMESTIC VIOLENCE

Attitude of Police Service

982. Mrs ROBERTS to the Minister for Police:

(1) Has the Minister raised with the Attorney General, the Attorney General's claim in the 24 March edition of *The West Australian* that the new restraining order laws in Western Australia are being impeded by an attitude problem in the Police Service and courts towards domestic violence?

(2) Does the Minister agree with the Attorney General and, if so, what does the Minister propose to do about it; or does the Minister agree with the Police Commissioner, who on 25 March told 6PR that the Attorney General was wrong and was being unkind in his criticism of police officers?

Mr DAY replied:

(1)-(2) No, I have not raised with the Attorney General the specific matters that were reported in *The West Australian* on 24 March, to which the member for Midland referred. On previous occasions this issue has been the subject of discussion involving me, as Minister for Police, the Commissioner of Police and the Attorney General. Attention is being given to the question of the issuing of restraining orders and the whole practice of dealing with the very tragic and difficult problem of domestic violence in the community. The Police Service has put a great deal of effort and training into dealing with domestic violence in the community much more effectively. In recent years the Police Service has made a great deal of progress in dealing with this problem. I am very supportive of the changes in processes that have been put in place in the Police Service. I am sure the Police Service will be building even further on the very good results that have been achieved.

LEGAL AID, MANDURAH

983. Mr MARSHALL to the Minister representing the Attorney General:

The Legal Aid Western Australia service was withdrawn from Mandurah two weeks ago, but was restored from 24 March 1998.

(1) Why was Legal Aid withdrawn from Mandurah?

(2) Now that it has been reintroduced, will it continue at the same level as it was before?

(3) Will this Legal Aid service to Mandurah continue indefinitely?

Mr PRINCE replied:

I thank the member for some notice of this question. The Attorney General has provided me with the following answer.

(1) The service delivered to Mandurah was interrupted temporarily by the absence on leave of the staff solicitor who provides the service in Mandurah.

(2) Yes, it will continue.

(3) Legal Aid services are subject to continuous review, but there are no plans to limit or withdraw the existing service to Mandurah.

CANNINGTON SENIOR HIGH SCHOOL

Member of Parliament Barred from Public Meeting

984. Mr RIPPER to the Minister for Education:

(1) How does the Minister justify a member of Parliament being refused entry to a meeting last night at which parents of students enrolled at Cannington Primary School were briefed on proposals to close Cannington Senior High School?

(2) Does the Minister approve of this action?

(3) If not, will he order the Education Department to cease this practice?

Mr BARNETT replied:

I thank the member for some notice of this question.

(1)-(3) I am not aware of the circumstances to which the Deputy Leader of the Opposition refers, which makes it difficult for me to respond. However, in principle, any public meetings or discussions to do with schools should be open to members of Parliament and, indeed, anyone who wishes to attend. I do not know the details of that particular circumstance.

QUESTIONS ASKED BY MEMBER FOR NOLLAMARA

985. Mrs HOLMES to the Minister for Labour Relations:

On Thursday, 19 March the Minister agreed to investigate matters pertaining to a question asked of him by the member for Nollamara. Have these investigations taken place and, if so, what is the result?

Mr KIERATH replied:

I thank the member for some notice of this question.

The member for Nollamara drew my attention to an answer given to a question on notice. The answer stated that the information requested was not readily available and would require considerable research to extract and compile. The member pointed out that the information had already been tabled. I have investigated the matter. The member was quite correct and I apologise unreservedly. However, if the boot was on the other foot, I wonder whether an apology from him would be forthcoming.

I will explain why that answer is used. On a number of occasions when specific questions have been asked, I have tried to receive that information and have those questions answered as soon as possible. The departments for which I am responsible have an excellent record, and probably one of the best in this House, of answering questions and getting them off the Notice Paper. I ask for information as soon as possible and I do not like it when questions take

up to four weeks to be answered. On that basis, if I am able to get an answer quickly, I provide it quickly. There have been an increasing number of questions from the Opposition which ask for an encyclopaedic response. Those opposite want to know the ins and outs of what a specific agency is doing. We can draw one of two conclusions from this: Either it is part of a deliberate campaign to tie up the time, effort and resources of the agencies and send them on a wild goose chase; or, even worse, if there is no reason for the provision of the information, it is simply a fishing expedition.

