WESTERN AUSTRALIA

PARLIAMENTARY DEBATES

(HANSARD)

THIRTY-FOURTH PARLIAMENT
FOURTH SESSION
1996

LEGISLATIVE ASSEMBLY

Thursday, 19 September 1996

Legislative Assembly

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

PETITION - CROSSLANDS SHOPPING CENTRE

MR D.L. SMITH (Mitchell) [10.03 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We, the undersigned petitioners call upon the Parliament to request that the Minister for Planning review his decision to withhold consent for the advertising of the rezoning of Crosslands Shopping Centre, Bunbury.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 131 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 142.]

PETITION - MT LAWLEY SENIOR HIGH SCHOOL, UPGRADE

MR CATANIA (Balcatta) [10.04 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We the undersigned, ask that urgent attention be given to the upgrade of Mt Lawley Senior High School. We believe that the said upgrade is essential in the interest of health, safety and equity of our students. To ignore this need poses a major threat to the quality of education provided.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 44 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 143.]

A similar petition was presented by Dr Hames (133 signatures).

[See petition No 144.]

JOINT STANDING COMMITTEE ON COMMISSION ON GOVERNMENT

Report Tabling

On motion by Mr Johnson, resolved -

> That the report be printed.

[See paper No 526.]

MINISTERIAL STATEMENT - PREMIER

State Government Insurance Commission, Annual Report Tabling

MR COURT (Nedlands - Premier) [10.05 am]: In tabling the 1995-96 annual report of the State Government Insurance Commission, I wish to draw attention to some significant achievements of which the SGIC, the State Government and the people of Western Australia can be both pleased and proud. The SGIC's overall return on investment for the year was 11.8 per cent.

The report shows the SGIC ended the year with a consolidated operating profit of $117m, the bulk of which was used to retire the debt of the third party insurance fund. An extraordinary item in the form of a contribution by the State Government of $74.8m also helped retire that debt well ahead of schedule. As a result of the operating profit and the government contribution, the third party insurance fund deficit was reduced from $191.7m to $6.9m at 30 June. By 1 August this year, the remaining deficit had been removed and the fund was $700 000 in surplus - the first surplus since 1989. At this time, the $50 premium for the standard family sedan that had to be imposed to pay off the excesses and mismanagement of the fund by the Labor Government was removed. The fund's return to surplus is an excellent example of good management and a stark contrast to the bad management of public moneys by Labor.

At the end of 1988-89, the fund had a surplus of $67m but, by the end of the next year, it had slipped into deficit and in following years it ballooned until the end of 1992-93, when the deficit reached a massive $330m. Under new management, the accelerating losses were halted and the trend reversed. In each of the three years 1993-94, 1994-95 and 1995-96 the losses were reduced, and by 1 August this year the fund was in surplus.

I would like to place on record our thanks to the motorists of Western Australia for helping restore their fund - and therefore their insurance protection. The removal of the $50 premium means that here in Western Australia motorists with the standard family sedan are now paying the second lowest premiums in the country - they pay $37 less than the average premiums for the same type of vehicle in South Australia, $43 less than in Queensland and the Northern Territory, $77 less than in the Australian Capital Territory, $80 less than in Victoria and a massive $241 less than in New South Wales. That is good management. Other highlights for the SGIC have been -

> It secured a five-year appointment to manage RiskCover, the State Government's managed fund to enable it to self-insure. The development of the fund is one of the most significant public sector reforms to be introduced across Government.
>
> It purchased the Government Employees Superannuation Board's 30 per cent share in Westralia Square, giving SGIC 100 per cent ownership.
>
> It contributed $1.1m from the third party insurance fund to road safety awareness and crash prevention programs, adding the roadshow to its previous sponsorship of booze buses and television and poster advertising.
>
> A donation of $160 000 brought its total support for asbestos disease research to $970 000.

I now table the annual report of the SGIC.

[See paper No 524.]

MINISTERIAL STATEMENT - MINISTER FOR HOUSING

Homeswest, Kwinana Improvement Program

MR KIERATH (Riverton - Minister for Housing) [10.11 am]: I rise to make a brief ministerial statement on Homeswest activity in Kwinana and the success these projects have achieved.

The improvement program was approved by Cabinet in October 1994. The major features of the estate improvement program are to reduce Homeswest presence from 22.5 per cent to 15 per cent and to encourage home ownership through the upgrading and sale of dwellings to first home buyers. Through the refurbishment and sale of ex-rental properties Homeswest has achieved a gross profit of $3.596m to the end of June 1996. This is extra money that can be reinvested in supplying more accommodation to those Western Australians most in need. This project has been

a great success, with a notable transformation in the appearance and wellbeing of the Kwinana community. This project is now being used as a demonstration model for other local government authorities.

The other major features of the estate improvement strategy are -

upgrade of streetscapes, public open space and public infrastructure;

upgrade of apartments;

community consultation; and

improving quality of life for local residents, including security.

A structure plan has been prepared for land south of Challenger Avenue in Parmelia, which was presented to the Town of Kwinana for approval. There is also planning for duplexes to be built in Casuarina. To this point 72 flats and town houses, and 219 houses and duplexes have been refurbished. The current average sale price is $62 300, which is an increase of 34 per cent since the commencement of the program and the initial sales in stage 1 of $46 500.

The Town of Kwinana will continue its road upgrade program and planning of capital works to beautify the town centre. The local authority has also been actively involved in community liaison. This liaison is resulting in the development of programs for young children, teenagers, adults and seniors to enable them to be more involved in the community and have access to better community facilities. As part of the program, the Town of Kwinana has provided a fully equipped patrol vehicle to ensure that constant patrols of the area are provided. Homeswest provides the funding to ensure this service continues, which is fully supported by local police and the general community. Fast track approvals have been granted and state and local government and the private sector have been working in unison to achieve the aims of the program. The transformation of Kwinana has been such a success that it is being utilised as a model for other local government authorities as Homeswest prepares to launch its entire estate improvement strategy, which will involve up to 14 other suburbs.

MINISTERIAL STATEMENT - MINISTER FOR PLANNING

Metropolitan Region Scheme Amendment No 976/33 - South West Corridor Omnibus No 2, Tabling

MR LEWIS (Applecross - Minister for Planning) [10.13 am]: Today I present finalised plans that will provide for the coordinated expansion of the Rockingham city centre as the area's population increases.

The metropolitan regional scheme amendment No 976/33 - south west corridor omnibus No 2 - will also facilitate the clean-up of ugly industrial sites, allow for the expansion and creation of two regional beaches and consolidate land areas for recreational use and transport routes. A key part of the amendment will change the reservation for the planned passenger rail route that will connect Mandurah and Rockingham to Perth. The modified alignment caters for a proposed university at Rockingham and the adjoining TAFE centre, provides a better link with the Rockingham city centre, fosters a more efficient public transport system and reduces its impact on environmentally sensitive areas.

Rockingham's central city zone has been increased by 51 hectares to encompass the university site and provide for enhancement of the area's planned development. The amendment also defines the east-west regional road network to the Kwinana Freeway to cater for the corridor's expected future growth and facilitates the clean-up of the old Coogee industrial area for redevelopment as a modern industrial estate and expanded employment centre. It will also increase the public beach front at both the Coogee redevelopment and the Singleton residential area.

Proposals to change zonings in the south west corridor were released in a draft amendment in February. Forty seven submissions were received on 30 of the 32 proposals and as a result a number of modifications have been made and four of the original proposals have been deleted. Land in Parmelia proposed for parks and recreation may be affected by plans for a passenger railway station and will remain urban until the station planning is complete.

At Mangles Bay, land that was proposed for parks and recreation will remain under the port installations reservation. This will allow further study into the possibility of a land-based marina currently being considered by Government. In east Rockingham, land that was proposed for railways reservation will remain industrial while the land allocation is reviewed. This will improve integration with existing and proposed land uses in this locality. An important regional road reservation for Sixty Eight Road in Baldivis has been deferred to allow for a review of the justification and land requirements for its reservation.

The planning amendment I am tabling today caters for the expected population growth in Perth's south west corridor. I commend it to the House.

[See papers Nos 525A to D.]

ORDERS OF THE DAY

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

That Order of the Day No 8 be now taken.

APPROPRIATION (CONSOLIDATED FUND) BILL (No 3)

Second Reading

Order of the day read for the resumption of debate from 29 August.

Point of Order

Mr C.J. BARNETT: Mr Speaker, I am afraid I have made yet another error.

Dr Watson: You must be tired.

Mr C.J. BARNETT: Yes, I am. I did not intend the House to go to Order of the Day No 8 at this stage. I thought we had already dealt with Orders of the Day Nos 1 and 2. I was too quick. The House should go to Order of the Day No 1.

The SPEAKER: I have taken some advice on this matter and I can see no way of abolishing the decision the House made. I put it to the House, and perhaps the member for Northern Rivers will cooperate, that the debate on Order of the Day No 8 be adjourned until a later stage of this day's sitting.

Debate Resumed

Debate adjourned, on motion by Mr Leahy.

[Continued on page 5806.]

STAMP AMENDMENT BILL

Second Reading

MR COURT (Nedlands - Treasurer) [10.18 am]: I move -

That the Bill be now read a second time.

This Bill seeks to amend the Stamp Act to address a deficiency in the legislation that has arisen as a result of changes in business practice regarding the way company takeovers are effected. By way of background, the Stamp Act imposes duty on off market transfers of shares in companies incorporated in Western Australia. However, the Act does not impose duty on an acquisition of a company undertaken off-market by other means. Notably, the issue and cancellation of shares are not generally subject to duty.

When a person seeks to take over a public company, the acquisition must be effected in accordance with chapter 6 of the Corporations Law. This normally requires the direct acquisition by the acquirer of the issued shares in the company it is seeking to take over. As this procedure necessitates a transfer of the shares, stamp duty is payable on the acquisition. Notwithstanding that chapter 6 of the Corporations Law requires a takeover to be effected by the direct acquisition of the other shareholders' shares, the Australian Securities Commission has special powers to permit a takeover to be effected by way of a selective reduction in the capital of a company. Such a capital reduction, if structured in an appropriate manner, can result in no stamp duty being required to be paid on the acquisition. For example, if an existing shareholder of a target company wishes to undertake a friendly takeover of the remaining shares in that company, it can do so via such a mechanism.

However, rather than purchasing all other shares and receiving them by way of transfer, either under a special resolution of shareholders or a court approved scheme of arrangement, those shares could be cancelled leaving the person or company wishing to effect the takeover as the sole shareholder of the target company. Consideration for the cancellation of those shares could be provided either through the issue of shares in the new owner of the company or a straight cash payment of equal value to the shares cancelled.

As I have already mentioned, because the Stamp Act currently imposes duty only on the transfer of shares, the acquisition of the company in this manner would not be subject to stamp duty. It must be stressed that transactions undertaken in this manner are not necessarily driven by stamp duty considerations. For example, a scheme of arrangement by way of a capital reduction may be attractive to enable the ordinary shares, convertible notes and options of a company to be acquired through the one mechanism rather than separate offers being required to be made in respect of each type of security on issue.

Furthermore, an acquisition in this manner provides greater certainty that the takeover will succeed. Were an acquisition to be pursued by way of a takeover offer, the acquiring company would be required to obtain 90 per cent of the issued shares in the target before a compulsory acquisition could occur. Under a scheme of arrangement, it needs only 50 per cent of shareholders representing 75 per cent of the issued shares to agree to the scheme to ensure that the takeover succeeds. It is inequitable that a company takeover involving the transfer of shares is subject to stamp duty whereas a company takeover pursued by way of a capital reduction is not.
The Australian Securities Commission has advised that it has become increasingly common for the acquisition of a company to be pursued via a scheme of arrangement involving a capital reduction approved by the commission. The commission's obligation, however, is limited to ensuring that the shareholders of the takeover target are fully informed and dealt with in an evenhanded manner. The fact that stamp duty is minimised is immaterial. This problem was brought to the attention of the Government late last year.

On 20 November 1995, an announcement was made that amendments to the Stamp Act would be made, effective from that date. The Government's intention to amend the Act was also disseminated to the business community by way of reports of the press release in the financial Press and through a departmental circular issued by the State Revenue Department. Moreover, the Commissioner of State Taxation, has indicated that immediately following enactment of this legislation, the State Revenue Department will contact those persons known to have undertaken transactions of this nature since 20 November 1995 to ensure that they are aware of their obligations.

Although the need for retrospective legislation is regretted, in this instance, the threat to revenue was considered sufficiently large to warrant such action. It must be stressed that the proposed legislation does not seek to prevent the acquisition of a company by means of a capital reduction. Rather, it seeks to restore equity in the stamp duty treatment of interests in companies acquired by the direct purchase of shares with those acquired by way of capital reduction.

The proposed amendments will apply where a person gains 50 per cent voting control of a company or increases their voting control above 50 per cent by an incremental amount of 5 per cent. If such an increase in control results from either a cancellation of shares in that company or a voting rights alteration of the shares in the company followed by a share cancellation, the company is required to prepare and lodge a statement with the commissioner. Duty will then be charged on that statement at the appropriate marketable security rate of duty on the value of the cancelled shares.

The proposed legislation provides transitional provisions to facilitate the payment of duty from those persons who may already have entered into such transactions since 20 November 1995. Moreover, the legislation has been drafted to ensure that the provisions will not apply in all cases where shares are cancelled. In particular, the provisions will not apply to share cancellations arising from share buy-backs; the ordinary forfeiture of shares; pro rata capital reductions; or the cleaning up of "odd lots" of shares.

Stamp duty associated with transactions which have been undertaken since 20 November 1995 that are expected to fall with the operations of these amendments is expected to total around $2m. Furthermore, the protection provided to the revenue in the future by these measures is likely to exceed considerably this amount, given the growing popularity of capital reductions as a means of company acquisition. I commend the Bill to the House and for the information of members, table an associated explanatory memorandum.

[See paper No 527.]

Debate adjourned, on motion by Ms Warnock.

ACTS AMENDMENT (ICWA) BILL

Second Reading

MR COURT (Nedlands - Premier) [10.22 am]: I move -

That the Bill be now read a second time.

The Acts Amendment (ICWA) Bill 1996 amends the State Government Insurance Commission Act 1986. That Act, enacted by the previous Government, merged the operations of the Motor Vehicle Insurance Trust with those of the State Government Insurance Office by creating the State Government Insurance Commission and the State Government Insurance Corporation. The State Government Insurance Commission was established to provide third party insurance, insurance of certain industrial diseases, and special risks and to handle the public sector's insurance arrangements. The State Government Insurance Corporation was established as a trading corporation to carry on commercial insurance business pursuant to the SGIO Privatisation Act 1992, and the majority of the assets, rights and liability of the SGIO business were vested in a new company, SGIO Insurance Ltd. This new company was privatised by public float in 1994. After nearly 10 years of operation it is timely to make some changes to the original SGIC Act 1986, none of which is considered contentious. The Bill contains four broad categories of amendments -

(a) to facilitate the management of the whole of government exposure to risk with the introduction of the managed fund concept. This was approved by Cabinet on 17 June 1996 with a targeted commencement date of 1 July 1997 and subsequently named RiskCover;

(b) to eliminate uncertainties, inefficiencies and shortcomings in the existing Act which affect the day to day operations of the SGIC;

(c) to allow for the dissolution of the State Government Insurance Corporation; and

(d) the desirability for the SGIC to change its name to the Insurance Commission of Western Australia (ICWA).

Expanded powers to the facilitate managed fund concept in public sector: A new section 7(4) is introduced by clause 11(7) of the Bill which provides the Insurance Commission with additional powers in respect of its function of managing public sector insurance matters. These powers are -

(a) to arrange the reinsurance of risks;

(b) to establish a fund or funds for the management of risks;

(c) to arrange insurance of risks for public authorities; and

(d) to act as trustee of any trust.

These provisions are inserted to give the Government and the Insurance Commission maximum flexibility regarding the type of self-insurance and insurance arrangements which may be established from time to time for public sector agencies to manage their risks. The Insurance Commission will continue to have no power to act as insurer of the public sector. It is also important to understand that these amendments do not mandate the participation by any public sector agency in insurance arrangements managed by the Insurance Commission. The provisions merely provide the Insurance Commission with the necessary power to respond to changes in government policy from time to time.

The Government presently believes there are substantial savings to be made by the public sector participating in self-insurance arrangements that apply broadly across all public sector agencies with a few exceptions. The new powers in section 7(4) will allow the Insurance Commission to establish more flexible arrangements consistent with such policy. For example, subject to government policy from time to time, the Insurance Commission will be able to -

(a) establish a managed fund into which participating public sector agencies contribute and to manage that fund for the benefit of those agencies. A managed fund is a form of self-insurance which provides participating members with direct involvement in determining the level of risk they retain and the reserve of money that is set aside to pay for future financial losses;

(b) in effect, act as insurance agent or broker to arrange insurance of risks on behalf of public sector agencies with private sector insurers;

(c) establish a trust or trusts on behalf of public sector authorities for the management of insurance risks; and

(d) arrange for reinsurance cover either directly for an agency or through a managed fund or trust.

Expanded functions to enhance day-to-day operations: Following the dissolution of the corporation, the principal functions of the Insurance Commission will be -

(a) to continue to undertake liability under policies of insurance as required by the Motor Vehicle (Third Party) Insurance Act 1943;

(b) to continue to undertake liability under policies of insurance in respect of certain industrial diseases and special risks under the Workers' Compensation and Rehabilitation Act 1981; and

(c) to manage and administer the insurance arrangements of the public sector and provide advice to the Government on insurance matters.

The Insurance Commission's first two functions remain unaffected by the Bill: The Insurance Commission's function of managing and administering public sector insurance and advising the Government on public sector insurance matters will be expanded in a number of important respects. They are -

(a) Clause 10 of the Bill amends sections 6(c) and 6(f) of the Act, to expand the Insurance Commission's functions to include risk management. The Insurance Commission's public sector insurance functions are presently limited to insurance matters. Insurance and self-insurance are about coping with the financial consequences of perceived risk. Risk management is about taking steps to reduce risk. For example, in the area of workers' compensation, insurance is about insuring the employer against liability to compensate an injured employee. Risk management is about reducing the risk of an employee being injured. The Insurance Commission will be the principal focus of the Government's risk management activities and will be looked to by the Government as the principal source of risk management advice to the public sector.

(b) Clause 10 of the Bill also amends sections 6(d) and 6(f) of the Act, to expand the Insurance Commission's functions to include the provision of services and advice to public authorities for the management of claims against them. This will, for example, permit the Insurance Commission, in the exercise of its functions, to manage public liability claims against other government entities.

(c) Clause 6(c) of the Bill will also insert a definition of "public authority" to clarify in which parts of the public sector the Insurance Commission may be involved. This definition covers all public sector agencies, including local authorities. Although amendments have recently been made to the Local Government Act to allow local authorities to participate in their own self-insurance arrangements, the Government's intention is that the Insurance Commission should be able to manage any uninsured risks of local authorities. For example, the Insurance Commission will be able to manage risks in respect of volunteer firefighters.

Workers' compensation: Under section 160 of the Workers' Compensation and Rehabilitation Act, all employers are required to effect workers' compensation insurance in respect of the liability they have under that Act to compensate workers who are injured during the course of their employment. An exception to this requirement is that certain employers and groups of employers can be exempted by the Treasurer as self-insurers.

There is presently conflicting legal opinion as to which public sector employers section 160 of the Workers' Compensation and Rehabilitation Act 1981 applies. Presently, most public sector employers - as the term "public sector" is defined in the Public Sector Management Act 1994 - do not effect workers' compensation insurance. Rather, they participate in self-insurance arrangements managed by the Insurance Commission. Accordingly, clause 23 of the Bill will amend section 44 to clarify that public sector agencies for whom self-insurance arrangements are managed and administered by the Insurance Commission are groups of employers exempt from the obligation to insure.

It is important to understand that these amendments do not, in any way, affect the liability of public sector employers to compensate their employees in accordance with the provisions of the Workers' Compensation and Rehabilitation Act. The amendments merely clarify that the arrangements they have in place through the Insurance Commission

comply with the requirements of the Workers' Compensation and Rehabilitation Act to have insurance arrangements in respect of that liability.

Research functions: Presently, under section 7(2)(o) of the Act, the Insurance Commission can sponsor programs for the prevention of accidental death and personal injury. While this is a useful power in connection with the Insurance Commission's function of insurer under the Motor Vehicle (Third Party) Insurance Act 1943, it does not allow the Insurance Commission to promote programs for the prevention of disease. Accordingly, the Insurance Commission's functions will be expanded by the new section 6(e) to participate in programs for research into the treatment of industrial diseases and injury and the promotion of public awareness relating to industrial disease, personal injury and accidental death.

As the Insurance Commission is the sole insurer for motor vehicle third party personal injury and the sole insurer for certain industrial diseases and special risks, such as asbestosis, it is important to protect the State from undue financial burden by allowing the Insurance Commission to participate in programs designed to reduce the incidence of disease and risk associated with these other functions.

Investments: As at 31 July 1996, the Insurance Commission had $756m in funds to invest. It is important that the Insurance Commission has wide powers of investment in order for it to make a sufficient return on these moneys so as to reduce the cost to the State of the Insurance Commission's functions. For example, most private sector insurance companies do not make their profit out of selling insurance products. Rather, profit is made from investing premium income. In the same way, a substantial portion of the Insurance Commission's income is derived from the successful investment of moneys under its control. As most insurance companies are corporations established under the Corporations Law, there is no legal limit on the type of investments in which they can invest. However, the doctrine of ultra vires still applies to statutory bodies corporate, such as the Insurance Commission. Courts have successively held that a statutory body corporate's investment powers can be read down by reference to its functions.

Accordingly, it is possible for a statutory body corporate like the Insurance Commission to enter into an investment transaction in good faith, only to find subsequently that that transaction was ultra vires. The risk of ultra vires applying to investments is thought by the Government to be undesirable. If the Insurance Commission is to be charged with getting an acceptable return from its investments, it must have wide investment powers. Accordingly -

(a) clause 10 of the Bill introduces a new section 6(g), which provides that the investment of moneys will become a function of the Insurance Commission in its own right; and

(b) clause 11(8) of the Bill introduces a new section 7(5), which will give the Insurance Commission wide powers of investment, including the power to use derivatives and synthetic financial instruments for the purposes of managing risk.

It is the Government's intention that these amendments will effectively remove the doctrine of ultra vires as it may otherwise limit the powers of the Insurance Commission to invest. The Government has made a policy decision that it is inappropriate for the power of the commission to invest to be limited by reference to its other functions.

Of course, the desire to give the Insurance Commission wide powers needs to be weighed up against the need to ensure proper accountability. In response to any concern raised about accountability, I make three points -

(a) First, the Insurance Commission was able, under its existing provisions, to engage in a number of deals in the 1980s which were clearly inappropriate for it. The fact is that the doctrine of ultra vires may not as a practical matter afford protection to the State from inappropriate decisions being made by a statutory body corporate.

(b) Rather than rely on the doctrine of ultra vires, section 19, as amended by clause 17 of the Bill, will oblige the Insurance Commission, in pursuing investments, to follow prudential guidelines determined by the Treasurer from time to time.

(c) The Insurance Commission has presently contracted out a large part of its investment function to five private sector fund managers. They and the Insurance Commission are investing the Insurance Commission's moneys subject to the prudential guidelines determined by the Treasurer.

Clause 11(9) of the Bill provides, in effect, that the Insurance Commission's wide powers in section 7 are to have applied from when the Insurance Commission came into existence on 1 January 1987. For example, if prior to this

Bill becoming law the Insurance Commission has entered into a transaction beyond its powers, but the transaction would be within its new powers, it is deemed to have had the power at the time. This amendment is consistent with the change to section 6(g), which made the investment of moneys a function in its own right. The Government is of the opinion that the investment of moneys has always been a function of the Insurance Commission and, accordingly, clause 11(9) of the Bill regularises this situation.

Dissolution of the Corporation: From a practical and cost effective point of view, it would be desirable to be in a position to wind up the State Government Insurance Corporation on 30 June 1997. The bulk of the assets, rights and liabilities of the State Government Insurance Corporation were transferred to SGIO Insurance Limited, which was privatised. The corporation remains in existence and has some residuary assets and liabilities - mainly the runoff of certain inwards reinsurance business written by the corporation that was not transferred to SGIO Insurance Limited.

Following enactment of the Bill, certain provisions of the Bill, when proclaimed, will -

(a) Dissolve the State Government Insurance Corporation; and

(b) Provide for its residuary assets, rights and liabilities to vest in the State Government Insurance Commission and to be held in the Insurance Commission general fund. It is intended, to the extent that the corporation has assets, rights and liabilities, that they become assets, rights and liabilities of the State Government Insurance Commission. For example, a third party that has rights that it can enforce against the State Government Insurance Corporation will, following the dissolution of the corporation, be able to enforce those rights against the Insurance Commission.

Therefore, the effect of these amendments will be only to remove a statutory body corporate that is no longer needed. These amendments are principally contained in clause 6(a), and clauses 20, 21, 22, 23, 24, 25, 27, 28, 31, 32, 33, 34, 35 and 37.

Name change: The name "State Government Insurance Commission" was created under the 1986 Act. There are State Government insurance bodies and insurance companies in other States with names the same as or substantially similar to SGIC. The new name, "Insurance Commission of Western Australia", will distinguish the Insurance Commission from those bodies and will avoid confusion between the Insurance Commission and those other bodies, particularly with regard to the Insurance Commission's investment activities. Further, the name "State Government Insurance Commission" and the acronym "SGIC" are associated in the minds of many people with 1980s transactions.

Accordingly, this Government, like the previous Government, has felt for some time that it is desirable for the Insurance Commission to change its name. Under the Bill, the commission's name will be changed from the State Government Insurance Commission to the Insurance Commission of Western Australia. The amendments effecting the change of name are found in clauses 4, 5, 6(b), 7, 8 and 30. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

LEGAL PRACTITIONERS AMENDMENT BILL

Second Reading

MR PRINCE (Albany - Minister for Health) [10.41 am]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to amend the Legal Practitioners Act 1893. Section 31AA of the Legal Practitioners Act was inserted by the Legal Practitioners Amendment Act 1995. That section enables the Legal Practitioners Complaints Committee and the Disciplinary Tribunal to treat convictions by courts in Australia, external territories and New Zealand as conclusive evidence of illegal conduct.

The section was introduced in response to a request by the Legal Practice Board, because practitioners previously found guilty of criminal offences by courts had subsequently appeared in the Legal Practitioners Disciplinary Tribunal and denied that they were guilty of illegal conduct. Section 31AA was not generally extended to foreign courts because of the possibility of differences, for example, in their procedure and jurisdiction. However, because section 31AA is confined to conviction by courts in Australia, external territories and New Zealand, the tribunal faces

the same problems involving proof of illegal conduct as existed prior to the 1995 amendment when dealing with matters involving convictions of lawyers in jurisdictions other than those mentioned in section 31AA.

Lawyers who have been convicted of offences by a criminal court and who are appearing in disciplinary proceedings in Western Australia can require the Disciplinary Tribunal in effect to hear all the evidence and to retry the matters dealt with by the criminal court. This may, for example, involve additional costs and require witnesses from overseas who cannot be compelled to attend before the tribunal. This imposes a virtually impossible task for a voluntary part time tribunal to undertake.

Therefore, the Legal Practice Board and the Chairman of the Disciplinary Tribunal, Hon Peter Brinsden, QC have requested an amendment to section 31AA(1) as it now appears in the Bill. It appears to be a particularly narrow attitude to ignore the processes in the remaining countries. Such attitudes have dogged the law of conflicts in the past. The proposed amendment to section 31AA(1) will enable the Legal Practitioners Complaints Committee or the Disciplinary Tribunal to take into account a conviction wherever it may have occurred. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

APPROPRIATION (CONSOLIDATED FUND) BILL (No 3)

Second Reading

Resumed from an earlier stage of the sitting.

MR LEAHY (Northern Rivers) [10.45 am]: In this debate I shall raise some concerns specifically within my electorate, the first of which is what I, and many other people, see as the declining standard of health services in country regions. I am glad the Minister for Health is in the Chamber.

I have raised with him specifically the cessation of the obstetric service in Exmouth, which had been available to the women of Exmouth for 30 years. That service has been withdrawn in the past six months.

Mr Prince: It is about nine months and I acknowledge that the member led a deputation to me. The chief medical officer was in Exmouth last week and spoke to the people involved.

Mr LEAHY: I was in Exmouth on the same day. I thank the Minister for that because it was quite informative. The people of Exmouth had the opportunity to put forward their concerns. I also refer to the closure of the Carnarvon base of the Royal Flying Doctor Service to indicate how they interact and to illustrate how dramatic are the difficulties faced by the people in Exmouth. Following the withdrawal of the obstetric service in Exmouth pregnant women must travel 370 kilometres to the nearest hospital in Carnarvon to deliver their babies. If they have other children, they must make arrangements for them, and often their husbands, to be cared for during their absence. It is very difficult for a husband with a full time job in Exmouth to get the time off work to attend the delivery of his child at the Carnarvon Regional Hospital. Of course, it is much more common today, and is accepted practice, for husbands to be present at the birth of their children. In some cases it is impossible for families in Exmouth to do that without considerable loss of income. The pregnant women must go to Carnarvon in the thirty-eighth week of pregnancy - previously it was the thirty-sixth week - so they are away from home for some time.

Mr Prince: I am informed by Professor Bryan Stokes, the chief medical officer, that with some upgrading to the operating theatre at Exmouth it should be possible to recommence the service for relatively straightforward obstetric cases as opposed to difficult cases.

Mr LEAHY: I was fortunate that the Leader of the Opposition was in Exmouth a week ago, at which time he made a commitment that upon return to government the Labor Party would upgrade the hospital and make sure the operating theatre could be used for caesarean sections. That commitment has been made by a future Labor Government and I am sure it will be matched very soon by the Liberal Party.

Mr Prince: I shall be in Carnarvon in a few weeks.

Mr LEAHY: I know a Cabinet meeting will be held in Carnarvon soon and I am sure the people of Exmouth will look forward to any announcements to be made at that time.

Mr Prince: You are prescient.

Mr LEAHY: In the past when any Exmouth woman had problems with childbirth the flying doctor was available to evacuate the patient, and her newly delivered child if the birth had taken place, to the Carnarvon Regional Hospital or the King Edward Memorial Hospital for Women. That facility is no longer available. The nearest base is at Meekatharra and Dr Stokes told us the other day he had been advised by the flying doctor that it would take a minimum of five hours to get to Exmouth. That is contrary to the advice given to the people of Exmouth by the flying doctor who said the maximum time would be two hours.

Mr Prince: Is he talking about the Jandakot base?

Mr LEAHY: No, he is talking about a service from Meekatharra. The information was provided by the flying doctor. It is on record from that public meeting and it was heard by all those present.

Mr Prince: I will check it.

Mr LEAHY: The time difference is an increase of more than 100 per cent. A letter from a man who was in Exmouth, whom I will not name so that I do not identify his daughter, reads -

> To Whom It May Concern.
>
> Recently my daughter while visiting my wife and I at Exmouth, had the misfortune to suffer a pregnancy miscarriage.
>
> Although there are four doctors in Exmouth she was informed that she would have to be flown to Carnarvon to have a curette. She enquired as to how she would get back to Exmouth - was told, "That's your problem", that she would be discharged in Carnarvon.
>
> I visited the Exmouth hospital and pointed out that this was not the correct thing to do. I was then assured that she would be brought back to Exmouth.
>
> What I was not told was that within twelve hours of having this operation. (Two A.M. next morning), she to be taken out of bed, bundled into a courier truck, with two back packers to endure the six hour return trip, via Coral Bay, to Exmouth Caravan Park. I am disgusted.

So he should be and so should everybody in this Chamber be disgusted. To continue -

> I will be writing a more detailed letter to the media. My daughter, her husband and family, apart from Medicare, have maximum Hospital Benefit Fund cover. They are also financial members of St. John Ambulance.

If there were a flying doctor base in Carnarvon that woman would have been returned by flying doctor. That has always been the case in those situations. Had basic medical services been available in a town of 2 500, that curette would have been performed at the Exmouth District Hospital. That woman would not have been required to travel back to Exmouth 12 hours after an operation, at 2.00 am in a truck. That is disgraceful.

Mr Prince: I also have the letter.

Mr LEAHY: That is one of many cases that have been referred to me by the Healthy Exmouth Group. No doubt it also contacted the Minister. That group is not trying to make political capital. It is trying to keep everyone informed by outlining the difficulties faced in a town that is increasing in population. A subdivision of 200 blocks just south of the town is probably imminent as well as another subdivision of 100 blocks and, God willing, the completion of the marina and the associated activities there. I will touch on the difficulties we face with the marina later.

I refer to the closure of the Royal Flying Doctor Service in Carnarvon and the misinformation put out by the service to the Minister, the Health Department, me and certainly the public. The Flying Doctor Service had a base in Carnarvon and in Geraldton for many years. Approximately seven years ago it elected to close the Geraldton base and gave an undertaking to the people of my region and the mid-west that it would not close the Carnarvon base because it was an integral part of the service and was needed to evacuate people from Geraldton and the mid-west to Perth, if necessary, and back to Carnarvon or Geraldton Regional Hospitals.

Less than seven years after that unequivocal guarantee the RFDS administration decided to close the Carnarvon base. It claimed it undertook a consultative phase; yet in February this year the pilot of the Carnarvon base went on leave. The RFDS took no steps to replace that pilot - the first time ever a pilot on leave was not replaced. The RFDS immediately transferred the plane to Perth. That was the first time the plane had been taken out of the district. The RFDS then went through the mockery of a few months' consultation with selected people. In June it put out a brochure saying that it had decided it would close the Carnarvon base. The RFDS met me in May and I raised many concerns, none of which it addressed. One was that, as with government departments and everybody else, it would find it very difficult to establish a 24 hour service at Meekatharra because of the difficulty of attracting its own staff to Meekatharra. It is much easier to attract staff to coastal regions. The RFDS said that it had "never had difficulty and would never have difficulties in attracting staff". Those were its words to me and to the Minister. The RFDS then went through the mockery of a consultation period and put out a brochure saying that it had closed the base, before the Minister had signed it off. I rang the Minister on a Friday afternoon and asked if he had signed off the closure. He said, "No." I asked if he had read the CRESAP report, which cost the taxpayers of Western Australia $300 000 in 1992. It recommended that Carnarvon stay open. At that stage the Minister advised that he had not read that report; yet the RFDS had put out a brochure saying it had closed the Carnarvon base. The Minister had neither read the report nor signed off the closure. He rang me back within three quarters of an hour and said that a letter had been prepared which he had not signed, but which said that a 24 hour service was better provided from Meekatharra. He agreed that it was an operational matter within the Royal Flying Doctor Service. He agreed with the closure as long as the service did not slip.

I will point out a number of areas where the service has slipped and on which the community will back me up. More than 1 000 of the Carnarvon population of about 6 000 have signed a petition. Nobody has refused to sign the petition. A motion was passed at the Pastoralists and Graziers Association regional meeting at the Murchison settlement about three weeks ago. Those people are probably the staunchest supporters of the Flying Doctor Service and would never normally be critical of it. Nonetheless, the Flying Doctor Service went ahead with the closure of the Carnarvon base without proper consultation and without addressing the potential problems outlined by a number of people.

As I and everyone else advised the RFDS, its staff refused to go to Meekatharra. Staff who had been in the country for 10 years and who had moved to Perth were told that they had no choice and that they must go. No offer of housing was provided. They were no doubt offered some extra money to go there. The staff offered to move there on a temporary basis. The pilot said they would stay in Meekatharra for four months while the matter was sorted out, but that they would not move there permanently when they had done more than 10 years' service and had since settled in Perth with their families. One pilot had 17 years' service and one had 15 years' service. Both not only took it as a job but also put in thousands of hours of voluntary labour for the service, as does everyone else in the bush. The answer from the Royal Flying Doctor Service was that it did not want them there on a temporary basis and that they must move to Meekatharra permanently. When the pilots refused, the RFDS sacked them both. Neither now has a job.

They were sacked despite the award covering those pilots, which provides that if their positions are redundant in Perth, they must be given a choice of a posting in the area which suits them. The service must then transfer people with fewer years' service to a less desirable area. What did the flying doctor administration do? Nothing; it sacked them. There is revolt within the flying doctor service. I get telephone calls every day from people who say to me, "Kevin please don't mention my name, they are a vindictive mob; they will sack me." This mob gets 90 per cent of its operational budget from the taxpayers of Australia, of which 45 per cent comes from the State Government coffers. Ten per cent is raised in the community. The RFDS is not being accountable to the wishes of the people it services in the region, to the taxpayers of Australia or to its own staff.

It has not followed the recommendations of the CRESAP report, for which the people of Western Australia paid $300 000. The report was commissioned by the Health Department of Western Australia and compiled by competent, independent consultants from the Eastern States. The flying doctor's justification for ignoring the report was that it was discredited. By whom was it discredited? It was discredited by a critique written by Mr Jorgensen, the then Executive Officer of the Flying Doctor Service, the very group the CRESAP report criticised. It did a critique of the report so that it was not acted on and as a result we flushed $300 000 down the drain.

Nothing was done because the RFDS did not like what the report said. What has the Government done? Nothing. It has let the service go its own way as it closes bases and sacks officers. The RFDS does what it likes unhindered. It is not good enough, and people in the country agree; I refer to people in not only my area, but also the Minister's area of Albany. The RFDS failed to respond to a week-old baby with heart problems in Albany. It cut staff in Perth to such an extent that the pilots were out of hours. It is not good enough. These problems will happen on a regular

basis. It could not respond to an emergency and sent a medical team down to Albany in an ambulance to attend a week-old baby. That trip takes hours. It is not good enough and the Minister has the responsibility to ensure the RFDS delivers the best aeromedical service for WA.

Mr Prince: If they don't, we will find somebody else who will.

Mr LEAHY: That is what I am calling for.

Mr Prince: They are obliged under contract to provide that service. If they do not perform, we will look for somebody else.

Mr LEAHY: It has not performed. The RFDS is an icon in Australia and has provided a magical service in the past, and it gives me no joy to be critical of that organisation. I am not critical of the employees; I am critical of the administration, which is not listening to the people who use the service, those who understand the situation, staff or consultants brought in to write reports. It listens to nobody. It is determined to bust through or bust.

We can either set up a select committee of this Parliament - that is, a body with the guts to look at the RFDS and the report of which will be acted upon - or put in place an inquiry that will produce a report and force the RFDS administration to act on its recommendations. Otherwise, those in the administration will remain to be a law unto themselves.

I will continuing to push this issue. The support I am receiving is mounting. It will become a flood of support and something will be done. I hope it is done sooner rather than later as I would hate to deliver the news to Parliament that somebody has died as a result of the deliberate lack of action by the flying doctor service. It is not a possibility or a probability, but a certainty that somebody will die.

No flying doctor coverage is available on the north west coastal highway between Jandakot and Port Hedland. That is 1 800 kilometres of the busiest highway in the north of this State, yet the service has no capacity to evacuate a person from that highway. It will not be long before a serious traffic accident occurs for which the flying doctor has no capacity to respond in a short time, and a death will be directly attributable to the lack of service. I have been careful to be even-handed. I cannot say that the delay in the Albany situation led to the death of a child because that child had serious heart problems.

Mr Prince: That was due to the nature of the heart defect.

Mr LEAHY: I agree. Nevertheless, it is not good enough that a six-hour delay was involved. It should not have occurred. It is only a matter of time before a six or seven-hour delay causes a death.

Mr Prince: In regard to Albany, I and the Commissioner for Health have asked the RFDS for a complete explanation of why it occurred.

Mr LEAHY: Other instances arose, even though the RFDS assured me that they would not happen. A woman broke a collarbone at Mt Augustus on a trip to the area. The flying doctor representative stated that patients would never be told that they must go to Meekatharra hospital; that they would always be taken back to the area from which they came. This lady contacted the RFDS and was told that she would be evacuated, but only to Meekatharra. It cost her $900 to charter a private flight to go back to Carnarvon. The flying doctor gave me an undertaking that that would not happen, but it happened on the first occasion that it was tested.

A chap was injured in a chain saw accident, but the Royal Flying Doctor Service refused to pick him up. I was told later that this was because the landing strip was wet and could not be checked. I inquired of the station owners, who said nobody asked them to check the strip. Also, both charter operators in Carnarvon were willing to fly there. The father-in-law of this chap said to the RFDS, "I can get a private operator; will you pay the cost of the evacuation?" It refused, so he drove the injured chap out. We had had extensive rain at that time, and it was not beyond possibility that they could not have travelled by car. They were lucky, and he was taken to Carnarvon where he was operated on.

A two-year-old boy in Carnarvon lost the tips of two fingers, and the flying doctor was supposed to pick him up at nine o'clock the next morning. The plane arrived at six o’clock that evening. That child was fasting as his microsurgery was pending in Perth, and during the day he was screaming out for something to eat. No explanation

was given for the delay as they waited from 9.00 am until 6.00 pm. If a base were located in Carnarvon, other matters would not have cropped up to delay the service. He would have been down in Perth as scheduled.

Mr Prince: Are you saying that all these things have happened since 1 July?

Mr LEAHY: Yes. I outlined these matters to the RFDS, and nothing has been done about it. It says that things will get better - I do not know when this will occur as the incidents continue. Another child had his fingers stripped with a broken bottle and his parents contacted the flying doctor on a Saturday lunchtime. They were told that a flying doctor service was not available, and that the patient could go down to Perth on a commercial flight. The parents checked with the commercial services and the next available flight was six o'clock the next evening. The parents checked with the microsurgeon in Perth, who said that if the trip were left that long, the chances were that the grafting would not take. It took them 10 hours to drive him to Perth. That is not good enough. All these problems are happening and will continue to happen.

We had a case in Denham, and the problems are still occurring. A women was experiencing chest pains. She attended the sister at the Silver Chain nursing post who said, "I will not take responsibility for your health and the doctor will not be here for three days. Go to Carnarvon." A friend drove this pensioner to the hospital at Carnarvon. It was not as serious as first thought, thank God, and she returned to Denham. Upon inquiring at the hospital she discovered that she did not qualify for the patient assisted travel scheme because she was not referred by a doctor. If she had been referred to a specialist, she would have received the PATS rebate. No doctor was available and she was seen by the nursing sister. I raised it with the administrator, but nothing can be done. This pensioner must meet the cost of a 700 kilometre return trip.

Mr Prince: My understanding is that the general manager has discretion with PATS matters.

Mr LEAHY: He has written back and said that nothing could be done in those circumstances. He has pointed out areas in which patients will be picked up by a flying doctor plane, which does not exist! Until February of this year, the flying doctor would have picked up that woman. As soon as the nursing sister said that she could not take responsibility, the flying doctor would have flown over and taken her to hospital and taken her back on the next trip. It always happened. This situation arose through problems with the flying doctor, and the PATS not covering the cost of travel.

Mr Prince: I have said that my understanding is that the general manager has a discretion.

Mr LEAHY: He has stated that it is not covered unless there is referral from a doctor to a specialist.

Mr Prince: I am happy to look at that, particularly that example.

Mr LEAHY: He has outlined ways it can be picked up. If it is regarded as a serious enough case, a RFDS service will be sent from Meekatharra. That will be assessed on a different criterion from the one applying to the current half-hour flight; it will now be a five-hour flight.

Mr Prince: Five hours does not make sense to me.

Mr LEAHY: We are talking about five hours return. It must fly back on a dead leg. It flies to Carnarvon, which is two hours, and back again. It is a half-hour flight to Shark Bay. It is one hour productive flying, and four hours dead flying. This matter was raised with the RFDS. The growing area in my region is not Meekatharra, Mt Magnet or Cue - one need not be Einstein to work that out. The growing areas are Carnarvon, Exmouth and Shark Bay, the areas the RFDS has deserted. It has left us unattended in circumstances where a growing number of aged retirees at Denham are without coverage. There is no doctor in the town, except for visitations once or twice a week. There is no patient assisted travel scheme for people to go to Carnarvon to see a doctor, and no base for the flying doctor to evacuate anyone in those circumstances. It is not good enough.

The marina at Exmouth is a very important project. It has been talked about for a long time, including when we were in government. The current Government has done a good job in ensuring the marina's progress at Exmouth. People in the town rely on it to boost the local economy with new subdivisions and businesses. Although in theory I disagree with the allocation of half the money from the trust fund towards the marina, because the original charter of the fund was that money should not be used for projects which should be the responsibility of state, federal or local governments - on occasions money has been used for roads and a covered assembly area -

Mr Cowan: The road money was a loan. It will be repaid. There has been a variation.

Mr LEAHY: When we were in government a covered assembly area at the school was part funded. An important project like the marina is a sensible use of trust fund moneys. I have no argument with that use. However, the contract was awarded to Civcon Pty Ltd. I do not think that adequate consideration was given or checks made on Civcon's ability to carry out this $5m project. Civcon's previous experience was in mining operations. I do not know, and the people in that field to whom I have spoken do not know, whether Civcon has any experience in quarrying, which requires specialised expertise, or any marina experience. My information is that marina excavation is not difficult, but quarry work is necessary for the extraction of armour rock for the groynes. It is a specialist task which requires people to know what they are doing.

Mr Cowan: It is interesting that the consultants who identified the volume of rock to produce the armour rock managed the operations for a week. However, in the end there was no difference. They could not get the specified resource -

Mr LEAHY: With the change in the supervising engineer there was an improvement in the amount of rock provided. There has been some difficulty. There is now a dispute between the two parties, but the company did not have the expertise required. More importantly, the company did not have access to its own plant and equipment. Much of the plant and equipment was provided on lease from other operators. I know of no large engineering firm that needs to do that, unless it is on shaky ground. That turned out to be the case, because the company has experienced difficulties. Its bank has withdrawn any credit it had, and many small businesses in Exmouth have been left with substantial debts. I am told by the Minister for Transport that $85 000 is owed to businesses in Exmouth, and a considerable amount is owed to the company employees, and they have been put off. They are owed for at least two weeks' work, redundancy and holiday pay.

The contract was awarded without the proper checks. The Government has an obligation to indemnify the people who entered into arrangements with the company believing they were in a strong position and they would be paid for the advances they made to the company. I am talking about small businesses such as garages and other service providers. The loss of amounts of $5 000 or $10 000 for businesses is a substantial drain on their resources. I am aware that the Government is withholding around $250 000 in progress payments, and provision should be made to pay those people directly.

DR GALLOP (Victoria Park - Deputy Leader of the Opposition) [11.15 am]: I raise two issues relating to my electorate. First, I deliver a bouquet to the Government, in particular to the Minister for Commerce and Trade, in relation to Technology Park and its expansion to a technology village. Second, I deliver a brickbat to the Minister assisting the Minister for Justice for the problems that exist at Longmore-Nyandi. Unfortunately the Minister assisting the Minister for Justice is not with us today. However, I place on the record my concerns about what has happened in that part of my electorate.

Last Sunday night seven youths escaped from Longmore's Nyandi complex. Before I speak about that, I should point out that Longmore and Nyandi exist in close proximity to Swan Cottage Homes and Rowethorpe Retirement Village, both of which are in my electorate. Over the years a good relationship has developed between the Ministry of Justice and the local retirement homes. If any changes are to be made, there is consultation with the community. In August this year a major change was announced by the Minister. Thirty to 35 juveniles from Riverbank were to be sent to Longmore until the Banksia Hill complex was completed. At that time I raised concerns with the Minister, because Riverbank deals with a different clientele from that at Longmore-Nyandi. The people sent to Riverbank were much more dangerous and much more security was needed to ensure their detention. I raised two concerns with the Minister in August when he announced the transfer. My first question was whether security at Longmore-Nyandi would be improved to cater for the problem juveniles who would be shifted to it and, secondly, would the Minister guarantee consultation with the local community. My question in Parliament on 20 August reads -

(1) How does the Government intend to spend the $382 000 allocated to improve security at Longmore?

(2) Can the Minister guarantee that security will not be compromised by the increased numbers at Longmore?

The Minister for Justice responded by saying that the $382 000 would be spent on a range of security upgrades, additional lighting, cameras, communication and some refurbishment and equipment. He said -

> Before the transfer takes place I will have to be assured that security at Longmore is of an equivalent level to that existing at Riverbank.

The second issue raised related to consultation with the local community, in particular with Swan Cottage Homes and Rowethorpe. His response was that he would maintain a working relationship and ensure consultation with the local community. I wrote to Swan Cottage Homes and Rowethorpe in August to let them know the answer provided in Parliament, to tell them that consultation had been guaranteed, and that if they had any problem, they could see me. Swan Cottage Homes indicated that it had been spoken to by the Ministry of Justice. On the other hand, Rowethorpe had not. Only a couple of weeks ago I organised a meeting with Rowethorpe through the Minister assisting the Minister for Justice. Obviously the process needed to be pushed along a bit.

The real issue I want to take up with the Minister regarding the $382 000 is what actually happened. The evidence we have on the breakout last Sunday night is that there are real problems at Longmore-Nyandi. We are talking about some very dangerous youths. One is a 16 year old who stabbed a Girrawheen grandmother to death when he was 12 years old. The others were in gaol for armed robbery, burglary, and stealing motor vehicles. These are real problem juveniles who potentially represented a threat to our community.

Since that breakout, debate has occurred about the security procedures at Longmore and Nyandi detention centres. I am reliably informed that there are real concerns there about staffing, space and security. The Civil Service Association branch secretary, Mr David Robinson, considers the closure of Riverbank such an important issue that he has called for the Minister assisting the Minister for Justice to resign his position in the Government. The CSA knows the problems that exist there. The Minister himself acknowledged in his comments in *The West Australian* on Wednesday, 18 September that when the security upgrade was carried out all but one of the review's recommendations had been implemented and the review had not thought that the escape route used on Sunday posed a security risk. I will pursue these matters further: That is, what interest the Minister has shown in this issue; what the one recommendation was and why it was not implemented; and whether the concerns raised by the CSA about staffing matters and space, and how they connect to security concerns, are being dealt with. The Minister gave a commitment in this Parliament following my raising concerns about the transfer of juveniles from Riverbank. We must be assured that that commitment was carried out in full. It is a pity the Minister is not in the Parliament today to respond to the concerns I have raised. I will pursue that matter both in this Parliament and in public debate.

I turn to another issue that, interestingly, is in exactly the same area as Nyandi and Longmore; namely, Technology Park. As the local member for that area I can report to the Parliament that Technology Park, which was established on a 32 hectare site in Bentley in 1984, is considered to be the most successful technology park in Australia. It is a success story that should be spoken about and of which we should be proud. Technology Park is home to 60 companies, employing over 1 100 people, of whom 30 per cent are engaged in research and development. The total turnover from those companies is about $170m per annum, of which 70 per cent is derived from export earnings. This is a real export industry. I have also to report that as a result of the Federal Government's budget changes some of the companies at Technology Park are being tempted to go overseas because the tax concessions have been taken away for some of their research and development. One of those companies, Advanced Energy Systems Pty Ltd - a brilliant organisation that has been exporting successfully - is being enticed to Malaysia and Singapore. It would be a tragedy if the Federal Government did not reconsider the changes in the federal Budget that mean Australia is at a competitive disadvantage with South East Asian countries. The key to a good Budget is whether it creates economic growth. The abolition of those concessions for research and development companies will have a significant impact on Australia's ability to compete in that marketplace.

Of the 11 industry types that have been established at the park, information technology and communications are the most important. It is those industries that are at the cutting edge of economic growth. The current site is expected to be fully occupied by 1998 with over 2 000 people employed there. This is a success story. It has had support from both the previous Government and the current Government, from industry, and from the Federal Government, which unfortunately is not as strong as it was with the previous Labor Government. All the signs are that this part of Western Australia can continue to develop and promote new jobs.

What must we now do? We must look at the wider precinct within which Technology Park is placed. The wider precinct has special significance for the State. If we exclude Technology Park, where 1 100 people are employed, the wider precinct employs over 8 300 people. In that part of my electorate over 10 000 Western Australians are employed in good jobs. Research and education dominate. Located in that area are the Curtin University of Technology, Canning College, the Bentley TAFE campus, Agriculture WA, the Department of Conservation and Land Management and the state mineral research centre, which I encourage members to visit. It is a first class modern facility that was opened only recently in Bentley.

The educational institutions within that precinct have a total expenditure of $220m, of which $55m is generated from sources other than government. The expertise there is bringing in revenue to Western Australia. A massive 30 000 people are provided with study and employment opportunities in that wider technology precinct every working day. You would be interested to know, Madam Acting Speaker (Ms Warnock), that the technology precinct in Bentley is second only in size to the Perth central business district as a generator of daily activity. That is how important it is to our economy.