Having answered many of those questions, sometimes I doubt whether some of the answers are even read by some members opposite. Members can imagine my surprise when I found that that doubt was well founded in this case. The information tabled was supplied to the member for Nollamara by a letter under my hand dated 12 December. I signed the information off on 4 December and it was sent to him.

Ms MacTiernan: When?

Mr KIERATH: It was sent to him on 12 December. I will table the letter and my signed response to the information sought.

[The paper was tabled for the information of members.]

The member was provided with the information in December, yet he asked exactly the same question in March this year. He did not even bother to read the answer. I must answer questions from all members of Parliament; the member for Nollamara reads only the answers to the questions he asks. That is how much attention he gives to these matters. This begs the question as to his motive. Clearly he had no use for the information he was seeking. He was simply trying to tie up resources and create mischief, and I think this is a misuse and abuse of the powers of question time in this House. We will see what the Leader of the Opposition does to this member, and whether the member for Nollamara will duplicate what I have done - if he has made a mistake, will he unreservedly apologise to this House?

JOONDALUP TRAIN STATION

Park 'n' Ride Facility

986. Mr BAKER to the Minister representing the Minister for Transport:

Can the Minister inform this House of any progress towards the construction of a much needed Park 'n' Ride facility at the Joondalup train station?

Mr OMODEI replied:

The Minister for Transport has provided the following response. Park 'n' Ride facilities are provided at rail and bus stations outside the regional centres. Where regional centres are concerned, the Department of Transport generally prefers to establish bus-train interchanges in an effort to assist the regional centre in managing traffic congestion. In this situation bus services to the regional centre are provided to facilitate movement into the centre. Because of the specific circumstances prevailing in Joondalup, the Department of Transport has entered into ongoing negotiations with LandCorp, the Wanneroo City Council and shopping centre owners. Primary points to be resolved before proceeding with the development of the Park 'n' Ride facility are, firstly, obtaining agreement to long term tenure of suitable land for Park 'n' Ride facilities and, secondly, obtaining appropriate financial contributions from the key stakeholders.

DAMPIER WHARF

Competition

987. Ms MacTIERNAN to the Minister for Resources Development:

Does the Minister share the concerns of oil and gas industry representatives that the scrapping of stevedore competition on the Dampier public wharf in favour of a private monopoly will lead to a reduction in customer service and to an increase in costs and that competition should be retained to service the expanding oil and gas industry in the area?

Mr BARNETT replied:

The question should properly be directed to the Minister for Transport.

Ms MacTiernan interjected.

Mr BARNETT: I will comment. The question primarily relates to transport policy and the operation of the Dampier

wharf. Most of the major commodity trades are through privately owned and operated port facilities in the area. In principle I would like to see competition on ports. However, there have been a lot of problems with that port.

Ms MacTiernan: Could you elaborate on what are those problems?

Mr BARNETT: Some examples would be the shifting of crews, and excessive numbers of people to do relatively minor piloting and tug operations. We need competition.

Ms MacTiernan: We had competition on that wharf. If the customers did not like the service they would have gone elsewhere.

Mr BARNETT: There are two elements with competition. One is competition between one or more stevedores, which is not the true issue on the port. The issue is the total cost of performing the service and the entrenched nature of the labour relations practices. There is little point in having competition if the cost structure is too high. The Minister for Transport is addressing the cost structure, which is what needs to be done.

NATIVE TITLE

988. Mr RIEBELING to the Minister for Resources Development:

(1) Is the Minister aware of the recent signing of a native title agreement between Aboriginal claimants from Roebourne and Pilbara Energy-BHP covering the extension of the Karratha to Port Hedland gas pipeline?

(2) Does the Minister agree with Roebourne elder David Daniels who told the *North West Telegraph* of 18 March that the agreement was proof that the native title system does work if claimants and developers are prepared to sit down and talk through the process?

Mr BARNETT replied:

(1)-(2) I am aware of the agreement being reached. I am not aware of the details. I will be happy to respond to the question in greater detail. I do not think that it in any sense provides proof that the native title process works. The reality is that on most major resource projects around the State an agreement has been reached, but it is an agreement which is not necessarily in the longer term interests of either party. There are severe impediments to the native title process. That it is far from perfect would be the understatement of the year. The reality is that agreements have been reached but in many cases they are quite unholy agreements which do not represent a good application of land use law in this State. In many cases they do not represent substantial long term benefits to Aboriginal people.