Interaction between industry, research and education elements of the precinct occurs, but is yet to reach a stage where full value is realised. In February 1992 the then Government committed itself to create a technology precinct based on Technology Park. The plaudits for those developments go to past and present Governments, and I mention also a couple of individuals. A former Minister for Industry and Technology, the retired member for Ascot, Hon Malcolm Bryce, was a great proponent of Technology Park and the technology village. When he retired from politics he did a lot of work on the science and industry advisory council to encourage this development.

I must mention also Professor John de Laeter, one of the great contributors to Western Australian society, both as an academic and as a community person. His personal qualities and commitment to his university and the wider community within which it is placed is first class. He has been pushing hard and convincing people, like the Minister for Commerce and Trade and all members of Parliament, of the way Technology Park can be taken as the basis of a wider precinct and can generate even more jobs than have been generated so far.

I thank the Minister for Commerce and Trade for allowing me to be briefed on the way this project is developing. The recommendation that has come forward is to broaden Technology Park into a technology village, incorporating Curtin University, CALM, Agriculture WA, TAFE, the retirement villages and the mineral research centre so it becomes an integrated complex. The consultants to the technology village task force that the Minister set up believe that the current revenue from that area can be doubled in the next decade to over $450m in 1994 dollars. With proactive policies, 8 500 new jobs for Western Australians can be created - jobs that are at the cutting edge of economic development.

I will say a number of things about the way we should go forward on this issue. First, I encourage the Minister to reactivate the idea of a school of the future. The idea of a school of the future was promoted by the previous Labor Government; in fact, land was allocated for that. I visited it with scientists from a science park in Nice, France. We buried a capsule which will be dug up in 50 years and which contains information about what was happening in Technology Park and in the local community. A great deal of interest will be shown when the capsule is dug up.

The concept of a school of the future, whatever term we use for it, has a place in the technology village. This school will not enrol students as do others, such as Kent Street Senior High School or Como Senior High School or any of the others; it will be a technology centre where students will come for day trips or weeks to undertake particular skills training and education. The staff can take students on a tour of the technology village so they can get a taste of the technology and be introduced to some of the most up to date developments in information communication technology.

We must plan, and I encourage the Minister for Commerce and Trade to give that idea priority as part of the planning for a technology village. I applaud the Minister for his work so far in respect of planning. He has set up a task force, which is about to submit its final report, which looked at not only the technology issues but also land use, transport, education, technology and innovation, and communications to ensure that the dream of people like Malcolm Bryce and John de Laeter can be realised through an integrated technology village. The planning has involved the local community. I went to some very interesting seminars organised by the task force at which local community people, local council representatives and science and technology representatives were in attendance. They were part and parcel of the planning process. We must ensure there is a commitment from government to proper planning for the orderly development of the technology village.

The Labor Party supports the commitment of funds, through the Department of Commerce and Trade, to that project. A significant allocation has been made in the 1996-97 Budget. We are talking about good news for Western Australia, about a successful technology park where over 1 000 people will be employed. The creative thinking of Professor de Laeter in the science and industry advisory council tells us that if we are a little proactive, we can extend the park to become a village in which over 8 000 new jobs can be created and the current revenue generated in that area can be doubled to over $450m. Those are the sorts of things we want - new jobs at the cutting edge of technology and export orientated developments.

I urge the Minister to look seriously at the establishment of the school of the future. It might not be called that. The resources are available and Curtin University is very keen on it. With not a significant contribution of government money, we could have a first-class school that students from both the metropolitan and non-metropolitan areas could visit either on day trips or week trips.

Mr Cowan: Could you integrate it with Scitech?

Dr GALLOP: The Scitech Discovery Centre does similar things, but a little differently; that is, its programs are similar, but not exactly the same. I imagine there could be a relationship between those two areas. Scitech is a completely independent foundation that has support from Government. I remember the supporters of Scitech from the late 1980s and early 1990s. There was a time when it looked as though Scitech might fall over, and I think Kevin Parry provided a lot of support to make sure that it went ahead. I say congratulations to the Minister. If we work together, we can create a lot of new jobs. I just make the case that the school of the future should be a very important part of that project.

MR RIEBELING (Ashburton) [11.34 am]: I will raise a number of issues that are of interest to my electorate. I had hoped the Minister for Health would be in the Chamber during my speech, but perhaps he is listening to what I say. A number of people have raised concerns with me recently about the services provided for people who live in Tom Price and Paraburdoo, where I have spent some time in recent months. These problems are unique to very isolated communities and must be addressed by the Health Department to ensure a certain level of service is offered to people in those towns. The Government has handled very badly the operation of the patient assisted travel scheme, which allows people in isolated areas to access health services within the metropolitan area if those services are not available within a reasonable distance from where they live.

If people in Tom Price and Paraburdoo need to see a specialist and that specialist visits Port Hedland, they cannot get any help from the patient assisted travel scheme to travel to Perth; they must go to Port Hedland. Most people in this place know Port Hedland is currently going through a boom as a result of the construction of the direct reduced iron plant, a project that was instigated under a former Labor Government. It has had a huge impact on the available accommodation in Port Hedland. If people wish to travel by car to Port Hedland to see a specialist and it is not possible for them to get accommodation in the town, they must travel 600 or 700 kilometres each way, see the visiting specialist and return on the same day. That is not possible in a number of instances where an appointment is made with a specialist at, say, 10 o'clock in the morning, but the patient does not see the specialist until three o'clock in the afternoon. People in these inland towns are not taking the opportunity to drive to Port Hedland to see visiting specialists.

Previously when Ansett Australia flew to both Tom Price and Paraburdoo, people could access the specialist services in Port Hedland via the airline. However, due to the change in the authority of the CRA group for planes to land on its airstrip - that access has been given to Qantas Airlink - there is now no air link between Tom Price, Paraburdoo and Port Hedland. Therefore, the people of Tom Price and Paraburdoo cannot fly to Port Hedland and see the visiting specialist to whom they should have access.

I have written to the Minister for Health raising this issue, but as yet I have not received a reply. There are two possible solutions to this situation: The first is that if the specialist is visiting for two days, that person should spend one day in Port Hedland and the other at the Nickol Bay Hospital in Karratha. That would allow people from those inland towns to travel to Karratha, which does not have the accommodation problems of Port Hedland, and have access to the visiting specialist. If that is not possible due to the itinerary of the specialist or the contract with the Health Department, the people of Tom Price and Paraburdoo should be given access to the specialists in Perth under the patient assisted travel scheme. In my view it is inhuman to acknowledge that people have health problems, tell them they can go only to Port Hedland and, knowing they cannot access those services due to the accommodation problems, then refuse them any access to specialists in Perth because the State has provided a specialist to whom these people cannot gain access. The people of Tom Price and Paraburdoo are frustrated with a health system that is supposed to provide access to quality service. The structure of the system denies people in those two towns access to the services the State is supposed to be providing.

I have concerns about other health services provided in both Tom Price and Paraburdoo. One relates to the visiting dental service. I understand that the dentist who is currently visiting Tom Price used to be heavily subsidised by Hamersley Iron for his travel and accommodation expenses. However, since the removal of that incentive, the prices that people are charged have increased dramatically, to the point where people say it is now cheaper to drive the 1 500 kilometre round trip to visit the Karratha dentist. The State should look seriously at providing some sort of incentive package to enable that dentist to charge a reasonable rate. It is a tragedy that it is so expensive for people

in Tom Price and Paraburdoo to visit a dentist, which is not the most pleasant of tasks at the best of times, that they cannot afford to access that service. The Minister should take some lead in alleviating that problem.

I have been told that the visiting school dental system has been cut back by about 50 per cent on what it was two years ago. I do not know whether that is the case; I have written to the Minister about that problem, and, no doubt, when the Minister's department answers that question, we will know whether that is correct.

Mr Prince: I understand that the only cuts to the dental program are the commonwealth cuts, which have nothing to do with school dentists.

Mr RIEBELING: I have been told by a number of people in Tom Price and Paraburdoo that school dental services have been cut back dramatically and that the visiting dental service will visit Paraburdoo for only one week per annum, whereas previously it visited for three weeks - one week in each term. When we are dealing with young children's teeth -

Mr Prince interjected.

Mr RIEBELING: I will write to the Minister about Paraburdoo. I have conveyed the Tom Price situation to the Minister.

Another major problem with health services in Tom Price is that there is only one doctor in the town. Tom Price has 4 500 people, about 2 000 of whom are adults. The people of Tom Price tell me that they are exceptionally happy with that doctor, who works long hours and is very dedicated. I have spoken to the doctor in that town and, in my view, the quality of service that she provides is outstanding. However, she is working for almost 15 hours a day, seven days a week, and when she goes home, she is on call. The people of Tom Price fear that she can do that for only a certain period, and once she burns out - it is not a matter of if; it is a matter of when - what will happen to the town's services?

Mr Prince: Is it her view that the practice can support two doctors financially?

Mr RIEBELING: When I spoke to her, she had been trying to get another doctor in the town, to no avail. She told me that although she had been able to gain access to some doctors, in her view they were unsuitable for the Tom Price type of practice, because a special type of doctor is required to service a community of that size in such an isolated situation. Her view was that if she could find a doctor who fitted the bill and the expectations of the community, she would be more than happy to welcome that doctor. I thought that was a reasonable stance. She is the type of doctor whom I would like to see in each of the north west towns.

Mr Prince: They are more than rare, and I am more than happy to raise that matter with the Australian Medical Association, because it is very keen to ensure that there is cover in country towns.

Mr RIEBELING: One doctor in a town of that size is pushing it to the maximum. Karratha has eight doctors for a town of 8 000 people. The doctor in Tom Price would be doing three to four times the work of a GP in Karratha.

Mr Prince: The difficulty is finding a doctor.

Mr RIEBELING: I understand all those problems, but that does not mean that we should not try to overcome those problems with some sort of incentive package to attract doctors to the area, and perhaps with some sort of location requirement for overseas qualified doctors as a means of allowing them to gain access to Australia. One day we will need to do something like that. The medical associations seem to have a relatively strong grip on how many doctors enter the system at any one time, and, to be quite blunt, that system, which may service the metropolitan area quite well, has not served the country people of Western Australia in the same manner. One of the solutions could be to give foreign doctors who wish to be registered in Australia that opportunity if they commit to three or four years in remote areas.

Mr Prince: Part of the problem is that there is an oversupply of doctors within Australia. There is a vast oversupply in Sydney and Melbourne, and about the right number for Western Australia, but they are not spread around as they should be. We need to be able to spread them around better, and it is gradually happening.

Mr RIEBELING: Yes.

Mr Prince: To bring in overseas trained doctors is a panacea, and under our Medical Act we cannot do it unless I declare the area to be an area of unmet need.

Mr RIEBELING: If that doctor left Tom Price, it would be an area of unmet need. Paraburdoo is in a similar position. There are two doctors in Paraburdoo, a husband and wife team, which on the face of it sounds good, but I understand from the people of Paraburdoo that only one of them works.

Mr Prince: They job share.

Mr RIEBELING: We may say that on the books, there are two doctors in town, but in reality only one is working. The situation in Paraburdoo is not as chronic as in Tom Price because it has a much smaller population. I hope the Minister heard my comments about the problems of people in Tom Price with the PAT scheme.

Mr Prince: With regard to transport?

Mr RIEBELING: Yes, and I suggest the Minister look seriously at the solution I have given to him, which is to divert the specialist to Karratha or, if that is not possible, to allow those people to access PATS in Perth, because at the moment people are not accessing those services.

Mr Prince: I will have your suggestion looked at. I am aware of the problem.

Mr RIEBELING: I turn now, while the Minister is still here, to the situation with child birthing in Wickham. I understand from the doctors in Roebourne and Wickham that they have done the necessary work to be accredited and that all is in place to allow, at the end of this month, women in Wickham and Roebourne to give birth within their towns.

Mr Prince: Hooray!

Mr RIEBELING: However, there is a bit of a hiccup. To allow that to happen, we need to have 24 hour midwife coverage as well as 24 hour doctor coverage. I am told that the doctors have done their part: They have employed an extra locum to assist to make sure the coverage is for 24 hours, and they are keen to start on this birthing program, which will give women in those areas some sort of dignity and the like. However, the Nickol Bay Hospital administration appears once again to be dragging its feet with regard to the appointment of midwives to the area.

Mr Prince: Are there any midwives in the area?

Mr RIEBELING: There are now three midwives in Wickham and Roebourne. There were four, but the Nickol Bay Hospital, in its lack of wisdom, moved one, which was very disappointing. The birthing unit could have returned in excess of a month ago if that nurse had not been moved from Roebourne.

I urge the Minister to ensure that the Nickol Bay Hospital has in place by the end of September, which is not too far away, adequate nursing facilities to allow the doctors to start performing. A number of ladies in Wickham are expecting babies between now and the end of the year. They are keen to know with a degree of certainty that the doctors and hospitals are capable of delivering the children that they are looking forward to having in their families. I do not think it is a huge expense. My understanding is that there is a vacancy for a nurse at Nickol Bay Hospital. All the hospital board has to do is to make sure that the nurse employed has the necessary skills. It has been suggested by doctors in the area that a private firm supply an agency nurse. I do not understand the precise structure and availability.

Mr Prince: They contact the agency and ask it to supply a midwife and the agency provides a midwife, whoever it may be.

Mr RIEBELING: Doctors put that suggestion to the Nickol Bay Hospital board. Whether the board takes it up, I do not know. I do not have a great deal of faith, as the Minister will be aware, in the motives of Nickol Bay Hospital board towards both Wickham and Roebourne Hospitals. I believe that for the last four years it has endeavoured to give the impression to the Minister concerned, whoever that may be, that those hospitals are not required and that they should be downgraded and closed.

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

Mr RIEBELING: I urge the Minister to examine the situation. I congratulate the Minister for ensuring that the bed with stirrups was provided to Roebourne Hospital, even though it came a bit late. I am happy it is there and I congratulate the Minister for following through that problem which no longer exists. It is still of some concern that in the Wickham Hospital we do not have an emergency theatre service available. The Minister will be aware that the operating theatre bed and equipment was removed from that hospital some three and a half years ago. I am still very concerned that if an announcement is made - I understand an announcement will be made in the next four weeks - that the AUSI Ltd steel project will occur, there will be a major construction work force in the area between Wickham and Karratha, although closer to Wickham. Unfortunately with construction sites of that magnitude there will be industrial accidents.

Mr Prince: One must be prepared, and the hospitals must be capable of dealing with those matters. The Commissioner of Health is in Port Hedland as we speak.

Mr RIEBELING: As long as he goes to the best bit of the Pilbara, which is the southern part -

Mr Prince: I promise not to tell the member for Pilbara what you said!

Mr RIEBELING: He knows truth.

Mr Prince: In any event, the Commissioner of Health is in the Pilbara.

Mr RIEBELING: I suggest that he sit down with the Minister for Resources Development and find out when and where these developments are likely to occur. I understand that most of the announced projects have fallen over.

Mr Cowan interjected.

Mr RIEBELING: Perhaps the Deputy Premier will tell me which ones have not.

Mr Cowan: I do not think the Government announced any; I think the private sector did.

Mr RIEBELING: The Government certainly announced with great relish the resources boom and quite a number of projects which are no longer on the drawing board.

Mr Cowan: I think that $9b committed is not a bad effort.

Mr RIEBELING: Of the projected $40m how much will come to fruition?

Mr Cowan: I said that $9b was committed. The rest is not withdrawn.

Mr RIEBELING: Does the Deputy Premier think that the Robe River Iron Associates pilot plant, Hamersley Iron's Hismelt project, the methanol plant and the mineralogy project are likely to happen?

Mr Cowan: I think that all but one are likely to happen, but I cannot tell you when.

Mr RIEBELING: Anything is likely in the next 100 years, I suppose. The sad fact is that only one real project is likely to happen, which is the AUSI Ltd steel project. I think it is outstanding and will add a great deal to the Pilbara area. I am hoping that some announcement will be made within the next month or so. The area is crying out for some sort of project because Karratha is at the lowest point I can remember. I have been there 16 years. Approximately 20 per cent of the town is empty.

Mr Pendal: It did not coincide with your election by any chance, did it?

Mr RIEBELING: No, it was the Government coming to power. That is probably why the member left the Government.

Mr Prince: It is fair to say its fortunes have gone up and down over the years.

Mr RIEBELING: It has never had such a sustained downturn in a period when a Government is saying that we are in a boom.

Mr Prince: We had this debate over Karratha house occupancy, values, prices and so on.

Mr RIEBELING: We had the debate. Although the Government has been playing up the prospects of the boom, which is part of its role, during that time we have seen nothing on the ground to show the Government is serious about it. We have not seen a major building program. If the Government is serious about planning, where is the planning for the future expansion of Karratha? There is almost no building program. The Minister for Housing has almost destroyed the Industrial and Commercial Employees' Housing Authority program, which enables small employers to offer housing to their employees.

Mr Cowan: How many people took up the ICEHA homes opportunity in Karratha?

Mr RIEBELING: I think about 170 ICEHA homes were occupied during the last boom.

Mr Cowan: They are not in Karratha.

Mr Prince: There has been none in recent times.

Mr RIEBELING: A number of small businesses may have to lay off staff because their ICEHA leases may not be renewed. The Deputy Premier may not philosophically believe in the ICEHA program, but it assists small businesses.

Mr Cowan: I did not say that at all. It is a good program. The problem is that there was never enough funding allocated to it.

Mr Prince: The interest rate was too high.

Mr RIEBELING: Yes, but at Tom Price and Paraburdoo small business people live in the pub, which is not a great way to run a business. The only real accommodation is in Hamersley's hands. It is refusing to sublet to small businesses, which is its business. I have suggested to the Minister for Housing that he look at an ICEHA style project to put accommodation into the town until businesses are established. It would help even in the short term of five or six years, whatever the Government decides. Instead of that all we have seen is a severe winding back of the program to a point where I think the Government will get rid of it during the next couple of years. We witnessed about 15 of the ICEHA homes being taken into Homeswest stock at the end of the lease period. It allows the stock to remain but in a number of cases that prohibits employed people from gaining access to that housing stock. There are 500 Homeswest houses in Karratha. For people earning a certain amount of money they are not available. Therefore, we have a situation where people are forced to live in driveways, caravan parks and the like because the housing stock is not available to them.

I have noticed in the past couple of months an increase in the amount of Woodside accommodation released on the private market. That is great; it may very well solve some of the problems that I have been worried about for a number of years. If a project starts tomorrow, where do we put the people?

Mr Cowan: Ask the people of Port Hedland.

Mr RIEBELING: That is right. I have received letters from the current and previous Ministers for Housing telling me that they plan their building programs on the basis of need. In a properly planned approach to a large development, the Government would know a year or so in advance of a project's being announced whether it is likely to go ahead. It should then start making some plans for construction of houses to allow for the expected boom. If history tells us anything, it is that we should plan for housing in the Karratha area. We have had huge problems.

Mr Cowan: You do not need to confine it to your electorate; you can extend it to every region in Western Australia.

Mr RIEBELING: It is the example I know best. I have lived through the last two booms in Karratha and each saw massive social problems because of the type of accommodation available. The five caravan parks were all full in the last boom. The families of the workers suffered greatly as a result of having to live in hot, cramped conditions. Social upheaval followed because many people working in the construction industry have a greater propensity for creating strife than operators of industries.

One of the other major concerns for people in the Tom Price-Paraburdoo area has been the lack of sealed roads. That was brought home very clearly to me when I was in Tom Price. The Government has decided to seal the road through to Newman. The residents of Tom Price believe that will primarily benefit tourism and other industries. If the

Government wanted to help the people of Tom Price it would provide a sealed road between Karratha and Tom Price to allow access to the ocean, shopping and other facilities. I attended a Transport Department meeting to discuss an alternative route to Karratha and I gained the distinct impression that the road would not be sealed. I understand the expense involved in building a 380 km sealed road. However, the people of Tom Price believe that is the priority, not the road through to Newman.

I am sure that not many members would be aware that, although Tom Price and Paraburdoo have been established for a long time, neither has street lighting. Most people in the State expect street lighting to be provided as a matter of course. Dampier also has only limited street lighting. I understand that the Government has allocated $100 000 to the street lighting project, and I am grateful for that. However, I was hoping that the full program, which this Government inherited from the previous Government, would have been followed through. That would have meant an allocation of $200 000 to that project.

Mr Cowan: No, it was only ever $100 000.

Mr RIEBELING: It was $100 000 for two years.

Mr Cowan: No.

Mr RIEBELING: It was. I was involved in the negotiation process and that was the deal.

Mr Cowan: That was never accepted by our predecessors.

Mr RIEBELING: Yes it was.

Mr Cowan: I can tell you that it was not.

Mr RIEBELING: It was.

Dampier has very limited street lighting and the other two towns do not have any. Those conditions are unacceptable for any town in this State and the Government should be doing something about rectifying that situation by providing at least the minimum of street lighting to offer some protection for women and children and security within those towns. We are fortunate that the crime level in those towns is not high, but that is a matter of good luck rather than good planning.

MRS van de KLASHORST (Swan Hills) [12.05 pm]: I rise in this debate to support the Government's Bill and, at the same time, to bring to the attention of the Government a major need in the area of Swan Hills. I will talk about one need today, but I assure the Government that with nearly 30 000 electors there are many needs, and I could spend two or three days talking about them.

This is one issue that needs government attention and I would like it to be considered. When I drive to Perth along the freeway and Riverside Drive I am astounded by the number of people I see riding bicycles on the wonderful bicycle tracks along the river. I believe there is a two bridge route to South Perth and Como, right along to the Roe Highway and back again around Fremantle to the Nedlands foreshore and many other places. Sadly, the outer metropolitan area, which I represent, lacks bicycle tracks. Bicycles are becoming the transport mode of the future, especially in view of the way in which road traffic is increasing.

I refer the Government to one of the coalition's stated policy directions prior to the last election, as follows -

> Bicycles are becoming an increasingly popular mode of transport due to their convenience, low cost and their value as exercise. The Coalition regards the bicycle as having a key role to play in reducing traffic congestion and all its associated environmental problems. Further, by having the capacity to increase the level of fitness in the community, bicycles have a role in reducing the cost to the State of health services. The State, therefore, has an interest in promoting greater use of the bicycle, both for fitness and commuting.

I would like the Government to continue the work that it has already started on the bicycle tracks in the hills.

Several schools in my electorate have approached me with a view to organising bicycle tracks both on the highway for commuters and off the highway and around the backblocks in areas such as Sawyers Valley, Chidlow, Mt Helena and Mundaring so that commuters and children can ride along them during the week to get to work and school and

also on weekends for recreation. I am pleased to say that Bikewest is already working with the Shire of Mundaring in that area. Currently, Bikewest is working towards upgrading the old railway track, which is now a heritage walking trail starting at the bottom of Greenmount. The plan is to include it as part of a cycling trail to Chidlow and Bakers Hill. It is also working on a bicycle marketing plan involving Lake Leschenault and the area surrounding the lake. There is wonderful cycling potential in this area. In conjunction with local government authorities, Bikewest will investigate providing bicycle parking in Midland and Mundaring. It is also heavily involved in the Swan Valley bike plan, and I am currently involved with some members of the council in trying to progress that concept.

We must also look at the issue of senior citizens. Bikewest is looking to encourage senior citizens to become active in recreational cycling as part of a keep fit program. It is encouraging sedentary people in sedentary occupations - perhaps people like me - to exercise on bicycles. The Mundaring Shire Council is currently working very hard towards a bicycle plan for the Mundaring area. The schools in the hills are encouraging students in the proper use of bicycle helmets and incorporating bicycle training as part of their social activities in the school grounds. They are trying to encourage young people, who we know from research are spending more and more time in front of the television and computers, to ride bicycles. Like many members in this Chamber, they tend not to get sufficient exercise. The Government and the community must encourage young people to use their bicycles whenever they can. In the hills things are starting to move, but the Government and Bikewest should fund some of the proposed plans.

Also in my electorate is the Swan Valley. Bikewest, in conjunction with the Shire of Swan, has prepared a comprehensive plan called "The Swan Valley Bike Plan". This plan was prepared at a cost of $33 910, of which $15 000 was a grant from Bikewest. The preparation for the plan included an extensive public consultation program and the listing of the sites that were required to be incorporated into the bike plan. These sites were considered in conjunction with other community facilities. The council staff and the community worked very hard to produce this plan. They took into account the constraints in the area, including the areas prone to flooding and the areas of Aboriginal significance. They also took into account the positives in determining how the Swan Valley could be enhanced by a network of bicycle tracks, similar to those in close proximity to the city. When I come into the city I often notice people cycling along the river, and the people in the Swan Valley should be given the same opportunity.

The Swan Valley group looked firstly at the schools. It surveyed many schools and found that at Caversham, Middle Swan, Swan View and Herne Hill many children ride their bicycles to school. Many more would do so if there were safe bicycle paths. The group found that 27 per cent of the children at Caversham use their bicycles, and more would use them if the bicycle paths were in a better condition; in Middle Swan the figure was 32.5 per cent; in Swan View, 30 per cent; and in Herne Hill, 59 per cent. Of course, the roads in Herne Hill are not subjected to large volumes of traffic. Generally, the parents are very keen to allow more children to ride their bicycles if there are proper bicycle tracks.

The Swan Valley has, by legislation, been protected for viticulture, horticulture, agriculture and tourism purposes. The area is full of places of interest to which people could cycle. For example, there are many significant archeological sites that could be linked together and a tourist package could be put together and sold to cycling groups and to tourists. In addition, there are many Aboriginal sites dotted throughout the valley that could be linked and promoted as a tourist attraction. Of course, the river traverses the valley and in the bicycle plan it is proposed that there be links between various sites on the river so families could visit on the weekend for picnics. There is also a possibility for camping areas to be set aside for cyclists and the Swan Valley Tourist Association could offer camping and cycling weekends in the valley. Holiday packages could be sold overseas - I understand that the trend is towards cycling holidays. Generally, bike paths will provide more recreational facilities for people who live in the valley. Last year approximately 60 000 people went on wine tours throughout the valley. It could be possible for these tours to combine a wine and bicycle tour. It has great potential.

Also in my electorate I have the Midvale Speed Dome, which is of world class standard, and the world and Australian championships have been held there. There is a very strong biking fraternity in the area who could help promote the use of bicycles and train young people in bicycle safety. The potential for a cycle friendly Swan Valley and hills is massive.

The reason for my contribution to this debate is to bring to the Government's attention the Swan Valley bicycle plan, which is a four year plan. I will present the plan to Ministers with the view to their determining whether some of the plans could be implemented. Bicycle use is good for tourism, health and young people. I ask the Government to consider looking seriously at the outer metropolitan area of the Swan Valley and the hills with a view to providing bicycle facilities to give the local people the same benefits that people in the inner metropolitan area have.

MR W. SMITH (Wanneroo) [12.17 pm]: I take this opportunity to refer to a subject which has attracted great interest in my electorate. It is appropriate to raise this subject today because on Saturday in my electorate there will be a debate between the Leader of the Opposition and the now endorsed candidate for the new seat of Joondalup on the subject of the decriminalisation of cannabis. The Opposition appears to take a soft approach to this subject.

The endorsed candidate for the seat of Joondalup, Chris Baker, will be putting forward his position on why the community should not adopt a soft approach to this issue. I do not think it is appropriate to have these sorts of debates in public forums, although I know that these people have the interests of the community at heart.

On a recent visit to the United States I was provided with information which proves that debates like these do not lead to young people resisting drugs. In fact, it does the opposite. There has been talk in the United States about its President having smoked marijuana, although he did not inhale it. This may seem to some people to be comical, but young people feel that if it is all right for the President of the United States to smoke cannabis, it must be all right for them. Public forums involving politicians speaking for and against cannabis affect young people and they think that if some politicians adopt a soft approach to marijuana, it cannot be too bad.

In the United States subjects of this kind are researched in more depth than they are in this country. Now that 30 years have passed since the original studies were done, it has been found that marijuana is detrimental to the lives of young people.

I was moved to raise this subject by a letter I received from one of my constituents. The letter reads -

> Could a member from our Drug Squad please visit a new business located inside Craigie Plaza Shopping Centre, Eddystone Avenue, Craigie.
>
> This "BONG SHOP", stockists of smoking paraphernalia and other very interesting products, has some very interesting products available for perusal by very young customers.
>
> - books on growing marijuana at home!
>
> - growing medium and other aids for growing marijuana at home.
>
> - "bongs" which the vendor claims are simply ornamental,
>
> and other very interesting books and items.
>
> As a father of 2 young teenagers I understand how hard it is to keep them on the straight and narrow. These sorts of shops make it so much harder.
>
> Of all the possible locations that this vendor could have located this type of shop, he had to pick the LOCAL SHOPPING CENTRE IN THE MIDDLE OF A SUBURB MADE UP OF MAINLY YOUNG FAMILIES WITH YOUNG CHILDREN. I will, with other families that I have spoken to, no longer venture to this centre until this shop is closed down or has its "drug related" products removed from its shelves.
>
> If it remains or is not modified it will be a sad day for me and my family as we will no longer see the many friends (tenants and staff at the other shops at the centre) that we have made at the centre.

I am very disturbed by the postscript to that letter which states -

> How ethical and moral is it when this business's owners congregate outside the local high school handing out leaflets advertising their new shop. WHAT SORT OF MARKET ARE THEY TARGETING? RESPONSIBLE ADULTS OR VERY INFLUENTIAL YOUNG CHILDREN!!!!!!

It frightens me that someone in our community would target young minds. That person is not aiming at the adult population, but at young minds in our area. That letter moved me to talk about the problem. Drug abuse is a worldwide problem that knows no political boundaries. I have seen at first hand the devastating effects of the drug problem on not only young lives that are destroyed by drugs, but also the drug peddlers who lead violent lives in that marketplace. The future of our kids lies in dispelling the myths about the glamour and excitement of drugs. That myth is sometimes perpetuated by the media. The media has a duty to be more responsible. It is okay to run stories

for and against drugs in the newspapers. However, when young people read these articles they soften their attitudes to drugs. The media should exercise more discipline on this issue.

Why do we feel that we should do whatever we can to protect our kids? My feelings are that they are our future, and our legacy. We all want the same thing for them. We want their futures to be bright, secure, healthy and safe. We want them to succeed; to join in the worlds of business and commerce, law and medicine, manufacturing, selling, teaching and serving - as we do in this place. That is why we care about their abilities to cope with the challenges of life in contemporary Australia, to resist the negative influences around them and to focus instead on their strengths and potential. That is why we care about what will happen to our kids in the future.

I am frightened by the effects of drugs in the community. We might think, because the police are doing their job, we do not have a problem. However, it is a real problem. I place the drug problem in three categories. The first category is drug use as a corporate thief. Drug abuse costs Australian society hundreds of millions of dollars every year. That figure has no real impact on us; its floats away, and we do not stop to consider the real cost. That includes the cost to non-users in what amounts to a substance dependence tax; that is, our health care taxes support those affected by substance and alcohol abuse. Australian industry and business suffer as drug abuse costs millions of dollars not only through reduced productivity, but also statistics show that people are two or three times more likely to be injured, or absent from work, simply because of lost motivation caused by the psychological effects of drugs. The second category is drugs as a community troublemaker. Ever increasing numbers of kids over 12 years of age have used cannabis, and at times cocaine, amphetamines and other illicit drugs. Drug related crime is costing us millions of dollars through losses directly attributable to crime, the cost of criminal incarceration and the effects on victims. Additional costs include court costs, drug testing, probation support schemes, follow-up treatment and various other support schemes in the community.

Drugs are a plague on our children. By some estimates, today's teens have already tried drugs with the average age of first drug use being 12 years. Some members may question whether that is really happening. I can speak from experience in not only the Police Force but also my electorate. I have heard reports of kids aged as young as 10 years trying to sell cannabis or other drugs in our community. If one walks around the streets, one will see it is common for young people some of whom are 12 years of age to sell drugs. As a responsible person I am frightened when I consider our kids' future. It is a real issue.

More and more drugs are available at schools. It is a booming business. I was told that some kids rejected pocket money, because they made more money selling drugs. It is a terrible situation. Members of this House should be a lot harder on drug use than they are. We should look at innovation in intervention programs through the education process to prevent drug use. I will touch on that during my speech.

Drugs are a big business. Annual drug sales amount to hundreds of millions of dollars. The drug trade is so lucrative that pushers are replaced as soon as they are arrested. Drug enforcement alone cannot succeed in abating the drug problem as long as the demand for drugs is high. The drug trade operates on the supply and demand principle. However, the law is harsher on people who push drugs - which is the supply side - than on the people who use them. The law is too soft on the demand side of the drug problem. Commonsense would suggest that, if there were no demand, there would be no supply. Suppliers will always be willing to risk everything to make the all mighty dollar out of the drug scene, so we must tackle the demand.

The points I have raised are indicative of the chronic and real problem in not only Australia and Western Australia but also the world. I have seen individuals in tragic circumstances: I have seen young people prostituting themselves on streets. I have had young people vomit all over me because of an overdose on the streets. I have seen kids as young as 12 years and other young people hanging around Northbridge to prostitute themselves to earn money for drugs for themselves, their boyfriends, defacto partners or pimps. It happens right in our backyards and, perhaps, in our front yards. We see it around the streets and we walk past it. I have been on the streets, and I have seen it happen. I have seen people collapse. It is a sickening experience. I thought, coming into this place, that we would make real changes in this area. However, we are soft on some social issues. That softening is evident among opposition members, particularly the Leader of the Opposition. I respect most views, but not a softening of the approach that we take on drugs. We should not move to decriminalise or legalise marijuana. That is wrong. That was proved to me when I visited the United States. I met with law enforcement officers, politicians, and people heading committees. Their advice was,"Whatever you do, don't take a soft approach to cannabis or marijuana." Do not let it get a foot in the door. Otherwise, it is very hard for them to fight the other harder drugs.

We have all heard about how young lives are tragically lost in motor vehicle accidents through overdoses. Young lives are lost to a life of crime through drugs. From my personal experiences again, I suggest that members would

be wise, before they even consider a soft approach on this issue, to visit some of the nightclubs in the metropolitan area. They will see for themselves that some of the people who go to those places are out of control because they are affected by drugs. They do not buy large amounts of alcohol; they buy large amounts of water or mineral water to take while they use amphetamines or whatever. The restrooms are filled with plastic coin bags which contain things like amphetamines and speed. They are in the toilets, in the bins and in the sinks. It is happening before our eyes and we seem to be powerless to do anything about it. I am not saying there is an easy solution to the problem; there is not.

Mr Cunningham: Why don't you do something about it?

Mr W. SMITH: It is a bipartisan problem. It cannot be thrown at the feet of the Government all the time. The member was on this side of the House for a long time. We can throw the problem back and forwards. The kids of members opposite as well as others are out there having to cope with this problem. Let us be aware of it. Of course, young people want to enjoy the nightlife of Perth. However, there are predators preying on the weaknesses of these kids. Not all of these kids come from loving and nurturing homes. Many of them have problems. However, many of them do come from decent homes in which they get a lot of love and nurturing, but the peer group pressure is powerful.

It is not good enough to just talk about the problem. I recommend that we adopt a program that is working, not only in the United States, but also in many places around the world. The issue is not just about telling kids why they should not take drugs, although we are doing that in the schools now. Community police officers show them what drugs are and why they should not take them. Well trained police officers must also tell kids how to resist peer group pressure and how to deal with the stresses in life. We seem to think that intervention programs at the senior high school level or after they leave school are sufficient. I believe - US research supports me - we must implement intervention programs at the primary school level and teach them how to resist drugs. We must give them the tools that they need to say no. I do not believe prohibition alone will wipe out the drug problem. We must stick with prohibition but also use education.

The program I recommend to the House that should be put in place is the DARE program. Its catchcry is "Dare to keep kids off drugs". This program is gathering momentum. DARE is an acronym for "drug and alcohol resistance education". The Government has made a commitment to use education as a major tool to fight drugs and this will fit in with its agenda. A member of the Opposition said that this is our responsibility. We are doing something. We are trying to put in place education programs and this is one that I urge the Government to take up. It will cost money. It requires us to send two police officers to the United States, as are other countries, including New Zealand and countries from South East Asia, to undergo an 80-hour course. The media should also get behind this program, because without media support in the United States, it has been so much more difficult to obtain any sort of success. DARE has been so successful it has been adopted by other countries. More recently a new concept known as the DPP-DARE parent program - has evolved. DARE goes far beyond traditional drug abuse programs, which deal primarily with drug education and identification and their harmful effects. The program material about DARE states -

> What is DARE?
>
> Drug Abuse Resistance Education, or DARE, is a preventative drug education program intended to stop drug use before it begins. It teaches techniques aimed at resisting peer pressure and helps young people say "no" to drug, alcohol, and tobacco use. The program places special emphasis on reaching children by their last year of elementary school. They are given the facts about the effects of drugs and other harmful substances and are provided with the necessary skills and motivation to avoid being swept into drug use as they move on to junior and senior high school. . . .
>
> DARE plays an important role in attacking the demand side of the Nation's substances abuse problem. This is not to suggest that DARE is the only effective curriculum model available. However, it is unique in its use of police officers, and it appears to work.
>
> DARE combines the resources of education, law enforcement, parents, and the community to help children deal with pressures and influences that encourage substance use and abuse. DARE instructors are carefully selected, thoroughly trained uniformed law enforcement officers on full-time duty with the project.

I do not have sufficient time to go into all the issues related to this program. However, I ask members of the Opposition to have a look at this program if they are really concerned about doing something. We often use the cliche "a bipartisan approach". I will not be here in the future to talk about these issues. However, I ask members

opposite to read about this program and see if it offers something different to safeguard kids, because no matter what our position, we should consider all the options.

The primary goal of DARE is to prevent substance abuse by schoolchildren and to help them develop effective lives. The member for Geraldton would be interested in this: It is not only an effective drug program; it also includes gang and violence resistance techniques. There have been many problems in that regard, particularly in the member for Geraldton's electorate. The core curriculum targets young children and prepares them to avoid substance abuse and violence as they enter their adolescence. There has been a tremendous amount of support from other countries for this program. This program not only tells kids to say no; it also teaches them how to say no. Having sat through some of the training lessons and having spoken to some of the kids before and after the program has taken it is full effect, I am aware that the answer to the problem is teaching them how to say no and giving them the tools to resist the tremendous peer group pressure. This point cannot be overemphasised. It continues -

> D.A.R.E. goes far beyond traditional drug abuse programs. Typically, these programs emphasize drug identification and the harmful effects of drugs and alcohol. They warn children not to use these substances, but don't teach them how to resist the pressures to try them. D.A.R.E. gives children skills to recognize and resist the subtle and overt pressures that cause them to experiment with drugs and alcohol.

Young people always suffer from some problems. Around the world youth suicide is claiming a high toll of young people. It is a terrible tragedy. One way out for young people with a problem is to commit suicide, and the other way out is to take drugs. Many young people take one of these options. The reasons are peer pressure, personal disappointment, family neglect and the like. Even though young people may come from very good and balanced families, peer group pressure can be so great that they make decisions they would not normally make. There is a parent program with goals and objects, and the DARE program would not be as effective if parents did not participate. The goals and objectives are -

> The overall, long-term goals of the DARE Parent Program are to:
>
> - Strengthen the basic elements taught to students in the DARE program by involving parents.
> - Enhance and develop awareness among parents of drug trends in the community.
> - Help families acquire the information and skills they need to reduce the risk of substance abuse among their children.
>
> The short-term, immediate objectives of the DPP are to help families:
>
> - Practice communication and listening skills and identify self-esteem building techniques.
> - Recognize the scope of the drug problem and the risk factors associated with drug use among young people.
> - Discuss community and cultural attitudes about the use of alcohol and other drugs in general and identify the consequences involved in using them.
> - Understand the stages of adolescent chemical dependency and obtain basic information on drugs.
> - Evaluate the impact of peer and media pressure to use drugs and identify effective resistance skills.
> - Identify community resources and referrals, recognize risk factors that may be addressed in the home, and become aware of how the overall drug picture relates to their communities.

A further objective is to help families strengthen family bonds, develop good communication skills and take a position on drugs. It covers such a wide area that expert, well-trained individuals are needed. They come from the Police Force because that teaches young people to regard law and order officers as friends who can be trusted and will help them in their future lives. The other major reason is that police officers are generally at the coalface and they have first-hand experience of the problems of drug abuse.

I hope to have a word with media representatives later and I hope they will take up this matter in the Press so that it is carefully looked at. If the media are in earnest about wanting to do something positive in this matter, they will

create mainstream media attention and carry out some studies. Otherwise, parents and members of Parliament will certainly not take up the gauntlet with urgency. Without some media pressure these matters will not be seriously considered.

I refer now to domestic violence. I have always believed that a special domestic violence unit should be set up within the police system. Specialist squads exist for hold-ups, child abuse and other social problems. Domestic violence is a major problem in the community. I have seen these specialist squads work overseas, and I would applaud the Government if it gave this matter careful consideration. Well-trained police officers must be used because many of these incidents must be followed up. It is impossible for a police officer on regular duty to follow up such cases. Domestic violence involves all types of relationships and the follow-up is necessary to ensure the violence does not recur. The squad must try to identify the problems in the relationships to prevent further incidents. A special police unit would be of assistance and it could operate in the same way that the child abuse unit deals with this major problem in our community. I emphasise that the Government must move in that direction. There is a great deal of information on the subject. I hope that the debate next Saturday will receive some media attention and that it does not just identify the problem but tries to find some ways to solve it. I hope members will study the DARE programs, and that the media will raise this issue and investigate the matter.

Debate adjourned, on motion by Mr Bloffwitch.

STATEMENT - MEMBER FOR COCKBURN

Crime, Cockburn, Newsagent's Complaint

MR THOMAS (Cockburn) [12.48 pm]: This matter relates to the portfolio of the Minister for Police. A small business owner in my electorate, who is the proprietor of a newsagency, was mugged in his shop. Two people came into his shop, one armed with a screwdriver and the other with a hammer, to rob him. Another person in the shop screamed and the people panicked. The person with the screwdriver hit my constituent on the head and he sustained a very bad head injury. Fortunately, he was not hit by the person with the hammer because, had he been, he might not be alive today.

My complaint is twofold: First, the people who committed that crime have not been caught, notwithstanding the Minister's claim that 800 extra police will be employed. There are certainly no extra police in the Cockburn area since this Government came to office. More to the point, my constituent has not been contacted since the complaint was made some months ago and the police investigated the matter. He has not been informed of the progress of the investigation. One of the essential elements of the victim support program should be to keep victims of crime informed on the progress of investigations, whether the police have suspects or have apprehended anyone, and when the matter will go to court. This man has not heard from the police since he rang them two weeks after the incident. The constituent is Clem Horta of Forrest Road.

STATEMENT - MEMBER FOR BUNBURY

Male Health

MR OSBORNE (Bunbury) [12.49 pm]: I listened with interest yesterday to the debate on the demolition industry and also to the grievance you raised, Mr Acting Speaker (Dr Hames), about aged health care. Last Friday I attended a seminar on male health at the community health centre in Bunbury. It was organised by Patrick O'Donoghue from the community health centre and the guest speaker was Richard Jefferies from the University of Newcastle's male health unit. Men's health is not considered to be as important an issue as women's health. However, bearing in mind that two-thirds of the Australian population over the age of 65 years are women, it leads one to ask why there are more women than men.

The fact is that men are not surviving long enough to grow old. We must ask ourselves why that happens. Men are not taught to look after their health on the roads, in sport or in the workplace. We are told to be tough; we are not allowed to be a "wuss". Every time we turn on the television to watch the football we hear statements such as "backing into the pack", "throwing himself onto the foot", "committing his body". Those actions have impacts on male health later in life. If I may say so, even in this place we have major male health problems. We had a pretty lively party room discussion some weeks ago about prostate cancer. Although that is an important issue, it is not as important a male health issue as obesity, alcohol abuse, heart disease and so on.

If we take into account that the ratio between waist and hip is a major determinant of heart disease, it is obvious that heart disease should be a major concern among the men in this place.

STATEMENT - MEMBER FOR BALCATTA

Commercial Tenancy (Retail Shops) Agreement Act, Amendment Delay

MR CATANIA (Balcatta) [12.50 pm]: I raise the concern that has been expressed to me by small business retailers following the Premier's announcement of possible deregulation of trading hours and this Government's delay in amending the Commercial Tenancy (Retail Shops) Agreement Act. Both these areas have a huge impact on small business in Western Australia. That the Government may go down the complete deregulation track is causing great concern and uncertainty in the retail sector. Those concerns have been communicated to me in no uncertain terms. Small business retailers do not want increased hours. The status quo should remain where small business can open at various hours, and to a certain extent the larger businesses, but without the threat of 24-hour trading.

The commercial tenancy Act, which governs rentals and the behaviour of landlords towards tenants, will not be amended in this Government's term. It was promised to retailers before the last election. Retailers are claiming that agents and owners are taking illegal action, thereby causing their demise.

STATEMENT - MEMBER FOR COLLIE

Hotels, Entertainers' Dress Standards

DR TURNBULL (Collie) [12.52 pm]: I do not support the action of the Director of the Liquor Licensing Division in relaxing the requirements on entertainers in hotel premises to wear a suitable standard of dress. The director stated that this has resulted after consultation with the industry and Western Australian Hotels and Hospitality Association Inc. As a member of Parliament I do not consider that to be sufficient reason for the director's unilateral decision to relax the standard of dress of entertainers. This is an issue of community standards. Changes in the definition of immodesty should not be unilaterally decided by the Director of Liquor Licensing. I am concerned that no public consultation took place on this position. I have let the Minister for Racing and Gaming know that this lowering of standard of dress is not acceptable. I consider that the standard currently acceptable to the community is definitely to wear at least a G-string and pasties. There is no demand by the community to lower this standard.

STATEMENT - MEMBER FOR KENWICK

Prayer at the Start of Parliamentary Proceedings

DR WATSON (Kenwick) [12. 53 pm]: As children, most of us learned the Lord's prayer, the prayer that starts parliamentary proceedings. It would be nice to acknowledge the multicultural nature of our society and I would like to read into the *Hansard* a prayer that was proposed for multicultural communities in *Unity*, the United Nations' newspaper to which I subscribe.

> At the Muezzin's call for prayer
> The kneeling faithful thronged the square
> And on Kupara's lofty heights
> A dark priest chanted Buddha's might
> Amid a monastery's weeds
> An old Franciscan told his beads
> As holy chimes their message sent
> Devotees to their temples went
>
> While to the synagogue there came
> A rabbi to praise Jehovah's name
> And one great God looked down and smiled
> And counted each his loving child
> For Muslim, Brahmin, Christian, Hindu, Jew
> Had reached him through the God he knew.

Many people ignore the prayer at the beginning of the parliamentary session, for whatever reason; they might not have learnt it or believe it need not be said. However, Australian Parliaments should take account of the fact that they represent more than only Christians.

STATEMENT - MEMBER FOR VASSE

Marine Protected Areas

MR BLAIKIE (Vasse) [12.56 pm]: I draw the House's attention to my concern over the lack of marine protected areas in this State. Australia is the world's largest island, bounded by 32 000 kilometres of coastline, and our 200 nautical mile exclusion zone covers nine million square kilometres of sea, which is 16 per cent greater than the total land mass. Importantly, we consider land areas to be protected in national parks, but frankly our performance in Western Australia with marine protected areas is abysmal and should be significantly upgraded and enhanced.

Two years ago a comprehensive report for a system of marine reserves in this State was brought to the attention of Western Australians. That is a very important document. Before I leave the Parliament I hope we can make some achievements in this area. Firstly, I would like to see a commitment by the Government and the Parliament as a whole to the need for marine protected areas and to correct the paucity of marine protected areas. We must recognise that marine protected areas are as important to Western Australians as national parks.

Sitting suspended from 12.58 to 2.00 pm

[Questions without notice taken.]

MATTER OF PUBLIC INTEREST - REAL ESTATE INDUSTRY, LETTING FEE LEGISLATION

THE SPEAKER (Mr Clarko): Today I received within the prescribed time a letter from the Leader of the Opposition in the following terms -

> Pursuant to Standing Order No 82A I propose that the following matter of public interest be submitted to the House for discussion today.
>
> That this House condemns the Premier and Minister for Fair Trading for:
>
> 1. Their unprecedented and improper action in deproclaiming legislation to abolish letting fees.
>
> 2. Improperly bowing to political threats of a $1 million marginal seats campaign against the Government ahead of their duty to the Parliament and the people of the State.
>
> 3. Failing to comply with standards of accountability in not gaining prior Cabinet authority to the deproclamation of the law.
>
> 4. In the case of the Premier, for lying to the Parliament about his knowledge of the involvement in deals with the real estate industry.

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

[Five members rose in their places.]

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

MR McGINTY (Fremantle - Leader of the Opposition) [2.35 pm]: I move the motion.

The affair involving the deproclamation of the letting fee legislation is a matter which is developing tentacles which are reaching out to all sorts of levels of impropriety in this Government. Today I received a copy of a legal opinion from one of the state's eminent Queen's Counsel who operates in the government law-administrative law area. That opinion states that what this Government has done is illegal.

The Minister for Fair Trading stood in this place purporting to give advice to the effect that what she did was legal. I would like to table this opinion from Michael Barker, QC to lie on the Table of the House for the balance of today's sitting for the information of members.

[The paper was tabled for the information of members.]

Mr McGINTY: The actions of the Premier and the Minister for Fair Trading in this matter have been deplorable. A proposition was never put to Cabinet. There was never a formal Cabinet minute in the way one would expect and neither was there a formal Cabinet decision to advise the Executive Council to take this unprecedented action. It has all the elements of shonkiness one would want to see. It is something which has been done on the run and in an improper way. The fact that Cabinet did not deal with this matter properly was revealed only yesterday. The Premier sought to cover up this matter and when the member for Floreat asked him whether Cabinet approved this matter, he did his usual trick and did not answer the question. The Opposition knew that Cabinet did not have a minute before it, nor had it resolved in the proper and accountable way that this matter -

Mr Lewis: How do you know that?

Mr McGINTY: The Opposition has sources everywhere. It is true.

Mr Lewis: It is a nonsense.

Mr McGINTY: Members opposite did the wrong thing. They did not do what the Royal Commission into Commercial Activities of Government and Other Matters recommended; that is, establish a proper and accountable system of Cabinet decision making. They stand to be condemned for coming into this place and piously talking about standards when what they are doing is as grubby as anything they have criticised. There is no proper accountable procedure in this matter and there has been no proper consideration by Cabinet. I wonder on whose recommendation the Governor acted. It was not Cabinet's recommendation because there was never a Cabinet decision. The Governor has already said he had grave reservations about this matter and so he should have done. It now transpires that what was done was illegal. It does not surprise me that that is the correct legal position because this is now tainted with illegality whereas before today it was tainted with impropriety and unprecedented action by this Government.

The second issue which arises out of this matter is why the Government decided to take this action. Only a few months ago the government party room decided that the legislation should stand and be proclaimed. It was proclaimed and then there was talk by the real estate industry of a $1m political campaign to be launched against government members in key marginal seats. It appears that the price of this Government is $1m and a threat to marginal seats. It is quite clear that pressure was applied. In a sense, the Premier's predecessor in the Liberal Party, Barry MacKinnon, knew how to put the pressure on politically. He advised the real estate agents what to do - threaten money and threaten marginal seats and they would have unprincipled action flowing from this Government. That is exactly what occurred. This Government owes an explanation to the Parliament and the people of this State, including the hundreds and thousands of tenants in this State, all of whom will be paying more for rental properties. It is not happening anywhere else in this nation, only in Western Australia simply because this Government has gone to water faced with political pressure and threats from their supporters in the real estate industry and have taken an unprincipled and illegal action. I believe there is a clear cut case of the Premier lying to the Parliament.

Let me take members through this matter. On 4 September this year the Premier was asked whether he "recently met with representatives of the real estate industry regarding the abolition of letting fees charged by real estate agents". He was further asked whether "the industry had advised him that a $1m political campaign would be waged over the issue of letting fees". The Premier said that he had met representatives of the industry. With regard to the second part of the question about whether a political campaign for $1m was to be waged in the marginal seats, *Hansard* records the Premier as saying -

> They did not mention anything to do with . . .

I then interjected and said -

> They never said to you there was a $1m campaign?

The Premier replied -

> It was not mentioned to me.

Those are the Premier's words as recorded in *Hansard*. He then said -

> It was not mentioned to me. From memory, I raised the matter at the meeting. I said, "We have heard that you people are talking of a fighting fund." They certainly did not raise the matter.

Mr Court: That is correct.