DISABILITY SERVICES COMMISSION

Joondalup Office

989. Mr BAKER to the Minister for Disability Services:

I read in *The West Australian* of 4 February 1998 that the Disability Services Commission is relocating its north metropolitan regional office from Inglewood to Joondalup. What is the rationale behind this move?

Mr OMODEI replied:

As the member knows, the north metropolitan regional office of the Disability Services Commission has been located in Inglewood. The population growth in the northern corridor, including people with disabilities, has necessitated a move by the DSC to a regional office further north. The move will bring the DSC significantly closer to its client group, both now and for the next decade. The choice of Joondalup also is consistent with the Government's plans to foster development in strategic metropolitan regional centres. The relocation of the north metropolitan regional office to Joondalup will see over 100 staff based there. It should provide a significant boost to business in the area. The DSC currently is selling the Inglewood site. The proceeds from that sale will be directed towards the retirement of debt in the DSC portfolio. The staff were relocated to Joondalup on 9 March 1998.

ALINTAGAS PRIVATISATION

990. Dr GALLOP to the Premier:

I refer to the reported comments by the Minister for Energy that AlintaGas could be sold off before the next state election.

(1) With what authority was the Minister speaking?

(2) Has a Cabinet decision been made on this matter?

(3) If yes, what was that decision?

Mr COURT replied:

(1)-(3) A Cabinet decision has not been made but the issue has been discussed. The Government has adopted a very conservative strategy on privatisation. In the first term of government we set ourselves the goal of the successful sale of BankWest. In this term of government we set ourselves the goal of the successful sale of the Dampier to Bunbury gas pipeline. It would be technically "possible" for the sale of AlintaGas to occur. It is a body which is left with a gas distribution system.

Dr Gallop: It is a pity you did not tell anybody this before the last state election.

Mr COURT: As members will have seen by our actions, we have not rushed into the sale of those utilities. The situation is similar with Western Power's operations. Victoria has moved quickly. New South Wales would like to but certain people there are preventing the Government from moving.

Ms MacTiernan: Like the public!

Dr Gallop: That is right - about 65 per cent of them.

Mr COURT: So Bob Carr has got it wrong in New South Wales, has he?

Dr Gallop: He certainly has. I am opposed to the privatisation of Western Power and you know it.

Mr COURT: That should help in Bob Carr's election campaign. What I like about the Leader of the Opposition is that he was the Minister who wanted to build a private sector power station at Collie. He tried and tried but could not get it off the ground.

Dr Gallop: You tell us if you intend to sell off Western Power and AlintaGas.

Mr COURT: We have already said that we believe that some components of Western Power could well be privatised after the next election.

Dr Gallop: This is before the election.

Mr COURT: The Leader of the Opposition asked me about Western Power. As I have said, technically, AlintaGas could be sold. At this stage the Government has not made a decision on that sale. The Leader of the Opposition is now criticising Bob Carr for wanting to sell off the power generation distribution system in New South Wales, yet he did not mind having private power generation with the Collie power station. Just because he has moved into opposition does not mean that he can -

Dr Gallop: Yes I can.

Mr COURT: He can?

Dr Gallop: Yes, there is a real difference. You lack the intellect to make the distinction.

Mr COURT: When it comes to policy credibility, the Leader of the Opposition has a problem.

DISTRICT POLICE HEADQUARTERS, BUNBURY

991. Mr OSBORNE to the Minister for Police:

The Government has made an important commitment to the people of Bunbury with respect to the construction of a district police headquarters in Bunbury. Will the Minister advise the House on progress towards completion of this project?

Mr DAY replied:

I thank the member for some notice of this question. The member for Bunbury has shown a strong interest and made strong representations to me on the need for a new district police headquarters to be located in Bunbury. I had the opportunity of visiting the Bunbury Police Station last year. I am certainly aware of the need for both a new district police headquarters and a new police station for the City of Bunbury. The Police Service has commissioned a site feasibility study for the new Bunbury district police complex. That feasibility study will be completed by the end of May this year. The study will include the assessment of the potential for redevelopment of the existing site. It will also include the consideration of other potential sites. When the new site has been determined and acquired, planning and design work can, of course, then commence. Work is being undertaken to determine exactly when the project can commence.