Mr McGINTY: No, it is not correct. The Premier has lied to the Parliament and he has been caught out on this occasion. In a supplementary question I asked him to confirm "that at no time has the real estate industry told him that it will be mounting a $1m campaign against the Government if the legislation remains in force". The Premier replied -

> The member asked me a question about when I met with the representatives, and whether they raised that point. I said that they did not.

That is quite categorical. There is no doubt, when reading the Premier's answers, that the real estate industry had not raised the matter of a $1m fighting fund with the Premier.

Mr Court: I said at that meeting they did not raise the question. They did not raise it. You are going to say there was a letter from them that mentioned it.

Mr McGINTY: No, I am not. The Premier is saying that the real estate industry never raised the issue of a $1m fighting fund.

Mr Court: I said in my answer that I raised it.

Mr McGINTY: Is the Premier saying that the industry never raised with him the $1m campaign against the Government in marginal seats? That was the question that was put to him.

I am not relying on a letter that the Premier may not have seen or anything of that nature. I am relying on statements from the real estate industry that said it raised the matter with the Premier and advised him of that. It is not a question of correspondence that may have avoided the Premier's notice. What the Premier told this House was patently untrue. A month before that question was asked of the Premier in this House, the President of the Real Estate Institute of WA told the Premier that a $1m campaign would be mounted against the Government in marginal seats if he did not change his position on the abolition of the letting fees. That is what is documented to have occurred and that is what the Premier has denied occurred.

It is clear that the real estate industry raised its objection to the abolition of letting fees and also the matter of a $1m fighting fund in meetings with the Premier as well as in correspondence to him. On 9 August, a circular was sent to all members of REIWA. It stated that a $1m fighting fund to protect the business interests of real estate practitioners would be established and that the president of the institute had met the Premier and explained to him the full nature and extent of the membership reaction to his Government's initiatives on deregulation. The fact that a circular went out saying that the institute had met the Premier and a $1m fighting fund had been raised is not conclusive. However, I draw attention to another letter written on the same day to the Minister for Fair Trading by Mr John Franklyn, the President of REIWA, which states that he met the Premier on 8 August 1996 about the abolition of letting fees.

Mr Court: He did not.

Mr McGINTY: Is he lying? That is what he said.

Mr Court: I am saying he didn't.

Mr McGINTY: If all of this information and John Franklyn are wrong, the Premier should tell us. It is then a question of the Premier's credibility versus Mr Franklyn's. The letter stated -

> The widespread resentment and antagonism, caused by your Government's proposed proscription on tenants' contributions to letting fees, has now been explained to the Premier in discussions I had with him yesterday. At the same time, I had to advise the Premier of a decision by the Institute's Policy Advisory Group that a $1M fighting fund be established by the real estate industry to protect agents' business interests in the face of Government measures, such as the letting fees' proscription.

> In accordance with the Premier's undertaking, I am now looking forward to discussing the matter further with you during the next two weeks.

That letter was from the President of the Real Estate Institute to the Minister for Fair Trading saying that the President of the Real Estate Institute on 8 August told the Premier that he would be raising $1m to campaign against the Government in its marginal seats, the very discussion that the Premier has denied. The Premier set out in this place to create the impression that he was unaware of a $1m campaign fund. He said that the institute did not mention anything to do with it! He said it was not mentioned to him. Then, under pressure in response to interjections, the Premier said that he might have raised it but the institute did not do it. That is a lie and the Premier has been caught out on this occasion.

Mr Court: Sit down and I will give you the answer.

Mr McGINTY: The Premier should tell us that John Franklyn is wrong, because he is on record as saying that he told the Premier in a meeting with him on 8 August that REIWA would be launching a $1m campaign against the Government in marginal seats. We know that is the reason the Government has taken this unprecedented action.

The legality of this issue is the subject of the legal opinion that I tabled in the House today. It is clear from the opinion by a leading administrative lawyer, Michael Barker QC, that there is a good case for saying that the Governor or the Executive has no power to revoke a proclamation once it has been made. I urge members to read that opinion closely.

Mrs Edwardes: It is his opinion.

Mr McGINTY: There is no doubt that that opinion is analytical and clearly thought out, and it directly challenges the point raised by the former Attorney General in her unprincipled action in seeking to pander to a group of Liberal Party supporters who want to impose additional costs on tenants to bolster the viability of their businesses. They held a gun to the Government's head and the Government buckled and acted illegally. Mr Barker said that case law going back hundreds of years might establish that where an error has been made or some other exceptional circumstance exists, that may bring into play some sort of justification for the action taken. A lobby group holding a gun to the head of the Government and the Premier's lying to the Parliament do not constitute exceptional circumstances. The case law deals with the routine case of a law being proclaimed and the Government then having second thoughts. That is an appropriate matter for the Parliament. It is not an appropriate matter to be dealt with by the Executive or getting the Governor to act improperly in deproclaiming legislation. It is up to the Parliament to do that. The important principle is the paramount position of the Parliament. Where the power exists in those exceptional circumstances, it must be exercised properly. The opinion of the Queen's Counsel is that if it was considered that that power existed in these circumstances, that power was exercised improperly. There is no escape route for the Government on this matter. It was a shonky deal. The Government was reacting to political pressure. It acted entirely improperly and contrary to established law, convention and principle. As such the Premier deserves condemnation for lying to the Parliament, as does the former Attorney General and the Minister for Fair Trading, for the role she played in this matter.

This is a most serious matter. The actions of this Government have cast grave doubts on the integrity of the laws of this State. It is action which undoubtedly prejudices the interests of 200 000 Western Australians who are renters and who will be hit with higher, illegal charges as a result of this decision by the Government - all to avoid political pain by upsetting its own supporters. It is shabbiness personified. I hope the House carries this motion to condemn the Premier for lying and the Minister for Fair Trading for engaging in a very shabby act.

DR GALLOP (Victoria Park - Deputy Leader of the Opposition) [2.50 pm]: I second the motion moved by the Leader of the Opposition and foreshadow that I will be adding another paragraph to the motion moved as a matter of public importance.

Points of Order

Mr COWAN: On previous occasions, Mr Speaker, you have indicated to members of the House that it is permissible for people to use the term "lie" or "lying" in the context of a substantive motion in the title given to the motion. However, outside that substantive motion, directly referring to a person within the Parliament as lying, is unparliamentary. I listened very carefully to the comments of the Leader of the Opposition. Naturally, I accepted your ruling that one can refer to the term lying in a substantive motion. However, on three occasions the Leader of the Opposition referred directly to the Premier's lying to the Parliament outside this substantive motion. Before this

debate progresses it would be appropriate to have your guidance on how we can interpret the use of the words lie, liar or lying as they refer directly to an individual within a substantive motion but used in the context of being a liar in this Parliament. That is clearly unparliamentary.

Mr McGINTY: First, the word appears in paragraph 4 of the motion before the House that we condemn the Premier for lying to the Parliament. Secondly, the use which the Deputy Premier has rightly drawn to your attention, Mr Speaker, of the word lying during the debate related, not as a general proposition, but just to that incident and the answer the Premier gave to the question. We did not seek to expand that to say, as a general proposition, he is a liar but that he lied on this one occasion.

The SPEAKER: Members will be aware that I and my predecessors have always applied various degrees of restraint on the use of the words lie, liars, lying and the like, for good reason. It is not difficult for a member of this Parliament to find a suitable synonym for that. This is a substantive motion and therefore it ties in with the long held rule of our Parliament; that is, where something is done by a substantive motion a member can accuse a person of corruption, lying or gross misbehaviour. It is acceptable when it is done by way of a substantive motion. I listened carefully to what the Leader of the Opposition said. It was my opinion that he used the word in the full context of part 4 of this motion which was in the case of the Premier's lying to the Parliament about his knowledge of and involvement in deals with the real estate industry. I hold the opinion until proved otherwise that that is how he used it. Although traditionally in this Parliament we do not like the use of the word lying when directly attributed to another member, in this form, it complies with our laws and practices.

Debate Resumed

Dr GALLOP: We have a very shoddy affair indeed. It reflects very badly on the Minister for Fair Trading and very poorly on the Attorney General of this State whose arrogance has now become one of the set piece features of Western Australian politics. We should remind ourselves of what happened. The Parliament of Western Australia, the Legislative Assembly and the Legislative Council, passed the Real Estate and Business Agents Act. The will of the Parliament was quite clear: Letting fees were to be abolished. The clause in the Bill was clearly understood by everyone and went through this Parliament in those terms. The legislation was given Royal assent on 20 December 1995. On 18 June 1996 a proclamation was made which fixed 1 January 1997 as the date for sections 11, 46 and 52 to come into operation.

It is interesting to note that history now records, as a result of material that has come to light, the Minister tried to convince the party room not to proclaim this Bill. It seems to me that in itself is an indictment of the Minister. The Government had the Bill passed, found it to be inconvenient and talked to the party room about the possibility of not proclaiming it. It gets worse than that. After the proclamation in June, the real estate industry continued to campaign on the issue. It undertook a larger campaign and, with the advice of its consultant, the former Leader of the Opposition of Western Australia, Barry McKinnon, it decided to up the ante and go for a campaign based on marginal seats and to indicate to members of Parliament how seriously it considered this issue.

The Bill went through Parliament, was given assent and was proclaimed to come into operation, but that was not good enough for the Minister for Fair Trading. The campaign of the real estate industry continued and the Minister then started to look for advice that would allow her to find an executive solution to what is a political issue. In her statement to the Parliament she indicated that she sought advice in August about how she could get around this little political problem. The Government should have come back to the Parliament and dealt with the matter in the forum of the people.

The Minister for Fair Trading then compounded the impropriety of her actions by not even preparing a minute for Cabinet. We need only read the report of the Royal Commission into Commercial Activities of Government and Other Matters to see how important the Government regards its Cabinet and how important it is that proper guidelines are in place for making Cabinet decisions and that they be properly recorded and publicised so that people know what is going on in the Government of Western Australia. However, this Minister, along with the Attorney General in the other place, did not even bother to put together a formal minute for the Cabinet. She simply informally told Cabinet of the advice that she received and then went off to the Governor to have the letting clause deproclaimed. Interestingly of course the Governor himself had spoken to members of the real estate industry during a visit he had with them. If the real estate industry lobbied the Governor about this Bill at that visit, we must ask serious questions about the way our State is being governed.

Mrs Edwardes interjected.

Dr GALLOP: Does the Minister think I should not raise the question?

Mrs Edwardes: It is an imputation.

Dr GALLOP: There is no imputation. I raised the question. Does the Minister not care for the Government of this State? Her reputation is shoddy as a result of the way that she has handled this matter. By the end of this process she will be out on her ear along with her friend, the arrogant Attorney General. The Opposition regards that process as highly improper. The evidence of impropriety comes from the extraordinary nature of the events. The Parliament decided, the Governor in Executive Council assented, the Executive Council proclaimed that the Act come into operation on 1 January next year; but the Minister decided to turn back the clock on the legislative process. That was improper.

We now have a legal opinion that also argues that what the Minister has done is highly illegal. The legal opinion states two things: First, that the power to revoke a proclamation in this way does not exist. Secondly, if the power did exist, the way it was used makes it an appropriate subject for judicial review. The principles upon which the opinion is written are: First, parliamentary government - the principles that arise from the struggles in the seventeenth century which culminated in the Bill of Rights 1688, referred to by the member for Pilbara when the issue first emerged; secondly executive power can be exercised only on the basis of law. Let us have this matter tested in the courts. Is the Minister for Fair Trading willing to have her actions tested in the courts?

Mrs Edwardes: It is interesting that in the legal system it means that one side will be able to argue one viewpoint and the other side will be able to argue its viewpoint. I would back the Crown Solicitor any day.

Dr GALLOP: I would back the Supreme Court! Let us go to the Supreme Court and hear what it has to say. There is no basis in law for the Governor in Executive Council to go back on the decision made in June. There is no basis in law for the Minister to back the Executive Council and go back on the proclamation.

Mrs Edwardes: He is the only one who says so.

Dr GALLOP: This is a case study in arbitrary government. The Executive is trying to make law rather than to administer the law. It is a very important issue. In matters of law the highest court in the State is the Supreme Court. Let us test this opinion in the Supreme Court. Let us test the legality of the action of the Minister, in the Supreme Court. The highest court for determining the legality or illegality of an action is the Supreme Court. It is our job to make law; it is the Supreme Court's job to decide whether the law is carried out properly and legally. There is no question about whether the matter should go to that court.

This is a disgraceful affair. It is arbitrary government. This is a case of the Executive trampling over Parliament and trying to govern this State independently of the Parliament. The Minister for Fair Trading and the Attorney General stand condemned for what they have done. The Premier stands condemned for his statements in Parliament about the real politics of these events. The Attorney General stands condemned for the arrogance he has shown for any public debate on the issue. The Minister for Fair Trading stands condemned because she, after all, is the architect of the whole matter.

Amendment to Motion

Dr GALLOP: I move -

> That the following words be added after paragraph 4 -
>
> > Further, the Parliament notes the legal opinion of Michael Barker QC that there was arguably no power in the Governor or Executive to revoke a proclamation once made and that if such a power did exist it was exercised improperly in this case.
> >
> > Accordingly the Parliament calls upon the Government to immediately seek to ensure legal certainty by seeking a declaration as to the validity of its actions in the Supreme Court.

MR COURT (Nedlands - Premier) [3.04 pm]: We do not support the motion or the amendment to it. I wish to address the fourth paragraph of the motion, which seeks the censure of the Premier for lying to the Parliament about his knowledge of and involvement in deals with the real estate industry. I take exception to being accused of lying to this Parliament. On 7 August I attended a breakfast, with the Minister for Planning. The Urban Development

Institute of Australia-Real Estate Institute of WA function was organised to explain to developers a proposal for land tax and water charges for new property developments. At the end of the breakfast I met the president of the Real Estate Institute of Western Australia in the lobby of the Hyatt Hotel. He said that he wanted a meeting with me and the Minister for Fair Trading, because he understood that members of the industry were concerned about letting fees not being able to be charged. I said that I had no difficulty with arranging such a meeting.

The meeting took place on Thursday, 22 August. When the Leader of the Opposition raised this question in Parliament he wanted to know whether the question of the $1m fighting fund was raised at that meeting. I said that it had not been raised. After the Leader of the Opposition raised the question I asked my office for all correspondence that had been received from REIWA. My staff said a letter was written on 9 August, but it was not seen by my office or by me until after I had met REIWA on 22 August. Therefore, I was not aware of what was in the letter. The Leader of the Opposition referred to that letter, which said that I had met REIWA on 8 August. I have just explained that the meeting did not occur on 8 August. It was on 7 August at the breakfast which I attended.

I contacted the president and queried his raising in the letter the question of the $1m fighting fund. I said that I was not aware of his raising the matter with me earlier. I told him that I recalled his asking for a meeting and telling me about the problems he had. I told him that I recalled saying that I had no difficulty in having a meeting. He said that I could be right. I told him that I recalled that meeting - the Minister for Fair Trading was there - and as we walked out I raised the subject of the fighting fund in a rather jovial way, because the matter had been raised by some real estate agents. It had been fed back to me that that was what REIWA proposed to do. It was a comment along the lines that I wished we had the ability to raise those sorts of funds - meaning we, as a political party, because I thought it would be a pretty good effort.

I was concerned about the imputation that we had made a decision because of a fighting fund.

Mr Kobelke: Did they respond to your comments about that meeting?

Mr COURT: We just walked out the door after the meeting at Parliament House.

Mr Kobelke: So, they did not respond to your request?

Mr COURT: No.

Mr McGinty: When was the first time you heard of the $1m fighting fund? Was it when I raised it in Parliament?

Mr COURT: No. I have already said that I raised the matter of a fighting fund as we walked out of the meeting on 22 August.

Mr McGinty: You said that the $1m fighting fund was not raised then.

Mr COURT: I take exception to that. The Leader of the Opposition was the one who said that I attended a meeting on 8 August. I said that I did not. I went to a UDIA function on 7 August - if the Leader of the Opposition wants to call a meeting in the lobby of a hotel a meeting.

Mr McGinty: John Franklyn said he met you on 8 August.

Mr COURT: And I say that that is wrong.

Mr McGinty: Are you saying that he did not advise you of the decision by the institute advisory group that a $1m fighting fund was to be established?

Mr COURT: I have told the Leader of the Opposition that at the breakfast he said that he wanted a meeting with me to discuss the letting fees.

Mr McGinty: When did you first hear about the $1m fighting fund?

Mr COURT: I never heard about it from John Franklyn. I was told by my office that -

Mr McGinty: Was that after I asked the question in this place?

Mr COURT: It must have been before that, because I said to the Leader of the Opposition that when I had the meeting on 22 August, I raised the matter with REIWA. The letter from REIWA to the Minister for Fair Trading states -

> The Institute is concerned at apparent attempts to link your recent decision on letting fees to the Institute's own establishment of a political fighting fund; and in that respect the following points would be relevant to any evaluation of the position:
>
> > The REIWA Council decision to establish a fighting fund was based on a recommendation by the Institute's Policy Advisory Group, which represents all sectors and areas of agency practice;
> >
> > The object of the fighting fund is to enable the Institute to properly research, promote and present the real estate sector's position on any issue affecting the professionalism or viability of agency practice;
> >
> > The fighting fund is to be established over a five-year period, by membership contributions, and is to be held in trust by the Institute's Council.

In other words, it would put $200 000 a year into it -

Mr Kobelke: What is the date of that letter?

Mr COURT: The date is 4 September. It continues -

> As a representative professional association, REIWA is precluded by established policy from ever aligning itself to any party-political position; and it is therefore quite wrong to suggest that the Institute would contemplate action aimed at particular political parties, candidates or representatives.

I am saying that at that meeting, where we worked through in detail its concerns, it never raised that matter.

Mr Catania: Was REIWA lying in its letter to its members?

Mr COURT: The letter of 9 August mentions the meeting on 8 August. I am saying that was not the case. At the meeting that I had with it on 22 August, it did not raise the matter.

Mr Kobelke: Was the issue discussed?

Mr COURT: At the 22 August meeting, the matter was never discussed, apart from my raising it as we walked out the door. The Minister for Fair Trading was with me at that meeting.

Mr McGinty: Are you telling the House that the $1m campaign was never raised with you by REIWA?

Mr COURT: That is exactly what I am saying.

Mr McGinty: What was discussed? Are you saying now that you raised the question of a political campaign?

Mr COURT: That is what I said. I said that as we walked out the door, the issue was raised by me. I am sorry the Leader of the Opposition has got his facts wrong. I am sorry it does not fit in.
Mr McGinty: You are calling John Franklyn a liar. They are his words, not mine.

Mr COURT: The Leader of the Opposition said that I met Mr Franklyn on 8 August, which is in the letter. The letter is wrong. I have raised with Mr Franklyn what was discussed at that breakfast that we had. I am sorry to upset the Leader of the Opposition's story.

Mr Catania: Do you want me to read out what he said in the letter?

Mr COURT: The letter has already been read out in the Parliament.

Mr Catania: Are you saying he is not telling the truth to his members?

Mr COURT: I am saying that with regard to the date -

Mr Catania: Not with regard to the date - his actual statement. Did he say he had to advise the Premier of the decision of the institute's policy advisory group to establish a $1m fighting fund?

Mr COURT: I said that I contacted Mr Franklyn about that, and that was not raised. He told me the concerns that the industry had. I said that that was not raised.

Mr Catania: Are you saying Mr Franklyn is not telling the truth?

Mr COURT: Mr Franklyn said that he did not know the detail. That was just a discussion after a breakfast that we had. I am sorry, but it is a very simple issue. I believe REIWA has handled itself properly in this matter. When we had the meeting with the Minister, it did not raise that particular issue. It went out of its way to make it clear to us what its concerns were. It handled it in a professional way.

Mr Catania: On what date did you meet Franklyn?

Mr COURT: On 22 August.

Mr Catania: Not 8, 9 or 10 August, or 6 or 7 August?

Mr COURT: Has the member for Balcatta just walked into the Chamber? He missed the first part of my speech.

Mr Catania: Yes, I did. Can you repeat it?

Mr COURT: Before the member for Balcatta gets too excited, he should read *Hansard* and the first part of my speech.

MR JOHNSON (Whitford) [3.14 pm]: I oppose the motion. I understand that we have deferred the proclamation of this section -

Mr McGinty interjected.

Mrs Henderson interjected.

The DEPUTY SPEAKER: Order! This is a very serious motion, and there has been a very good debate to this point without too much interjection. There is now far too much interjection, and I intend to make sure that the member is heard.

Mr JOHNSON: Thank you, Mr Deputy Speaker. I regard it as a responsible action because I, like many of my colleagues, and I am sure also members on the other side of the House, have received deputations from members of the real estate industry. I have seen about 20 members of the real estate industry. They put to me a very simple but well thought out economic case.

Mr Riebeling: That they were going to run against you!

Mr JOHNSON: Let us hit that one on the head right now. The Leader of the Opposition and the Deputy Leader of the Opposition have said that REIWA wanted to run candidates in marginal seats. Where has it said that, because I have not heard that said anywhere?

Dr Gallop: They said a political campaign -

Mr JOHNSON: No. The only person whom I have heard say that is the member for Balcatta, who said on 5 September that the Liberal Party did not want a $1m fighting fund to be directed against its candidates in marginal seats.

Mr Catania: Yes, I said that.

Mr JOHNSON: I have spoken to 20 real estate agents, not one of whom has said that to me.

Mr Leahy: Do you think they will run them in safe seats? They are not mugs!

Mr JOHNSON: We are talking about the truth in this place. Members opposite do not know the truth; it is not in their vocabulary. We have had two royal commissions that looked at the truth, and the last one looked at whether the truth was told to this Parliament. What did that royal commission find? Members opposite should not throw stones. The member for Peel came in here and made outrageous allegations, castigating and defaming innocent people outside this place; and he knows they were not true. If we are talking about people telling the truth in this Parliament, members on that side of the House really do not know what they are talking about.

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr Marlborough interjected.

The DEPUTY SPEAKER: Order! It is very disorderly to interject while I am on my feet. I want to again draw to the attention of members that it is disorderly to interject. The member for Peel has been very well behaved during this debate; in fact, I think the speaker brought him into it and brought forth the interjections. I want members not to interject across the Chamber.

Mr JOHNSON: I have seen about 20 real estate agents, and the case they put to me is very simple: The real estate industry at the moment is suffering from a downturn and has been for about a year, and letting fees are an important part of its income.

Mr Brown interjected

The DEPUTY SPEAKER: Order! I formally call to order the member for Morley for the first time.

Mrs Henderson: You were in this Parliament when we debated abolishing those fees.

Mr JOHNSON: The member for Thornlie was in this Parliament when her Premier was not truthful; she should not talk to me about being truthful. The Real Estate Legislation Amendment Bill was passed just prior to Christmas last year, with a raft of legislation, and I am the first to admit that I should have paid more attention to it, but I did not think it would be a problem at that time. The real estate industry -

Several members interjected.

Mr JOHNSON: If I could be allowed to continue! I do not mind the odd interjection but when I have about six at once it is distracting. If real estate agents are not allowed to charge the letting fee, two options are open to them. One is that they would have to get rid of staff.

Mrs Henderson: That is absolute rubbish.

Mr JOHNSON: I have listened to a lot of rubbish from the member, so perhaps she might just listen to some of the things I wish to talk about. The trouble with the members of the Opposition is that very few of them have ever run a business; they are academics or ex-trade unionists who have destroyed businesses. They do not know the hardships of running a small business and of employing people.

Several members interjected.

Mr JOHNSON: They know only how to run down a business. The real estate agents would have to get rid of staff and that would create unemployment which this Government does not want to do. The second option is to pass the cost over to the landlords who would pass it on to the tenants. The landlords would not charge a dollar a week but they could charge $5. If members work out the economics, the tenants would be paying a lot more rent at the end of the day.

Mr Marlborough: Did the egg come before the chicken?

The DEPUTY SPEAKER: Order! The member for Peel.

Mr JOHNSON: Sometimes the member for Peel is amusing but at other times he is a pain in a certain part of the anatomy.

Several members interjected.

Mr JOHNSON: We are talking about eggs. He has a few coming out of him!

Several members interjected.

The DEPUTY SPEAKER: Order! It is the third time I have had to stand. The learned member for Whitford knows full well that if he directs his remarks to the Chair and does not take interjections, there will be fewer of them because I will ensure that is the case.

Mr JOHNSON: Thank you, Mr Deputy Speaker. I appreciate that. As I said, if the real estate agents pass those fees on, rents will go up. It is good common sense to defer that part of the legislation until a sensible economic impact study can be conducted to discover the effect on tenants, landlords and real estate agents and their staff. We must consider staff, because the last thing we want to do is create unemployment.

Several members interjected.

Mr JOHNSON: Members opposite come into this Parliament and accuse this Government and its Ministers of doing deals with business people. The hypocrisy of it! They have very short memories. It is the other side of the House that had a leader's account with millions of dollars when they had done deals with Rothwells and other high fliers. It is that side of politics which does deals; we do not do deals. They are past experts - I take that back; they are not experts because they have been found out. Two royal commissions down the track and millions and millions of taxpayers' dollars having gone up in smoke because of their bad management and their deals -

Several members interjected

The DEPUTY SPEAKER: Order!

Mr JOHNSON: They do not like the truth. When the real estate agents saw me, towards the end of our conversation a few said that they would contribute to a $1m fighting fund. That is their prerogative. I assume they meant it for a possible court action to fight the legislation. That is their right. Not one of them said to me that they intended to target marginal seats. All they said was that they were contemplating setting up a $1m fighting fund.

Mr Catania interjected.

The DEPUTY SPEAKER: Order! The member for Balcatta.

Mr JOHNSON: The only person who has gone on about marginal seats and politicised this issue, is the member for Balcatta. He knows that, and he said on 5 September in this House -

Mr McGinty: I thought that Barry MacKinnon got it right from the start.

Mr JOHNSON: Nobody has shown me one piece of paper on which it says the real estate agents will target marginal seats. The said that they would set up a fighting fund.

Several members interjected.

The DEPUTY SPEAKER: Order! The member for Whitford will take his seat. Members are starting to stretch my tolerance with the interjections, and it must stop. I give people fair warning that, should there be any more stupid interjecting, I will be formally calling people to order.

Mr JOHNSON: There is not enough time to look closely at the letter the member for Balcatta has handed me. I would be doubtful in the time left of their half an hour if the members opposite could show me a letter in which the Real Estate Institute of Western Australia indicated that it would set up a $1m fund to target marginal seats. I would be very surprised.

Mr Marlborough interjected.

The DEPUTY SPEAKER: Order! I formally call to order the member for Peel for the first time.

Mr Marlborough interjected.

MR CATANIA (Balcatta) [3.27 pm]: I have only five minutes in which to point out the contents of REIWA's letter. I have here REIWA' review and letters which I will give to the Government, if it wants them. REIWA wrote that the Minister had a meeting with its officials on 2 May at which the Minister promised to put to the party room that the Act be deproclaimed. Is that correct? Can any member refute it? Does the Minister refute it?

Mrs Edwardes: Yes, it had not been proclaimed then.

Mr CATANIA: According to the letter written by REIWA the Minister promised to take it to the party. The party rejected it and said that it did not want the Act to be deproclaimed. The Minister met with the Premier, and after that they met REIWA, which put to them -

Dr Hames: That is not true.

Mr CATANIA: I will read it. He wrote -

> . . . I have to advise the Premier of a decision by the Institute's Policy Advisory Group that a $1M fighting fund be established by the real estate industry to protect agents' business interests in the face of Government measures, such as the letting fees' proscription.

Mr Johnson: Where does it mention marginal seats?

Mr CATANIA: This little Minister for Fair Trading made the decision over a nice glass of wine at a ball at REIWA that she would change the industry back to front. The day after, the Minister got together with the Premier and decided to deproclaim the Act. They deceived their own members.

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr CATANIA: The member for Whitford will remain on the back bench for the rest of his career. To the backbenchers and the people of this House the Premier and Minister thumbed their noses and said they would change the Bill because they did not want $1m spent on marginal seats. Do members think that REIWA would make its members pay $1 500 each so that it could give Christmas presents? Members are joking! REIWA was intending to target six marginal seats and ensure its interests would be served. The Minister capitulated, and then the Minister and Premier decided to waive the party room. They do not give a damn about the member for Whitford or any other member, or the people of Western Australia.

The Government has thumbed its nose at this place and the people of Western Australia. That is how the decision was made; it was not made in any other way. When I telephoned the Real Estate Institute of Western Australia to say I would take up its cause I was told not to worry about it because it had been fixed up. That was two days before the Minister for Fair Trading deproclaimed the Act. REIWA said that I would soon get notice of it. They had a million dollars; that fought for them! That million dollars said, "If you do not deproclaim that Act, we will ensure that you feel it where it hurts - in the marginal seats."

The Minister and members opposite can say what they like and the Premier can dispute whether it was 7, 8 or 9 August; however, in the end, the Premier made a decision. He thumbed his nose at his own party members who said, "You should not do it." The Premier thumbed his nose at this Parliament, where the Act was passed, and, more importantly at the people of Western Australia, who expect that Acts that are legislated in this place will be brought back to this place to be changed or deproclaimed. The Government will not get away with that action. The people of this State will sort out the Government. Despite what the Premier says, either he has lied or Mr Franklyn and REIWA have lied. Will REIWA comment? I doubt it, since it has what it wants.

MRS EDWARDES (Kingsley - Minister for Fair Trading) [3.31 pm]: I oppose the motion and the amendment. The first aspect of the motion alleges unprecedented and improper action. It was neither improper nor illegal. The motion also refers to the Opposition's legal advice. That gentleman's advice is based upon the facts that were provided to him.

Several members interjected.

The DEPUTY SPEAKER: Order! A censure motion is very serious. There was very little interjection during the early stages of debate or the Premier's speech. Members must be accorded the right to be heard. The Minister for Fair Trading has been on her feet for less than a minute and a barrage of interjections is interfering with her right to be properly heard. The Minister must be given the opportunity to be heard. I will take a hard line on interjectors.

Mrs EDWARDES: On page 18 of the legal opinion Mr Barker states -

> If there were a power to revoke the Proclamation, in my view it would be reviewable on the information currently supplied to me . . .

He also stated that the Governor plainly decided on the advice of the Minister that the sections of the Real Estate and Business Agents Act should not come into operation. That is wrong. He then states -

> The plain implication is that the Second Proclamation is designed to prevent the sections . . . ever becoming operational.

That is wrong. The third point Mr Barker relies on is the editorial of *The West Australian* that states the State Government has changed its mind on preventing the real estate agents from charging a fee. That is wrong, because all that has happened is the Government has revoked the proclamation. It can be proclaimed at any point in the future. An economic impact study will be carried out, because it is clear that the impact would have been enormous for tenants. The advice is that it is not illegal. I will back the Crown Solicitor, the Clerk of the Legislative Council, and Professor Peachment - often we do not agree. He even got some aspects of his article wrong on the effect of the revocation.

Several members interjected.

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

Mrs EDWARDES: I will support people such as Harry Phillips and David Black, who have some understanding of the Constitution, before I will support the Opposition, or people who work on information that the Opposition provides to them. That qualification is particularly important. The Crown Solicitor provided the advice. It was sought long before the policy advisory committee of REIWA met.

Several members interjected.

The DEPUTY SPEAKER: Order! I formally call the member for Ashburton to order for the second time. The member has persistently interjected in the debate. He did not take part in it. His time has expired, so his opportunities are limited. The member has made his points by interjection. They are far too many.

Mrs EDWARDES: The second aspect of the motion refers to "improperly bowing to political threats". That is wrong, because the legal advice that was obtained was sought long before the policy advisory committee of REIWA met. That information has been tabled and advised in a public sense. All that occurred was a change of circumstances. Section 2 of the Real Estate Legislation Amendment Act gives a discretion to the Executive Government. The question of the subsidiary legislation and legislative effect is not dealt with in the Opposition's legal advice. That legal advice has major gaps.

An economic impact study will be carried out on the serious effects on the housing stock. A reduction of housing stock will potentially increase rents. If costs increase and landlords cannot absorb them, rents will be affected. That section of the legislation relied on landlords being able to absorb that cost. That is not able to occur in this environment. Therefore, the revocation will allow the Government to look at the changed circumstances and to make a decision on that basis. No illegality is involved.

Mr McGinty: You have acted illegally and improperly.

Mrs EDWARDES: There was no illegal or improper behaviour. The third aspect of the motion relates to Cabinet approval. I had Cabinet approval.

Mr McGinty: No you did not.

Mrs EDWARDES: Yes I did. I did not have a formal decision.

Mr McGinty: Who advised the Governor?

Mrs EDWARDES: The Leader of the Opposition knows how the process works. The Attorney General and I attended on the Governor, and the Crown Solicitor provided the legal advice.

Mr McGinty: The advice was from you and the Attorney to the Governor?

Mrs EDWARDES: And the Crown Solicitor. The Crown Solicitor was present in case the Governor wanted further details. Honestly, does the Leader of the Opposition think we would take that action without legal advice? Similarly, the advice was that no formal Cabinet decision needed to be taken. I advised Cabinet as a matter of courtesy about the process that would be undertaken and the reasons for it. We were not changing it. The Opposition's legal advice states that the plain indication is that the second proclamation is designed to prevent the sections of the Act the subject of the proclamation ever becoming operational. Members opposite have provided a misleading basis for that legal advice. It was utterly and totally false and that is why the legal advice is so qualified.

In the letter I tabled in my personal explanation to this House on 5 September the Real Estate Institute of Western Australia stated categorically that it never intended to launch a $1m fighting fund to attack Liberal candidates in marginal seats. It recommended the establishment of a $1m fund over a period of five years. Members opposite know that. The contribution by the member for Balcatta to this debate was based on falsehoods. His information was wrong but he did not allow himself to be corrected about the dates or any other information he put forward. He consistently makes up statements if he does not know the facts. He first raised in this place the issue of marginal seats. His contribution was pervaded by falsehoods and they are the basis of this legal advice.

Mr Catania interjected.

The DEPUTY SPEAKER: Order! I formally call to order the member for Balcatta for the second time.

Mrs EDWARDES: The legal advice from the Crown Solicitor supports the position of this Government. There was never any intention of not proclaiming that section, but it allows the Government to take into account changed circumstances. The member for Thornlie sought such information on a previous occasion, and the advice has not changed from that given to the previous Government.

Point of Order

Mr KOBELKE: Is it possible to move for an extension of time to allow the Minister to table the legal advice?

The DEPUTY SPEAKER: No, it is not.

Debate Resumed

DR CONSTABLE (Floreat) [3.43 pm]: I have looked closely at the original motion and the amendments to it. I agree with, and would vote for, two parts of the original motion but, unfortunately, I do not agree with the other two. I shall take a few moments to address the four points of the motion. I have listened carefully to the contributions of the Premier and the Minister for Fair Trading to this debate, and I am not at all convinced by what they have said about the actions in Cabinet or the removal of that section from the legislation. Even if at that stage the legislation had been proclaimed and a decision was made to defer a section of it, the matter should have been referred to this Parliament. It was the will of the Parliament that the legislation, including that section, should come into effect on 1 January.

Dr Gallop: You cannot turn the clock back.

Dr CONSTABLE: Exactly. In this case it was a question of trying to turn it forward to an unspecified date. It was the will of the Parliament that the legislation come into effect at that time, and it would have been much simpler for the Minister to introduce an amendment into this House for consideration rather than go through the tortuous process of going to Executive Council to have the legislation so-called deproclaimed. In no way do I support the action by the Government. I listened carefully to the Premier's answer to my question about whether Cabinet had given approval for the action in Executive Council. I did not get a direct answer to my question and I am not convinced by anything I have heard today that Cabinet approval was given. It is most important for members to consider today

the subject raised in this place yesterday in debate on legislation for electoral reform; that is, the Executive's accountability to this Parliament. That accountability is sadly lacking in the actions we have discussed today.

However, I will not vote in favour of this amendment because I understand that the Real Estate Institute of Western Australia had intended to establish a fighting fund of $1m over a period for the general issue of deregulation of its industry. It was not a fund to fight in so-called marginal seats in the forthcoming election. For that reason I cannot support the entire motion. There has been much hot air in this Chamber about the fourth part of the motion, and I do not think sufficient evidence has been produced to show that the Premier lied to the Parliament about his knowledge of and involvement in deals with the real estate industry. That has not been demonstrated by the Opposition and for that reason also I will not support the motion.

With regard to the amendment to the motion, it would be wise to look into this matter further and to take note of the legal advice tabled today as part of the debate. The Government's cavalier treatment of proclamation of legislation in this instance is a matter of great seriousness.

Amendment put and a division taken with the following result -

Ayes (19)

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

Noes (28)

Mr Ainsworth	Dr Hames	Mr Prince
Mr C.J. Barnett	Mr House	Mr Shave
Mr Blaikie	Mr Johnson	Mr W. Smith
Mr Board	Mr Kierath	Mr Trenorden
Mr Bradshaw	Mr Lewis	Mr Tubby
Dr Constable	Mr McNee	Dr Turnbull
Mr Court	Mr Nicholls	Mrs van de Klashorst
Mr Cowan	Mr Osborne	Mr Wiese
Mr Day	Mr Pendal	Mr Bloffwitch *(Teller)*
Mrs Edwardes		

Pairs

Mr Graham	Mr Omodei
Mr M. Barnett	Mr Minson
Mr Thomas	Mr Marshall
Mr Bridge	Mrs Parker

Amendment thus negatived.

Motion - Question be put in Four Parts

MR RIPPER (Belmont) [3.51 pm]: Standing Order No 174 provides that "the House may order a complicated question to be divided". Having listened to the remarks of the member for Floreat about wishing to vote for the ayes on some issues and the noes on others, I move -

That the question before the House be divided into four parts for the purposes of the vote.

MR C.J. BARNETT (Cottesloe - Leader of the House) [3.54 pm]: This is not a complicated matter dealing with a piece of legislation or dividing clauses in a Bill; it is a motion prepared in advance, two hours before this debate, by members opposite. They provided a legal opinion, and on that basis sought to amend their motion. I do not know whether it is proper in the procedures of this place to amend a matter of public interest motion.

Mr McGinty: You do it all the time.

Mr C.J. BARNETT: Not an MPI. The Government will not allow the motion moved by the leader of opposition business. The Opposition brought in a motion to the House which it had time to plan, upon which we will vote as one question. That is the choice for members.

DR GALLOP (Victoria Park - Deputy Leader of the Opposition) [3.55 pm]: We really are getting some case studies in executive arrogance today. Let us ask a simple question: What is a complex matter? It is one which has various aspects, each of which deserves to be treated on its own merits. This is a complex matter. We are dealing with a number of aspects. The first aspect deals with the Premier's statements to this Parliament. The second aspect is the propriety of the Government buckling to a campaign. The third issue is the Government's deproclamation, and the impropriety or otherwise of that. The fourth aspect is the standards of accountability which apply in respect of the Minister for Fair Trading and the Attorney General not proposing a proper cabinet minute and having a matter discussed in Cabinet.

It is a complex matter. It has various aspects and the standing orders cover that situation to allow the Parliament to disentangle the matters and vote on them separately. If the numbers on the Government side are used not to allow Parliament to treat the motion in that way, we can only assume that the Government is frightened that the will of the Parliament might be different on some issues from that on others. Just as it has used executive power to deproclaim this legislation, it will use executive power not to disentangle the issue so we will not get a true representation of the will of the Parliament.

I would be very interested in the views of the two Independents on this matter. Do they feel their views upon the matters will be properly reflected if the question is voted upon in one block, or would it be better for the question to be broken into four parts?

The DEPUTY SPEAKER: Order! I remind members that this is a procedural matter. The previous speaker handled his contribution extremely well because speeches must be very short and very much to the point. It is not a general debating opportunity which can carry on throughout the afternoon. If members are not brief, they will be asked to sit down.

Point of Order

Mr TRENORDEN: I seek a ruling. Have we not just voted on this issue? It seems that the previous division was on the motion.

The DEPUTY SPEAKER: The matter voted on was the question that words be added to the motion and that part of the original motion be removed. The matter before the House is the substantive motion itself. However, before we can reach that, we must deal with a motion that this motion be divided into four parts.

Debate Resumed

Question put and a division taken with the following result -

Ayes (21)

Ms Anwyl	Mr Grill	Mr Pendal
Mr Brown	Mrs Hallahan	Mr Riebeling
Mr Catania	Mrs Henderson	Mr Ripper
Dr Constable	Mr Kobelke	Mrs Roberts
Mr Cunningham	Mr Leahy	Mr D.L. Smith
Dr Edwards	Mr Marlborough	Dr Watson
Dr Gallop	Mr McGinty	Ms Warnock *(Teller)*

Noes (25)

Mr Ainsworth	Dr Hames	Mr Prince
Mr C.J. Barnett	Mr House	Mr Shave
Mr Blaikie	Mr Johnson	Mr W. Smith
Mr Board	Mr Kierath	Mr Trenorden
Mr Bradshaw	Mr Lewis	Mr Tubby
Mr Court	Mr McNee	Mrs van de Klashorst
Mr Cowan	Mr Nicholls	Mr Wiese
Mr Day	Mr Osborne	Mr Bloffwitch *(Teller)*
Mrs Edwardes		

Pairs

Mr Graham	Mr Omodei
Mr M. Barnett	Mr Minson
Mr Thomas	Mr Marshall
Mr Bridge	Mrs Parker

Question thus negatived.

Motion Resumed

Question put and a division taken with the following result -

Ayes (19)

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

Noes (28)

Mr Ainsworth	Dr Hames	Mr Prince
Mr C.J. Barnett	Mr House	Mr Shave
Mr Blaikie	Mr Johnson	Mr W. Smith
Mr Board	Mr Kierath	Mr Trenorden
Mr Bradshaw	Mr Lewis	Mr Tubby
Dr Constable	Mr McNee	Dr Turnbull
Mr Court	Mr Nicholls	Mrs van de Klashorst
Mr Cowan	Mr Osborne	Mr Wiese
Mr Day	Mr Pendal	Mr Bloffwitch *(Teller)*
Mrs Edwardes		

Pairs

Mr Graham	Mr Omodei
Mr M. Barnett	Mr Minson
Mr Thomas	Mr Marshall
Mr Bridge	Mrs Parker

Question thus negatived.

BILLS (2) - MESSAGES

Appropriations

Messages from the Governor received and read recommending appropriations for the purposes of the following Bills -

1. Mental Health Bill.

2. Criminal Law (Mentally Impaired Defendants) Bill.

ELECTORAL LEGISLATION AMENDMENT BILL

Committee

The Deputy Chairman of Committees (Mr Johnson) in the Chair; Mr Shave (Parliamentary Secretary) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement -

Mr PENDAL: Members will be aware that the bulk of my contribution to the second reading debate touched on the question of the partial proclamation of Acts of Parliament. I ask members to dwell for a few minutes on what we are doing here. I ask members also to dwell on my contention that we are delegating the most important function of Parliament - that of legislating. The consequences of our allowing a partial proclamation is to delegate our most important function to the Executive. That is not my view; I am paraphrasing the view of Anne Lynch, a very senior and highly regarded member of the professional staff of the Senate in the Australian Parliament. In fairness to the Government, one must say that this is not peculiar to the Western Australian Government. One cannot say that what the Executive is seeking to do, by having different proclamation dates, is extraordinary in the Westminster system, and therein lies the problem.

In the five minute intervals in which I am allowed to speak in this Committee stage, I will read into the record an understanding of what we are doing. This practice has developed not only in the Parliament in Western Australia but also the Federal and State Parliaments throughout Australia. The disease has gone as far as the British Parliament. I argue that this disease has reached cancerous levels in the Westminster system around the world. If those words seem extreme or harsh, they are meant to be. I refer to a document written by Anne Lynch entitled "Legislation by Proclamation: Parliamentary Nightmare, Bureaucratic Dream". In all their harshness, those words are intended to say that we providing an accommodation for the Executive and the bureaucracy and it is a slight on the parliamentary institution itself. Page 6 of the document states -

> Increasingly . . . recourse was had to the words, usually contained in clause 2 of a bill -

That is interesting because that is precisely the clause we are dealing with now -

> 'This Act shall come into operation on a day to be fixed by Proclamation'. Such a provision means that there is a discretion in the executive to suspend indefinitely the operation of laws passed by the Parliament. The consequences of this are many . . .

A few are listed, the first stating -

> What, in effect, the Parliament is doing is delegating its most important function, that of legislating, to the executive to implement the will of the people . . .

She goes on to say -

> . . . it can be a method of window dressing . . .

I happen to think this is window-dressing because we have already been told by the Parliamentary Secretary that this part of the Bill will not be proclaimed. Finally, in this five minute segment in what I promise will be a long, drawn-out debate, Anne Lynch says -

> . . . it can also be used as an instrument of blackmail.

Mr RIPPER: I, too, am concerned about the discretion which this clause will provide to the Government. A proclamation clause like this takes away the power of Parliament to make laws and gives it to the Executive. There are plenty of examples in this jurisdiction and others where laws have been endorsed by both Houses of Parliament and in the end have not come into effect because they have never been proclaimed or, on other occasions, they have come into effect after a considerable delay. This issue is of particular significance in this debate today. We have an example in one of the Acts that is being amended by this legislation; that is, the Electoral Amendment (Political Finance) Act 1992, which was endorsed by both Houses of Parliament and has not been proclaimed since.

Two clauses in this Bill will provide the Government with an opportunity to proclaim, or not proclaim, particular provisions. Clause 2 will allow the Government to choose alternative proclamation dates for parts 2, 4 and 5 of the legislation. Clause 25 amends the proclamation clause of the Electoral Amendment (Political Finance) Act of 1992 and provides the Government with the further flexibility to proclaim, or not proclaim, certain sections of that legislation. In this one piece of legislation we see two of those manoeuvres about which the member for South Perth rightly expressed concern.

We must have some very clear explanations from the Parliamentary Secretary and some clear commitments about the Government's intentions with regard to all of this legislation; otherwise the Parliament is being asked to endorse legislation with the Government then picking and choosing and deciding out of a whole package, which Parliament considered during the second reading stage, what will apply, and what will not. This is not just a theoretical issue, a question of balance between the Executive and the Legislature; this question has direct practical consequences within the next three or four months, or five or six months at the outside.

Clause 25 will give the Government the ability to remove itself from the restrictions on government advertising and government travel during the pre-election period imposed under the Electoral Amendment (Political Finance) Act. That will be a matter of some debate during clause 25. Perhaps during consideration of this clause there will be debate about those matters. The coalition, when in opposition, expressed itself as being in support of certain principles. It had those principles incorporated into law and now, when in government, it does not want to repeal that law, but wants to use this device of selective proclamation to avoid having the law apply in practice to its own activities.

Clause 2 allows different parts of the Bill to be proclaimed, or not proclaimed, selectively. The Parliamentary Secretary owes us an explanation about that. We need to know why parts 2, 4 and 5 might not come into effect on the day on which this Bill receives Royal assent.

Mr SHAVE: There is nothing remarkable or unusual in these provisions. Parts 2, 4 and 5 contain a variety of amendments to electoral laws. Since 1980 or 1982, I am told, in excess of 20 Bills have passed through this Parliament that have not been proclaimed at this point.

Mr Ripper: That is not a very good figure.

Mr SHAVE: That irritates me. I can understand the member for South Perth's concern, but for the member for Belmont to say in a pious manner that we are doing something that is incorrect, that does not follow tradition or is different from what has happened previously, is inappropriate. I have a list of Bills that the previous Government did not proclaim.

Dr Gallop: What were they?

Mr SHAVE: There is the Stock (Brands and Movement) Amendment Act of 1987, the Western Australian Marine Amendment Act 1987, and so on. I will not go through them all, but I am more than happy to provide the list.

Dr Gallop: What are the reasons? That is what you must defend - your reasons.

Mr SHAVE: It is common in such cases to provide for the commencement by proclamation so that adequate notice can be given to the officials and the public before the changes to the law come into effect. Further supporting our

position is an appendix put forward by former Labor Premier Dr Lawrence on 4 January 1993, in which she pointed out the reasons -

Several members interjected.

Mr SHAVE: The deputy leader asks for the reasons -

Dr Gallop: That was four years ago.

Mr SHAVE: If the deputy leader is asking why the Bill is before the Parliament now, I gave the reasons in my summing up speech. I pointed out that the Government was waiting for the Commission on Government recommendations and the revision of the federal electoral laws. Those reasons were genuine.

The member for South Perth may have some concern that the whole Bill is not being amended at this time and that the clause to which he referred should have been attended to in this Bill. I believe the member said that if the Government took it out, it would not have been seen to be fair dinkum in what it proposes to do with electoral disclosure and the way Ministers spend money on travel. That is not the case. The Government has the matter under review and will continue to do so.

Mr Ripper: Forever.

Mr PENDAL: I understand the point made by the Parliamentary Secretary, that it is not remarkable that Parliament is asked to act like this. That was one of the remarks I made - that we are not the only Parliament; other Parliaments in Australia and the United Kingdom Parliament itself have gone down that path. But sufficient has it become as a point of concern for parliamentarians and officers the world over that learned material has been produced to say that Parliament itself should put a stop to it.

I will explain why I think what we are being asked to do today is wrong. It means effectively that we are being asked to pass a law, and by doing so, Parliament expresses its view on behalf of the community. Having passed the law, the Executive then decides which parts of the law will apply and which parts will not. The Executive therefore has it the wrong way around - not just this Executive but any Executive that pulls this trick. The Executive should say to itself, "We are asking Parliament to express a view on something and once Parliament has expressed that view, that view should prevail."

However, in this case we are being asked to follow a bad precedent. Page 194 of *The Parliamentarian* of July 1994 refers to a Bill passed in the Senate in 1988, but which eight years later had not been proclaimed. How much more an abuse of the system is that? Parliament passes the law and the Executive intervenes and says that it will not have it proclaimed; it will intervene before the Governor General can sign it. The Parliament then, once it discovered that this was a widespread practice stated -

> What was the reason? The Department of Administrative Services, in response to a demand by the Senate that all Commonwealth departments give details of legislation which had not come to operation, explained with admirable insouciance that the relevant sections had not been proclaimed after their passage because they "provoked considerable and continued ministerial and *bureaucratic* opposition on enactment". They were, to continue the department's comments, "*therefore* not proclaimed".

In other words, because the bureaucracy did not like the law, it said that it would recommend that the Government not take it to the Governor General for proclamation. That is an outrageous proposition.

In this case, one must be fair and not blame the bureaucracy. The Executive Government is saying that it will pass the legislation as window-dressing, to which Anne Lynch has referred, but it will not have the bit proclaimed that it does not like. The suspicion is that it does not like it because it will want to use the contrary provision prior to the state election. If the Government does not intend to proclaim it, it should remove it from the current Bill. It should not go through a pantomime of asking Parliament to take part in a parliamentary nonsense; that is, to pass a law that we all know will not see the light of day, or as *The West Australian* described it very appropriately this morning "have Parliament pass a law which we all know will gather dust". That is insincere and an abuse of parliamentary privilege.

Dr GALLOP: I appreciate the comments made by the Parliamentary Secretary on this issue, but I point out that he did not answer the questions raised. He said that in respect of the electoral legislation generally - in other words the legislation at the core of this issue as it relates to the disclosure of political donations - it was the Government's view

that it should wait from early 1993 until the Commonwealth Parliament had reviewed its legislation and until the Commission on Government had reported before it dealt with the issue. That argument is a bit cute, because the royal commission recommended direct action on this issue. At least it is an argument, although I do not believe it.

The two other issues - government advertising and ministerial travel during an election period - are quite discrete and were grafted onto this issue in 1992 by the then Opposition, the now Government, in the Legislative Council. They have been well rehearsed and debated. The Crown Solicitor's Office put forward a view in early 1993 that, as the legislation was currently worded, there was a difficulty in application; for example, a Government might not be able to publish TEE results or whatever. However, there is no doubt that that issue simply required the Government of the day to reexamine the words, to tighten them up, and then we would have a proper regime of government during an election period. The Parliamentary Secretary's argument about the disclosure issue may have had some validity, but it does not apply to the other parts of the Bill. If this Parliament is to be satisfied with this clause, the Parliamentary Secretary must give a reason. To say that the Government is reviewing the situation is not a reason.

Mr Shave: Not in your view.

Dr GALLOP: It is not a reason. The Government would only be reviewing something if it did not like all or part of it. The Parliamentary Secretary must indicate to this Parliament precisely what is in the legislation that needs to be reviewed. He must also advise what work has been done so far on that review and what timetable he believes is necessary to solve those problems. Only then will the Parliament be in a position to decide whether it can allow the proclamation clause to stand as is. If that information cannot be provided, we are in the position, as the members for South Perth and Belmont said, where the Parliamentary Secretary is asking members to leave in his hands the proclamation and bringing into operation of this legislation. In a general sense, that is a power which many Acts give. However, it is given on the express understanding that it will happen, not that it may. If members are to be convinced that it will happen, they must know from the Parliamentary Secretary what it is precisely about the clause that concerns the Government and how it believes it can be rectified. The difficulty with the Parliamentary Secretary's argument is that the Government has had four years to look at this issue, but it appears that its desire to do anything about it is very minimal. The only interpretation the Opposition can put on that is that the Government does not want this legislation to come into force because it will inconvenience it at an election. Until the Parliamentary Secretary can convince the Opposition that there is a rational case for believing otherwise, I am afraid it will persist with this argument.