This is an opportunity for me to remind the House that the Government has an extensive capital works program in place for the Police Service. I have had the pleasure this year of opening three new police stations. Last week I opened a new police station in Morley. A few weeks ago I opened a $4m police station in Kununurra. Prior to that in early February I opened a new police station in Roebourne. Coming up this year we will have a large number of new police stations; for example, in Gosnells, Murdoch, Cannington, Mirrabooka, Dunsborough and Hillarys.

The Government has also made a commitment to build a new $35m police academy, and work is progressing on determining the appropriate location for that academy. During the summer parliamentary break, I also had the opportunity of announcing the establishment and construction of a major new operation support complex for the Police Service. That complex will be the largest single facility for the Police Service, and I am delighted to say it will be in the electorate of Midland and located in Midland.

GLOBAL DANCE FOUNDATION

Date of Funding Approval

992. Mr GRAHAM to the Premier:

On 11 March, the Premier claimed that he had been advised by the Under Treasurer prior to the meeting of 22 December 1994 to fund the Global Dance Foundation. Can the Premier explain why, when I asked him to table that advice on 18 March, he produced a Treasury document dated 1 June 1995 which refers to the decision to fund Global Dance being made at the 22 December meeting? Does the Premier still stand by his claim that he was advised by the Under Treasurer prior to the 22 December meeting to proceed with the funding of Global Dance?

Mr COURT replied:

I say again that the member who is asking these questions has had all the information in the parliamentary committee. Does he want to twist it around in different ways? The member has had the information, and the committee has come down with its report and findings. Does the member want to have a second dash at it? One thing that the member gets wrong is that he says that at the meeting of 22 December a decision was made that it would be funded. However, what the member leaves out is: If certain things happen. As the member knows, it had to go to the Tourism Commission and it had to be approved by the Board of the Tourism Commission -

Mr Graham: No. That is not true.

Mr COURT: I suggest the member read his own report.

ROAD SAFETY

Colour of Vehicles

993. Mr MASTERS to the Minister representing the Minister for Transport:

Recent studies have shown that the colour of motor vehicles is an important contributory factor in multiple vehicle accidents, with yellow and white being the safest colours. Does the Government have an across-the-board policy on the colour of motor vehicles purchased by the multitude of agencies under its control; and, if so, what influence can the Government bring to bear on members of Parliament and government agencies to encourage the selection of high visibility colours for motor vehicles?

Mr OMODEI replied:

The Minister for Transport has provided the following response -

No, the Government does not have an across the board policy on the colour of motor vehicles purchased by agencies under its control. However, the Ministerial Council on Road Safety and the Road Safety Council are currently considering strategies to improve vehicle safety as part of the implementation of the State's road safety document "The Way Ahead: Road Safety Directives for Western Australia". This will result in the development of policies and guidelines for consideration by government for the purchase of vehicles for road safety benefits.

Of even greater significance, the purchase of vehicles will form part of a series of policy initiatives that will include improved road safety training and management practices in the government sector, along with encouragement of similar initiatives in the private sector. The Government's initiatives in the area of improved vehicle safety will be presented at a major road safety forum for government and private sector chief executive officers to be conducted in Perth in June 1998. The evaluation and monitoring of the safer vehicle policy will be undertaken by the Office of Road Safety.

WESTERN POWER AND ALINTAGAS

Advertising Budgets

994. Dr GALLOP to the Minister for Energy:

Is the Minister aware that Western Power and AlintaGas are refusing to reveal how much taxpayers' money they are spending on their latest advertising campaigns? Does the Minister support this obsession with secrecy or will he, in the interests of open and accountable government, instruct Western Power and Alinta to release that information without delay?

Mr BARNETT replied:

Alinta and Western Power document in their annual report the amount of total expenditure on advertising and promotional campaigns. The question that has been asked by the Opposition relates to details of individual campaigns. I do not think it appropriate that that be made public. Western Power and Alinta are commercial trading enterprises in a competitive market. They do have an accountability responsibility in a global sense to determine and make public their expenditure in broad areas of activity, but I do not think that is proper with regard to individual contracts and advertising arrangements. I must say that as an individual, I would have no hesitation or resistance if they chose to make it public. However, they prefer not to, and I support them in that. They have a responsibility to report total expenditure in promotional advertising areas, which they do.

Dr Gallop: More secrecy.

Mr BARNETT: What the Leader of the Opposition cannot understand is the appropriate relationship between a Government and a trading enterprise.