Mr PENDAL: I move -

> Page 2, line 6 - To delete "subject to subsection (2)".
>
> Page 2, lines 8 to 10 - To delete the lines.

One of the reasons members have been given for the Government's refusal to proclaim those sections of the legislation in respect of government advertising is, I am told, because it would be difficult to enforce. I take issue with the Deputy Leader of the Opposition because, from memory, it became a question of what information could be published or advertised by a Government that was legitimate as distinct from information that was propagandistic. The year 7 children whom I bring to Parliament House from my electorate would be able to tell the difference.

Dr Gallop: And they don't have law degrees or work in the Crown Solicitor's Office.

Mr PENDAL: The Deputy Leader of the Opposition is right. Members will recall the provision in the Bill on whether the Government would be able to disseminate information on natural disasters. For heaven's sake, one does not need to be a lawyer to work out that if a natural disaster, for example, a cyclone, occurred and we were in election mode and the Government needed to issue an all points alert, that it is legitimate government and public information. Similarly, if the Government had to announce that the South Perth Zoo would be changing its admission price from $5 to $7, one could hardly claim that as propagandistic and, therefore, an abuse of the Act. The courts and the lawyers like to talk about what a reasonable person would say. A reasonable person would say that a government which dispenses information of a public service kind, would not be caught up in the provisions of the Act. By extension, a Government may decide to promote its own interest, as every Government has since I have been in this place, by putting out glossy pamphlets under the guise of being government information, but which in reality are party political promotions for the government of the day. That is what we were trying to put a stop to. I do not want to hear the nonsense that it is difficult to distinguish between the propagandistic and the public service announcements. If a public servant cannot work that out, I suggest he hand in his notice. I repeat that the year 7 children who come to Parliament House from South Perth would be able to give them that advice.

I come back to where I started. Again, I refer to page 195 of *The Parliamentarian* as follows -

> At that time, the point was made that parliamentary enactments, while seeming to have all the force of law -

That is what we are talking about - an Act which has been in existence for four years, with the appearance of all the force of law, but not being a law at all. Members should bear this in mind as I continue this quote -

> - were often not implemented because of executive inactivity -

Which is exactly the case in this instance -

> or, as the above example illustrates, through downright subversion of legislative intent.

It is downright subversion of the legislative intent. The Parliamentary Secretary was right when he said it was not new. As my mother would have said, "It does not make it right." We have discovered these things only in the past couple of years, but since the mid 1980s the Senate has been paying a lot of attention to the fact that there are, in parliamentary land, a lot of Statutes which have been passed by the Parliament but have been frustrated by the Executive because of its refusal to take them to the Governor for proclamation.

Mr RIPPER: The Opposition supports the amendment because it agrees with the principled argument put forward by the member for South Perth. We have already had a debate in this Chamber today about the Government's actions in mucking about with the proclamation and deproclamation of legislation. We have witnessed an extreme example of the Executive taking liberties with the Legislature and seeking to abuse its powers in the Minister for Fair Trading's action in having that section of the law relating to letting fees deproclaimed. I hope the Government learnt from the debate we had today that it is not a proper use of its prerogatives and powers to muck about with proclamation and to seek to frustrate the will of the Parliament or to make irrelevant the will of the Parliament by use of the proclamation provisions.

The Parliamentary Secretary pointed out that over the years a number of Bills have not been proclaimed. I agree with the member for South Perth that that is not a good precedent to be quoting. A bad practice does not justify further bad practice. There should be less of this sort of action in the future. If the Government does not like a piece of legislation, it should repeal it rather than not proclaim it or deproclaim it.

The Opposition will support this amendment because of that principle. However, I advise the member for South Perth that this is not the clause which relates to the proclamation of government advertising and travel restrictions. That debate is possibly more relevant to clause 25.

This proclamation clause relates to parts 2, 4 and 5 of the Act, which are what might be described as the housekeeping changes to the Electoral Act. Why does the Government want to put off the proclamation of parts 2, 4 and 5? Yesterday, when we were debating this Bill, I asked the Parliamentary Secretary to give an assurance by way of interjection that this Bill would be proclaimed and in effect before the next state election. He declined to give that assurance. However, later the Premier gave me an assurance by way of interjection that the Bill will be proclaimed. Does the Premier mean that the political disclosure legislation will be proclaimed and that the Government does not intend to implement all those other housekeeping changes in the Electoral Act if the Premier chooses to go to an election, say, on 30 November, as the Parliamentary Secretary was bold enough to predict?

Mr Shave: Or alternatively 19 October. It could be within a month, couldn't it?

Mr RIPPER: The Premier can wake up in the morning and have a look in the mirror, as does the Minister for Health, and say he will have an election in 29 days! I am saying that here are changes which the Parliamentary Secretary thinks should be in the Electoral Act. There is an election coming up and the next opportunity for an election will be four years after that. Does he think the changes are important enough to have them in place before the Premier rises from his bed and thinks that would be a good day to call an election? Perhaps the Parliamentary Secretary might think that I have some effrontery. However, I am trying to get an understanding of whether the Government intends that these changes that it thinks are so good will be in place before the next election or whether it does not really care, and if the Premier has an early election and these changes are not in place, that is bad luck.

Mr PENDAL: If serious debate will not convince members, perhaps they will listen to something that, while it is just as serious, is a bit more lighthearted, but, nevertheless, is an actual occurrence. Anne Lynch refers to this on page

12 of her document, "Legislation by Proclamation, Parliamentary Nightmare, Bureaucratic Dream." It summarises all the figures that every member of this Chamber should have. She said -

> The resort to legislation by proclamation has been increasing rather than diminishing, culminating in a most extraordinary provision contained in a ridiculously named Act of the Parliament: The Laying Chicken Levy Act of 1988. In this case, not merely has Parliament delegated its power to legislate to the executive -

Which is what we are complaining about here-

> - which in theory at least is responsible and accountable to the Parliament - the commencement provision of the Act provides as follows:
>
> 2. (1) This Act commences on a day to be fixed by Proclamation.
>
> (2) The day fixed by Proclamation for the purposes of subsection (1) shall not be a day earlier than the day recommended to the Minister by the Australian Council of Egg Producers.
>
> One would hope that the legislators were so taken up with the hilarity of the title of the bill that the provision escaped their attention. The alternative explanation - that it is acceptable that legislative authority to bring the law into operation be handed over to a body, however well-intentioned, without any accountability to the Parliament - is terrifying.

It is not unlike something we uncovered in the Standing Committee on Uniform Legislation and Intergovernmental Agreements. The committee visited Canberra to deliver a paper, I think in June last year. My speech delivered on behalf of this Parliament was preceded by a paper delivered by the Chairman of the National Food Authority. He expressed great satisfaction that the National Food Authority makes the food standard laws in Australia. How many members of this Parliament know that we no longer have a say in our national food laws? Why? Because this Parliament handed over that power in 1990, not to the Executive - that would be bad enough - but to a national quango, unelected and not responsible to this Parliament. Yet we gave it that power.

The same argument applies in this case to which Anne Lynch refers. It is another case involving the national Parliament handing over to this strange sounding organisation, the Australian Council of Egg Producers, the power to decide when the legislation will be proclaimed. That is why she described it as a terrifying prospect. Fortunately, this Government is not advocating that severe degree of undermining of this Parliament's authority. However, the Government is asking us to pass into law a section that will never be proclaimed. If it is proclaimed, but it is still under review, it begs the question which I posed in the second reading debate: Why is it part of the Bill in the first place? Something that is under review is, by extension, something that is yet to be decided. Yet an important part of a Bill to do with a Government's ability to advertise during an election using taxpayers' funds is being legislated but will never be proclaimed. That is wrong.

Dr GALLOP: The member for South Perth asked why the sections of the political finance amendment legislation that deal with travel and government advertising during elections have not been removed by way of this Bill if that was the Government's intention. My theory is that the Government does not want those sections to operate for the next state election because they would inconvenience the Government, particularly in respect of government advertising. The coalition Government has worked out in its short time in office that it is an effective way to sell messages using taxpayers' money, some subtle, some not so subtle. Therefore, it would be a great inconvenience to outlaw that during the election campaign. However, the problem is that those sections were put into the political finance amendment legislation in 1992 by the now Attorney General, supported by the member for South Perth when he was in the other place. Therefore, it would appear to be highly hypocritical of the Government to take those out of the legislation. That is the logical thing to do. That is what we tried to argue in 1992 but did not convince the member for South Perth.

Mr Pendal interjected.

Dr GALLOP: There was no vested interest. The point was that that issue should have been dealt with on its merits, but it was not really an issue related to disclosure. The disclosure issue should have been voted on on its own terms and then the other Bill dealt with. The Government had the numbers in the upper House and even in this place, so it could have been passed. That was not the issue for the Government at the time. We carried out our last days of government according to the spirit of that legislation.

Mr Pendal: We did not have the numbers in this Chamber. It was in the hands of those dreadful Independents.

Dr GALLOP: That is right. My point is that the Government did not have the numbers on the day. The disclosure issue should be separated and dealt with on its own terms. The fact that the Government has not done that and is trying to use the proclamation clause as a means of avoiding the inconvenience, as the member for South Perth said, is quite the wrong way to do it. The answer to his question is that the Government does not want that clause to operate at the next election.

I ask the Parliamentary Secretary to give a commitment on behalf of the Government that the principles and spirit of those clauses will be carried out to their letter during the forthcoming election campaign.

Mr SHAVE: I am glad the member asked that. I understand the argument of the member for South Perth that in his view two wrongs do not make a right. However, members must realise that since 1983 almost 2 000 Acts have passed through the Parliament. More than half of those Acts have provided for commencement by proclamation. Out of that 1 000 done by proclamation only 43 Acts remain unproclaimed or partly unproclaimed. Members are assuming that the section of the Act about which we are talking, the sensitive area of government funds for advertising and travel, will never be proclaimed. That is the view of the member for South Perth and he will not change that view.

Mr Pendal: I may if I hear some convincing arguments.

Mr SHAVE: At the end of the day, the Government is following procedures that have been adopted and used since 1983, and I suspect prior to that. A system has evolved. If we are to change the system, we should have a debate about that. Many varying reasons will be argued for its being done the way it is. When those issues are raised, members on both sides of the Chamber may vary their views slightly. We cannot have it both ways. If we decide that all these Bills will pass and that there will be no area or room to move on proclamation, we should have a decent debate and thrash it out. It is an important issue. I suspect that when we do that we will find the same problems that faced the Premier in January 1993 when Crown Law said that if we do this and the election takes place - one of the opposition members said this last night - there could well be a problem and we would have to have the election again.

When these Bills were being drafted there was the possibility of a by-election and there is the possibility of an election next month or the month after. I suspect that the issues that confronted the parliamentary counsel at the end of 1992 and early 1993 are visiting us today. If we are to change the system, well and good. However, the system that has been operating certainly since 1983, and probably since the Parliament began, we will not change in relation to this Bill because we must have a proper debate. I suspect that we must get agreement from both sides of the Parliament. I think both sides of the Parliament will visit all the departments and ask Crown Law what would be the pitfalls if we went down this path. I suspect that it will have many reasons for saying we should keep the current system going.

The member for Belmont referred to the housekeeping clauses. We consider that they are an essential part of this legislation for the next election. It is not the Government's intention to delay those sections of the Act. The only sections that the Government is considering not proclaiming are in the area of government funding for advertising and travel.

In answer to the Deputy Leader of the Opposition, the Government will certainly give an undertaking to propose that there be a code of conduct for Ministers and for staff working for the Government. I hope, being very concerned about government expenditure, that the code of conduct will be a sound one and that all Ministers, members and government employees will adhere to it.

Dr GALLOP: What the Parliamentary Secretary calls the "system" is simply a description of what happens. It is not a system in the sense that once a Bill passes through the Parliament and reaches the executive side some other process will continue. It is a system in the sense that, should an administrative difficulty emerge or an error be exposed in the legislation, room is available to fix it up. Delay in proclamation is only for exceptional cases.

Mr Shave: Or, as in the case in 1993, people in Crown Law are concerned that if we go down a track in an election atmosphere, legal complications could well arise after the election.

Dr GALLOP: That was the legal advice given at that time. However, the difficulty we are having is that the Government is putting forward the proposition as though proclamation is all about the Executive having a second think about legislation. That is the concern of the member for South Perth.

Mr Shave: No, I was not.

Dr GALLOP: The Parliamentary Secretary seems to be implying that the system is to take all the Bills through the Parliament and once they have gone through the Parliament the Executive will have another look at them.

Mr Shave: That may be your interpretation.

Dr GALLOP: That is the way the Parliamentary Secretary presented this legislation to us. The Government has decided already it will not be proclaimed before the next election.

Mr Lewis: You have said that five times. We do hear you.

Dr GALLOP: I will keep saying it because it is very important. I will say it again for the sixth time. The Government is assuming before we pass this Bill through Parliament that a clause will not be proclaimed. That is extraordinary. That is precisely the system that we must avoid. The system, if it exists, is that the legislation passes and after that, if an anomaly emerges, there may be a delay in proclamation. That is a different description from deciding not to proclaim something before it is put through Parliament. In other words, the Executive is telling Parliament, "Sorry, boys and girls; you can pass this legislation but when it gets through we will not necessarily proclaim it, because we do not particularly like it."

Mr Pendal: There is someone outside telling the Executive that they do not like that so they tell the Executive and the Executive says it will not do anything about it.

Dr GALLOP: That is our view about the real estate agents Bill because the deproclamation seemed to go along those lines. Our concern is that the Parliamentary Secretary is not describing the system as it has worked in the past and as is part of the normal legislative process. The Parliamentary Secretary is pre-judging the outcome by saying that it will not be proclaimed, before we even pass it. That raises an issue for us.

Mr PENDAL: I think it was the Earl of Pembroke who said that Parliament could do anything it chooses, other than make a man into a woman or a woman into a man.

Mr Shave: Doctors can do that.

Mr PENDAL: I was about to say that if the Earl of Pembroke were in this Parliament in 1996 I do not think he would say that again. However, to the extent that he said it, he meant that within its constitutional limits Parliament can do what it likes. With the greatest respect to the Crown Law Department or any other department, it is not a question of a Bill going through Parliament and then being told it is difficult to implement. It may be difficult to implement, but the will of the Parliament was clearly expressed. I remind members on this side of the Chamber that it was our colleagues who insisted on the amendment which is the subject of this and later amendments. It is not as though I am doing something today that is contrary to the views of Liberal and National Party members. We sponsored a Bill in the other place in 1989 or 1990 that said that we shall not use government funds to promote a Government within sight of an election. We passed the Bill.

The people who spoke most enthusiastically, apart from me, included Hon Peter Foss - then a backbencher, and now the Attorney General. He is part of a process that denies the very principles he was espousing three or four years ago. Another person who spoke with great relish was the now Minister for Transport, Hon Eric Charlton. Therefore, it is not accurate to say that there are problems in proclaiming this that have been brought to the attention of the Crown Law Department. I have heard it said - I hope I misheard - that it might have meant that we would need to have run another election. If that was said I would not mind hearing a little more about it. It means we might have needed to run another election if people had abused the provisions of that Bill that had been passed by Parliament. We cannot say that Parliament was going to need to be re-elected if the Government of the day was doing anything other than obeying the law the Parliament passed a few months earlier. It is true - and I was not aware of the statistic until the Parliamentary Secretary told us today - that in recent times 43 Bills have remained unproclaimed. I accept that. However, the Parliamentary Secretary also correctly summed up my position when he said that two wrongs do not make a right. That is another way to say that on 43 separate occasions this Parliament has, rightly or wrongly, expressed a view, a legislative intent; and on 43 occasions that has been frustrated by the Executive of the previous and current Governments. This will lead to a number of situations. One may be that it will lead in this Parliament to a Statute being introduced whereby proclamations are either spelt out in the Bill itself, or at least a six months' time limit will be put on it before which the Bill goes out of existence. That would make a few people hop to it, including the Executive. That is what is happening in other parts of the world. If within six months of the passage of a Bill

the Governor or the Vice Regent has not proclaimed it, the Bill will lapse. I can see that being something of an incentive for the Executive to say that we must get on with it; we must do something about implementing it and making operational that Act of Parliament.

I repeat my stance that this is an eminently fair and reasonable amendment which expresses the clear will of the Liberal and National Parties only four years ago. People cannot have changed their views too much in that short time.

Mr RIPPER: We will have more to say about advertising and travel restrictions when we come to the second proclamation clause which deals with both proclamation and commencement of the Electoral Amendment (Political Finance) Act 1992. I am concerned about some of the remarks by the Parliamentary Secretary. If the Government intends that parts 2, 4 and 5 of this legislation will be in effect before the next election, why is it necessary to include subclause (2) which gives the Government discretion to proclaim or not proclaim this part of the legislation? Does the Government think that these proposed changes to the Electoral Act are important enough to be put into effect for the next election? Does the Government really believe that computerised accounting of the Legislative Council ballots and the subsequent recounting should be in force before the next election? Does it really believe that the new provisions which will allow some votes previously considered as informal to be counted should be in effect before the next election? These are two important changes which we on this side support.

We do not support the increase in the nomination fee from $100 to $250. Does the Government intend that change will be in effect before the next election? If it is the Government's intention that whenever the election is held those changes will be in effect, why not simply stick with the first part of the commencement clause which says that the Act comes into operation on the day on which it receives royal assent? What is the need for part 2 which foreshadows a different commencement date for parts 2, 4 and 5?

In all of the debate the Parliamentary Secretary has relied on precedent, or on the need to correct an error. He has not given us any justification for giving the Government the discretion it seeks. Why will it be necessary to delay the commencement of particular parts of the Bill covered by this clause?

Mr SHAVE: I thought I had made it clear when I spoke to the member for Belmont before: I said it is the Government's intention that parts 2, 4 and 5 of the amendments will apply at the next general election if that is possible.

Mr Ripper: If that is possible!

Mr SHAVE: I cannot make it clearer. That is why I stood here for 10 minutes and spoke about the need to have the proclamation provision because there are certain procedures that need to be followed.

Mr Ripper: Such as?

Mr SHAVE: It could be notices, subsidiary legislation and other areas of the legislation affected by these proposals. They may need to be amended or put in place. If that is so - I am advised that is the case - the member should not query my words "if that is possible" as if there was some sort of mystery about it. There is no mystery. The Government wants to pass the legislation. Members of the Opposition, not us, are holding that up at the moment.

Mr Ripper: We actually dare to debate the Bill!

Mr SHAVE: It is the Government's intention to get this legislation through as quickly as possible, but we do not want to create a situation where we do not give adequate public notice, and where we may jeopardise any electoral procedures that have been put in train. For example, there could be a problem if the amendments with regard to nomination came into operation after nominations for an election had been called.

Mr RIPPER: What the Parliamentary Secretary is saying - at least he is starting to come clean - is that the Government wants to preserve all its options. It wants to be able to call an election at 29 days' notice on any day between now and the beginning of May next year, and if this legislation does not contain the discretion for selective proclamation, that may get in the way of the Premier's political opportunism. If the Government were to stick to the tradition in this State, which is that an election be held in February, and if it were not trying to give itself some discretion on that matter, it would not need to bother with this clause. It is clear that whether or not the Government intends to hold an early election, it wants to give itself the option. It wants to give itself flexibility. That is what this is all about.

Dr CONSTABLE: I have followed this Committee debate with some interest, and quite an interesting scene is unfolding. We have been looking at a commencement clause in the legislation which has raised the most extraordinary and fundamental questions, about not only electoral laws, but also the role of this Parliament vis-a-vis the Executive. I would like the debate to continue for some time, because gradually we are getting a point of view from the Parliamentary Secretary that is very interesting. It underlines the importance of the electoral legislation in our system. It is fundamental to how we operate to have electoral laws which are spelt out clearly, and to have an electoral system that is open and fair.

I find this debate extraordinary. I remember clearly the debate that we had in 1992 about political finance legislation, and the controversy just before the last election in 1993. However, it is three and a half years since that election, and this Government has had plenty of time to review the controversial aspects of that legislation, particularly those aspects concerning advertising and travel; yet here we have the most extraordinary situation where a piece of legislation is brought back to the Parliament. We all know - it has been made quite plain, and I commend the Parliamentary Secretary for that - that clauses of that legislation are under review and will remain that way, and the Government wants this flexibility to enable the Executive to do what it wants with various clauses of the legislation.

The picture painted by the member for Belmont a moment ago, about fitting in proclamation dates with election dates, is quite worrying; and that is both technically and theoretically possible with this legislation. We should have certainty for the people of Western Australia, not flexibility for the Executive. We should have certainty for the Parliament that if we pass legislation, within a reasonable time that legislation will be proclaimed. It has been over four years since the parent Bill was debated, yet we are still talking about the possibility of the Executive playing with this legislation by proclaiming parts of it as it wishes.

Quite a breathtaking phenomenon is unfolding before us. I am still not totally clear on where we are headed with this legislation, and further explanation from the Parliamentary Secretary may make that clearer to me. I understand what he said about the number of Bills that remain unproclaimed since the early 1980s, but I agree with the member for South Perth that that is not necessarily the way it should be, and we in this place should not accept that that is the right way to go. If it is the will of this Parliament and, therefore, the will of the people that certain legislation be passed through both Houses of Parliament, the Executive has an obligation to have that legislation proclaimed, and within a reasonable time, or come back with some explanation. If parts of this legislation are under review, or the Government does not intend to proclaim them, why have they remained in the legislation? Why not take them out of the legislation until such time as that review has been carried out?

Mr Riebeling: Or deproclaim them!

Dr CONSTABLE: Yes, I suppose the Government could always do that. We have had an evolution of practices with regard to proclamation, but the picture that is being painted for us today is not one that I think a large number of people in this place accept. Things have evolved in such a direction that it is time for us to look very carefully at whether we want to continue down this path. The passage and proclamation of legislation has nothing to do with the bureaucracy, as the member for South Perth pointed out. Legislation is passed by this Parliament. The intention, therefore, should be that that legislation become law - not that people in another place, or bureaucrats or the Executive, decide whether to proclaim legislation.

Mr PENDAL: I will make one final observation, because I have made my substantial points. This clause may go down in parliamentary history as the St Augustine clause. We are being told by the Parliamentary Secretary that the Government may proclaim it, but not just yet. St Augustine was a great man, but before he became a great man, he had an eye for the ladies, and he used to do all sorts of wrong things. As he was proceeding to the stage of his life where he knew he was doing the wrong thing and that he had to change his ways, he had a favourite prayer. He would say, "Lord, make me good, but not just yet."

Mr Shave: That applies to a few in this place!

Mr PENDAL: I think the Parliamentary Secretary is one of them, because in a parliamentary sense at least he is saying, through the Minister, "Yes, let us make this the law, but not just yet - not until we find whether it is a bit of an encumbrance on us, not until we find out how the wind blows during an election, because we might need recourse to the very sections that we do not want to proclaim." I know the member for Avon, who is looking particularly angelic at the moment, finds that difficult to believe, but it is true. Every one of us here should lament what is happening. Every one of us should regret that we are making a plaything, a mockery, out of the parliamentary process. We are about to pass into law - because we know the numbers - a clause that we know in our heart of hearts will never be operational law. Therefore, one wonders why the Parliament's time has been wasted, and why the

Government did not say to us in the first place that it would excise this clause from the 1992 Act and would treat the Parliament properly.

I find that regrettable. I spent a good part of my early days in politics in the other place pointing out the shortcomings of the Labor Party's approach to the Parliament. The only thing that has changed is that people have changed sides. Until we are prepared to restore the Parliament to its rightful place, and until we are prepared to ensure that Parliament is not abused by being asked to pass a law that we know will never be proclaimed, the parliamentary process will remain a mockery. That is why every one of us should lament what we are doing today. I make a final appeal to all members that they support this amendment when it goes to the vote.

Mr RIPPER: One argument that the Parliamentary Secretary has advanced has some relevance to the question of the restriction on government travel and advertising. It is not the subject of this clause, but a number of comments have been made about it; so I want to make a few brief comments. The Parliamentary Secretary has pointed out that on some occasions there may be errors or other difficulties which will require selective proclamation of parts of Acts rather than a whole Act coming into effect on the day it receives Royal assent or some other date by proclamation. That may be argued in respect of restrictions on government travel and advertising because the previous Government received advice that the operations of government might be excessively impeded if that legislation were to be proclaimed. That type of advice is dealt with in the Commission on Government report. When we come to clause 25 I want to give the Government some flexibility in case the advice is still the same. However, I do not want to give the Government sufficient flexibility to allow it to avoid entirely the proclamation of those restrictions for the next election. Therefore, the sort of amendment that I intend to move will allow the Government to proclaim them at a different date from the date on which it proclaims the political disclosure legislation. However, I will require those restrictions to have effect before the next election. I am prepared to extend that flexibility to the Government on the basis of what could be a justified argument that there are technical difficulties with this clause. The Government must not be able to take advantage of that position and avoid entirely implementing a law which Parliament has endorsed. If the Government still thinks there are technical difficulties, and that is its advice, it must come back to Parliament in a hurry and make a few amendments to fix up those technical difficulties. I will be putting that position when we come to my amendment to clause 25.

Amendment put and a division taken with the following result -

Ayes (20)

Ms Anwyl	Mr Graham	Mr Pendal
Mr Brown	Mr Grill	Mr Riebeling
Mr Catania	Mrs Hallahan	Mr Ripper
Dr Constable	Mr Kobelke	Mrs Roberts
Mr Cunningham	Mr Leahy	Dr Watson
Dr Edwards	Mr Marlborough	Ms Warnock *(Teller)*
Dr Gallop	Mr McGinty	

Noes (22)

Mr C.J. Barnett	Mr Kierath	Mr Strickland
Mr Blaikie	Mr Lewis	Mr Trenorden
Mr Board	Mr McNee	Mr Tubby
Mr Cowan	Mr Nicholls	Dr Turnbull
Mrs Edwardes	Mr Osborne	Mrs van de Klashorst
Dr Hames	Mr Prince	Mr Wiese
Mr House	Mr Shave	Mr Bradshaw*(Teller)*
Mr Johnson		

Pairs

Mr M. Barnett	Mr Omodei
Mr Bridge	Mr Minson
Mr Thomas	Mr Marshall
Mr D.L. Smith	Mrs Parker
Mrs Henderson	Mr Court

Amendment thus negatived.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Section 4 amended -

Mr KOBELKE: Why is it necessary to include this clause and the words "or in the Western Australian Electoral Commission"? The clause currently reads -

> "**officer**" includes all persons appointed to any office under this Act, or exercising any power or discharging any duty thereunder, except as an honorary Government electoral agent;

I am not sure whether we need to include the extra requirement of "or in the Western Australian Electoral Commission".

This clause also inserts a new definition of "official paper" as an amendment to section 113(4). New subsection (4) is picked up later in this Bill where we find that the official paper for use in the printing of the ballot paper is a paper that either has a watermark in it, as described, or incorporates such security features or devices as the Electoral Commissioner approves. I support the clear intention to enable the use of modern technology to ensure that the official paper, as it is to be described, can preclude any form of forgery or falsification. Why is it necessary to amend the definition of "officer"?

Mr SHAVE: Some electoral officers do not hold an official position under the Act. This will ensure that they are required to take the declaration of neutrality under new section 15A.

Mr Kobelke: Could the Parliamentary Secretary elaborate on how this amendment will ensure the coverage that is intended?

Mr SHAVE: One can be an officer of the Western Australian Electoral Commission, but not an officer holding a position under this Act. This clause covers that area.

Mr KOBELKE: The clause introduces a new definition of "official paper" to incorporate not only electoral papers with a watermark, but also papers that will incorporate some other form of security feature. What technology is being considered to ensure some other form of security for official paper?

Mr SHAVE: I have not been given that information. I will endeavour to provide that information to the member for Nollamara as quickly as possible.

Clause put and passed.

Clause 5: Section 12 repealed -

Mr KOBELKE: Why is the declaration by the returning officer no longer required?

Mr SHAVE: We are consolidating a number of independent provisions within the Act under the one clause.

Clause put and passed.

Clause 6: Section 15A inserted -

Mr RIPPER: An officer is required to make declarations in the prescribed form. What type of declaration is required? Is any change intended to that declaration? I understand the Bill provides an exemption under the Equal Opportunity Act for a declaration of political neutrality.

Mr SHAVE: There is a prescribed declaration in the current Act. The declaration is contained in the regulations and there is no intention to change it.

Mr KOBELKE: To whom will this declaration apply? Is it the simple legal definition of "officer"? How broad is that net? For instance, will it include people employed as consultants or on contract?

Mr SHAVE: My advice on the legal view is that an officer is someone who holds a position as an employee of the commission, not a consultant who is advising the department.

Mr KOBELKE: Under this clause, an officer includes all persons appointed to any office under this Act. However, no definition is contained in the Act, so it falls back on some knowledge of what the word "officer" means under the Act. The Parliamentary Secretary knows that a basic tenet of this Government is that a huge amount of work is contracted out. Tasks previously performed by departmental employees in an official capacity may now be done on a contract basis, and we need to know if the person performing those tasks fits the definition of being "appointed to an office".

It is the distinction between someone performing a duty, which is a requirement of various provisions of the Act for elections and other matters, and someone taking on a particular duty or work, which could be a contracted person who would not be fulfilling the requirement of being "appointed to an office". The definition includes the words "or exercising power or discharging any duty". It excludes an honorary government electoral agent. That is a clear exemption. What is the breadth of that definition, and who is required to make this declaration?

Mr SHAVE: I do not know whether the member has the definition in front of him. For his benefit, I indicate the Act specifies that an officer includes all persons appointed to any office under this Act or exercising any power or discharging any duty thereunder, except as an honorary government electoral agent. I am advised that if someone has been appointed to a position under contract, that person must make a declaration.

Mr Kobelke: Does it apply to a designated position, rather than a contractor carrying out work?

Mr SHAVE: The designated position could, for instance, be that of assistant electoral officer and the Government may elect to appoint someone to fill that position on a contract of employment basis. Under those circumstances the person would be required to make a declaration also.

Mr Kobelke: I could understand if the duties were prescribed in the legislation so that there was a requirement for a person to take on a duty. That could be in an office and the person doing the task would be an officer and would be required to make a declaration. Many duties may not be so clearly designated in the Statutes. For example, the whole process of elections could become more computerised. It may be appropriate for the computer operation to be contracted out. The person may not sign forms in an official capacity, but may be part of the computer system which enables the functioning of the Act. That could be done on a contract basis and the person may not be an officer.

Mr SHAVE: It has been suggested to me that Lyn Auld has a list of the people who currently sign declarations and can indicate what is hoped to be achieved with this change to the legislation. I will ask her to provide that information and will convey it to the member.

Clause put and passed.

Clause 7: Section 63 repealed and a section substituted -

Mr KOBELKE: I understand this clause simply removes the need to record occupations on the printed rolls and this will allow for reformatting and greater ease in the use of printed rolls. Is that correct or does it have further implications for the maintenance of the basic rolls? Will the capacity remain to list occupations or will that information be removed from all rolls held by the Electoral Commission?

Mr SHAVE: It is not intended to omit the information from the principal roll held at the Electoral Commission. It is intended to omit it from the printed copies used in the election booths. The member may have observed when he votes that because of the amount of information on the roll, the print is very small and it is difficult for those working in the polling booths to find the names. This will enable the commission to print the rolls in an easy to use format and to remove some of the information held at the Electoral Commission.

Clause put and passed.

Clause 8 put and passed.

Clause 9: Section 90 amended -

Mr RIPPER: This clause provides for an increase in the nomination fees for candidates in elections from $100 to $250. Originally, the Minister proposed to increase the fee to $500 but, following criticism from the Opposition, minor parties and the media, it is pleasing that he backed down on that intention. In the upper House the Bill was amended to reduce the fee from $500 to $250. Nevertheless, the Opposition intends to oppose the amendment because it considers $100 to be sufficient. This State does not have a significant problem with frivolous nominations or so-called dummy candidates. In the second reading debate the Parliamentary Secretary referred to Alf Bussell. Although his nominations may be idiosyncratic, they have not unduly inconvenienced the conduct of the electoral process or many voters.

Mr Shave: Or Sam Piantadosi.

Mr RIPPER: Other candidates, including the candidate just referred to, will not unduly inconvenience the voters. Nevertheless, the Government wants to increase the nomination fee. It is tackling a problem that does not exist and the amendment will significantly disadvantage a large number of minor party and independent candidates.

I looked at the results for the 1993 state election to ascertain how many candidates might be affected by this change. At the last state election there were 212 minor party and independent candidates, including those five National Party candidates who lost their deposits. Of those 212 candidates, only 19 managed to reach the threshold required to hold their deposits and 193 candidates lost their deposits. Should the Minister's original proposal have become law and should these results be repeated at the next election, the Government would receive a payment to the consolidated fund of $96 500. In the Legislative Council 45 candidates lost their deposits and in the Legislative Assembly 148 candidates lost their deposits. It is interesting to note who will be most affected by these changes. The principal impact would be on the Australian Democrats in this State. Every one of the 51 Democrats who stood at the last State election lost his or her deposit. If the Minister's original proposal had applied, the Democrats would have had to pay more than $25 000. Under this backdown figure, they would have had to pay more than $12 000.

If the result of the 1993 State election were repeated, Greens (WA) would be pretty severely effected by this proposal. There were 37 Greens candidates, taking into account both the Legislative Assembly and the Legislative Council, who would have lost deposits at a cost of $18 000 under the Parliamentary Secretary's proposal; under the amendment, it would cost the Greens more than $9 000. However, it is not just the Greens and Democrats who will be affected as all sorts of Independents run at elections. We rarely hear of parties like Greypower and Call to Australia. It is not democratic to seek to restrict the rights of these people to stand in an election. It is a tax on democracy and should not be supported.

Mr KOBELKE: I seek some guidance on a straightforward matter regarding the provision in the Act relating to the payment of the deposit. The structure of the Act will change a little with this amendment. Under the existing section relating to validity of nomination, the amount to be paid is outlined. The amendment to the Act will result in the money being paid to the Electoral Commissioner; previously it was to the returning officer. What is the import of that? I presume that under the existing situation a returning officer acts in place of, or is delegated by, the Electoral Commissioner. Why do we need that change? It is something which seemed to work all right.

Mr SHAVE: We are not absolutely certain of the reason for that change. I think that when they considered making these amendments, it was thought that this section had been in place for a long time. Making the payment to the returning officer is probably not as appropriate as making it to the Electoral Commission, the body which conducts the election. Without being unkind to our returning officers, a cheque made out to the returning officer is probably easier to go astray than if it went to the commission.

Mr Kobelke: You do not suggest by design - they are part time officers and inadvertently may not do things correctly on occasions.

Mr SHAVE: That is correct.

Dr GALLOP: I support the member for Belmont regarding the fee paid by prospective candidates in Western Australian parliamentary elections. Three questions should be asked when dealing with legislation to do with political finances: Firstly, does it guarantee openness in relation to the disclosure of political donations above an acceptable threshold?

We have discussed that principle in this debate, and we will probably deal with it in detail when considering donation from contractors to the government party. Secondly, does it provide for reasonable equality between the Government of the day and all other people aspiring to that position so that we compete on a level playing field? Thirdly, does it ensure that money does not exercise too much influence on the political process? If money is to play a role, does the measure guarantee that those with lots of money do not have more power than those with less of it? A problem arises in relation to the third principle. Western Australian politics has a strong tradition of participation, although some might see this as an inconvenience. Minor parties or Independent candidates have played a significant role in Senate elections in Western Australia, certainly during my time of interest in politics since Sydney Negus.

Mr Shave: He stood on the issue of death duties.

Dr GALLOP: That is right. He ran in the 1970s and won a seat in the Senate. We have that tradition in Western Australia as minor parties in this State have had the ability to be involved in the political process perhaps more so than in other States. It is not necessarily an argument to say that the national deposit average is $250, therefore we should apply that figure in Western Australia. We should set our own standard in public participation in politics. That is why the Labor Party believes in proportional representation for the Legislative Council; it encourages people to participate in elections and it gives voter a choice. Labor argues consistently on this matter. I urge the Government, and certainly the Independents, who are not currently in the Chamber, to reconsider this amendment.

A change is to be made because members opposite feel that smaller players in the political process are an aggravation. In fact, the smaller players provide an increased legitimacy to what happens in politics, and that is why a proper Legislative Council would add enormously to our system. The feedback we had from members opposite when we started to debate reform of the Legislative Council last year was tragic. They wanted to make the quotas so high so as to keep out the smaller players and the Independents. The view on the Labor side of politics is that the Legislative Council quotas should not be so high as to exclude the smaller players; they should be in the Legislature provided they win adequate votes.

Money should not determine people's ability to conduct political activity. A deposit of $100 sets a better standard than that which applies in other States.

Mr KOBELKE: This clause represents a major change to the way that the deposit limit is to be set. The current Act states that the deposit is to be provided to the returning officer in cash or a cheque. The provision sets the amount to be paid and does not give the Minister of the day the ability to change it. Therefore, the deposit required for somebody to stand for election is set by Parliament. Under the Government's amended section, the deposit will increase from $100 to $250. Proposed subsection (2) will read that unless a greater amount is prescribed, $250 is the required deposit. This will enable the Minister of the day to prescribe an amount greater than $250. That removes the control of the Parliament and is totally unacceptable. Does the Minister for Police not agree?

Mr Wiese: I think you're showing a lack of understanding about how the Parliament works.

Mr KOBELKE: The matter still must come into the Parliament, but it is a simpler method of changing the nomination fee than introducing amending legislation. We know the Government's intention is to bring in a much higher nomination fee. When the outcry in opposition to that fee increase was heard, the proposal was watered down. The provision, as amended, will not just set and leave the figure as is the case under the current regime. It will provide that the required deposit be $250 or a greater amount.

Mr Wiese: By making it a prescribed amount it might actually bring it down.

Mr KOBELKE: The deposit will no longer be set by Parliament, but by regulation. It is simply done on the motion of the Government of the day. I hope the Chamber will accept the argument put by the member for Belmont and leave the fee at $100. I hope we can have that amount set back in section 81(b) rather than in proposed subsection (2).

Progress

Mr SHAVE: Mr Chairman, I move -

That you do now report progress and seek leave to sit again.

Question put and a division taken with the following result -

Ayes (23)

Mr C.J. Barnett	Mr Kierath	Mr W. Smith
Mr Blaikie	Mr Lewis	Mr Strickland
Mr Board	Mr McNee	Mr Trenorden
Dr Constable	Mr Nicholls	Mr Tubby
Mrs Edwardes	Mr Osborne	Mrs van de Klashorst
Dr Hames	Mr Pendal	Mr Wiese
Mr House	Mr Prince	Mr Bradshaw
Mr Johnson	Mr Shave	*(Teller)*

Noes (17)

Ms Anwyl	Mr Graham	Mr Riebeling
Mr Brown	Mr Grill	Mr Ripper
Mr Catania	Mrs Hallahan	Mrs Roberts
Mr Cunningham	Mr Kobelke	Dr Watson
Dr Edwards	Mr Leahy	Ms Warnock *(Teller)*
Dr Gallop	Mr Marlborough	

Pairs

Mr Omodei	Mr M. Barnett
Mr Minson	Mr D.L. Smith
Mr Marshall	Mr Thomas
Mrs Parker	Mrs Henderson
Mr Court	Mr McGinty

Question thus passed

Progress reported.

House adjourned at 6.04 pm

QUESTIONS ON NOTICE

METROBUS - ADVERTISEMENTS ENCOURAGING LOWER EXHAUST EMISSIONS

969. Dr EDWARDS to the Minister representing the Minister for Transport:

(1) Will the Minister confirm that MetroBus have advertisements on the outside of the bus which draw a link between the number of passengers on the bus and the fact that the bus only has one exhaust pipe?

(2) Is this advertisement part of a campaign, and if so, will the Minister please state the purpose of the campaign?

(3) Will the Minister explain the idea behind this advertisement?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

(1) Yes.

(2) Yes. It is part of an ongoing public awareness campaign.

(3) The advertisement encourages people to use the bus service instead of their own vehicle because of the environmental benefits from lower exhausted emissions.

ADVERTISING - BUDGET; EXPENDITURE

1427. Dr GALLOP to the Minister for Mines; Works; Services; Disability Services; Minister assisting the Minister for Justice:

(1) In 1996-97, what is the total advertising budget proposed for each individual agency within the Minister's portfolio?

(2) In the same year, what is the expected expenditure in campaign advertising and on non-campaign advertising?

(3) In relation to campaign advertising -

- (a) what is the expected expenditure for 1996-97 and how does that figure compare with the previous three financial years;
- (b) if there has been an increase in allocation, how is that explained;
- (c) what portion of the 1996-97 allocation will be spent on television, radio, print and other medium;
- (d) in 1996-97, what electronic and/or print medium campaigns are planned in excess of $50 000;
- (e) have any of these campaigns been initiated by, or involved, any other agency or body;
- (f) if yes, which agency or body?

(4) In relation to non-campaign advertising -

- (a) what is the expected expenditure for 1996-97 and how does that figure compare with the previous three financial years;
- (b) what is the reason for the difference in figures?

Mr MINSON replied:

(1)-(4) Under the program budgeting format used throughout the public sector, expenditure is not budgeted for at the level of detail sought. I am not prepared to direct considerable resources to obtain the information requested.

PUBLICATIONS - VIDEOS; OPINION POLLS, ALLOCATIONS

1443. Dr GALLOP to the Minister for Resources Development; Energy; Education:

(1) In 1996-97 what is the proposed allocation for brochures, pamphlets and other similar publications for each individual agency within the Minister's portfolio?

(2) What were the allocations for the previous three financial years?

(3) In 1996-97, what is the proposed allocation for production of videos and similar publicity ventures?

(4) What were the allocations for the previous three financial years?

(5) In 1996-97 has any money been allocated for opinion polling?

(6) If yes, what opinion is proposed and what will it cost?

(7) What were the allocations for polling in the previous three financial years?

Mr C.J. BARNETT replied:

(1)-(7) Under the program budgeting format used throughout the public sector expenditure is not budgeted for at the level of detail sought. I am not prepared to direct considerable resources to obtain the information requested.

EDUCATION DEPARTMENT - FIVE YEAR OLD PROGRAM

New Buildings, Toilet Facilities

1490. Mr KOBELKE to the Minister for Education:

(1) Will the new preprimary buildings to be located on school grounds for the expansion of the five year old program be provided with self-contained bathroom and toilet facilities?

(2) If all new buildings are not to be equipped with a self-contained bathroom and toilet, then what is the minimum standard acceptable for the installation of these new buildings?

(3) What is the cost saving for each five year old unit of not providing smaller age appropriate toilets?

(4) What is the estimate of the additional time in supervising the preprimary children with their toileting due to the failure to install smaller age appropriate toilets?

(5) Has there been an estimate of the staff costs in providing the additional supervision, and if so, what is the estimated cost?

Mr C.J. BARNETT replied:

(1) The preprimary facilities provided in new primary schools and the new purpose-built transportable preprimary units being located in selected existing schools include toilet facilities. In the case of modifications to existing classrooms to create preprimary facilities, the decision to include toilet facilities is based on the proximity of existing toilets at each school.

(2) Not applicable.

(3) The unit costs for domestic and "colts" toilet pans are $69 and $326 respectively. Additionally, there is a six week delivery time required for the smaller pans. On this basis, the cost saving for each transportable preprimary classroom is $514.

(4)-(5) No. It is anticipated that no additional supervisory time will be required.

JUSTICE, MINISTRY OF - PRIVATISATION OR CONTRACTING OUT SERVICES

1506. Mr BROWN to the Minister representing the Attorney General:

(1) Since the election of the Court Government in 1993, what services that were then carried out by government employees employed in the Ministry of Justice - or its predecessor agencies - have been privatised or contracted out?

(2) What is the exact price each such service is contracted for?

(3) What was the cost of providing that service prior to it being privatised or contracted out?

(4) How was the cost of each service calculated?

(5) Prior to privatisation or contracting out, was any attempt made by the ministry to streamline its operations to reduce the costs or otherwise make the savings that have or may have been achieved by contracting out?

Mr PRINCE replied:

The Attorney General has provided the following reply -

In response to the member's question I have tabled a report from the Ministry of Justice as follows -

(1)	(2)	(3)	(4)	(5)
Fleet management services	Approx $1m	Not available	Not available.	Not applicable
Supreme Court security - expansion of existing contract	$98 000	$120 000 plus on costs	Existing contract rates at Central Law Courts	Yes.
Rental of properties under control of Public Trustee	Standard REIWA rates	Cost neutral as recouped from commissions earned.	Cost neutral as recouped from commissions earned.	Yes.

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - SWAN FOREST REGION MANAGED LAND

1559. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) Further to question on notice 3165 of 1995, what is the total area of Conservation and Land Management managed land in the Swan (Northern) Forest region?

(2) What is the total area of CALM managed land in the Swan forest region in the following tenure/purpose -
- (a) national park;
- (b) conservation park;
- (c) nature reserve;
- (d) state forest;
- (e) timber reserve;
- (f) 5g reserve;
- (g) miscellaneous reserve;
- (h) freehold (executive director); and
- (i) leasehold (executive director)?

(3) What is the total area of the following vegetation types in each of the tenure/purpose categories in the Swan Forest region -
- (a) jarrah (high quality);
- (b) jarrah-marri and marri-jarrah;

(c) other jarrah types;
(d) marri;
(e) wandoo;
(f) tuart;
(g) blackbutt;
(h) other forest; and
(i) non-forest?

(4) For each of the areas of forest listed in (3) (a) to (h), what are the areas in the following cutting status categories -

(a) old growth/virgin/no record of logging'
(b) selectively logged/logged other than clearfelled;
(c) even-aged regeneration following -
  (i) logging;
  (ii) mining;
(d) cut-over, awaiting regeneration;
(e) mined, awaiting regeneration;
(f) other (specify)?

Mr MINSON replied:

This question was previously asked on 13 December 1995 as Question without notice and was prefaced "Further to Question on Notice 3165 of 1995". Parts (1) to (3) were answered at that time. Parts (1) and (2) are repeated here and updated figures provided for part (3).

(1) 698 400 hectares.

(2) The figures provided are as for the tenure categories proposed in the Forest Management Plan 1994-2003. CALM manages the land this way even though it is not yet gazetted in some instances.

Area in hectares
(a) 43,500
(b) 125,200
(c) 66,000
(d) 447,400
(e) included in (d)
(f) 14,500
(g) included in (d)
(h) included in (d)
(i) Nil.

(3) Area in hectares.

Vegetation type	National Park	Conservation Park	Nature Reserve	State forest	5g Reserve
(a) - (d), (g)	26 500	65 800	11 300	323 700	11 800
(e)	9 200	50 000	4 900	50 000	-
(f)	800	600	-	400	200
(h)	-	100	-	32 800	300
(i)	8 800	8 700	49 800	40 500	2 200

Note: In the Swan region marri and blackbutt generally occur in mixtures with jarrah. Specified mixtures cannot be identified from the available data.

(4) Area in hectares

TENURE/ VEGETATION	LOGGING CATEGORIES						
	(a)	(b)	(c)(i)	(c)(ii)	(d)	(e)	(f)
NATIONAL PARK							
Jarrah/marri	7 900	18 600					
Wandoo	8 400	800					
Tuart							
Other forest							
CONSERVATION PARK							
Jarrah/marri	4 800	61 000					
Wandoo	6 100	43 900					
Tuart	500	100	100				
Other forest							
NATURE RESERVE							
Jarrah/marri	7 700	3 600					
Wandoo	2 900	2 000					
Tuart							
Other forest							
STATE FOREST							
Jarrah/marri	6 100	314 600		3 000			
Wandoo	2 100	47 700		200			
Tuart	200	200					
Other forest			30 300	2 500			
5g RESERVE							
Jarrah/marri	100	11 700					
Wandoo							
Tuart	200		300				
Other forest							

NOTES : 1. There is no record of logging for a large percentage of the areas shown as logging category (a). They may in fact have been logged. They are currently being evaluated.
2. Areas shown in logging category (b) may contain patches of even-aged regeneration.

TRAFFIC COUNTS - GRANTHAM STREET; FLOREAT AREA

1601. Dr CONSTABLE to the Minister representing the Minister for Transport:

(1) What are the most recent day traffic counts (peak hour and non-peak) and the comparable counts for 1990 for the following roads -

(a) Grantham Street between -

(i) The Boulevard and Selby Street;
(ii) Selby Street and Harborne Street;

(b) Pearson Street between -
(i) Selby Street Churchlands and Hale Road;
(ii) Hale Road and Selby Street North Osborne Park;

(c) Cambridge Street between -
(i) Harborne Street and Selby Street;
(ii) Selby Street and Perry Lakes Drive;

(d) The Boulevard between -
(i) Selby Street and Bold Park Drive;
(ii) Bold Park Drive and West Coast Highway;

(e) Hale Road between -
(i) Pearson Street and Weaponess Road;
(ii) Weaponess Road and West Coast Highway

(f) Weaponess Road between -
(i) Stewart Street and Hale Road;
(ii) Hale Road and Empire Avenue; and

(g) Empire Avenue between -
(i) Brompton Road and Valencia Avenue;
(ii) Valencia Avenue and The Boulevarde?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

[See paper No 530.]

FIREARMS - DONOVAN RESEARCH SURVEY ON GUN CONTROL

1616. Dr CONSTABLE to the Minister for Health:

(1) Will the Minister release the full report of the findings of the survey conducted by Donovan Research in February 1996 on behalf of the Health Department on the issue of gun control?

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

(3) If yes to (1), when?

Mr PRINCE replied:

(1) Yes.

(2) Not relevant.

(3) Copy of the full document was tabled.
[See paper No 529.]

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - FORRESTDALE LAKE NATURE RESERVE

1651. Dr WATSON to the Minister representing the Minister for the Environment:

(1) When is fencing to be completed for the Forrestdale Lake nature reserve?

(2) What are the impediments to this completion?

(3) What are the results of nutrient monitoring of lake water and inflows?

(4) What was the budget for monitoring?

(5) How much of it was expended?

(6) Has a budget been allocated this financial year and if not, why not?

(7) When will land tenure on the eastern side of the lake be resolved?

(8) What are the impediments to resolution?

(9) What is the Department of Conservation and Land Management budget for management of the Forrestdale Lake nature reserve and how is it broken down?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1)-(2), (8)

Seventy-five per cent of the boundary has been fenced. Approval is required by the City of Armadale to complete fencing on the eastern side of the lake as the alignment follows a cleared powerline, part of which is on a City of Armadale reserve (Reserve 27165). The City of Armadale has in the past refused to agree to the fencing until a land exchange can be effected whereby all of the undeveloped portion of the city's reserve is transferred to CALM and managed for nature conservation with alternative land being provided to the city by the State Government for recreational use.

The undeveloped portion of the City of Armadale reserve has significant plant communities and is subject to an MRS reservation and System 6 recommendations for its protection. CALM is liaising with the Ministry for Planning and the City of Armadale to try to resolve the issue.

(3) Preliminary results are currently being compiled by environmental consultants.

(4)-(5) No special budget; funding for the project to date has been from within the existing CALM operating budget. The budget required for its completion will be identified following the report by the environmental consultants.

(6) A provisional budget has been identified.

(7) As soon as possible.

(9) Provisional budget -

	$	
Wages	16 800	comprising 60 person/days weed control, 45 person/days fencing, 12 person/days typha control and six person/days general maintenance
Nutrient budget	20 000	
Midge control	5 000	
Materials	3 700	fencing materials, herbicide and maintenance of boardwalk
Firebreaks	500	contract
Salaries	2 500	
Total	$48 500	

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - CONSOLIDATED FUND BUDGET ALLOCATIONS TO SCIENCE AND INFORMATION DIVISION; SALARIES; TRAVEL

1792. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) What is, or has been, the total consolidated fund budget allocation for the science and information division of the Department of Conservation and Land Management for the financial years -

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

(2) What component of these consolidated fund budget figures is a consequence of the incorporation of the Perth Observatory/Astronomical Services into CALM?

(3) What is the component of these consolidated fund budget figures allocated to salaries -

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

(4) What is the component of these consolidated fund budget figures allocated to interstate or overseas travel?

(5) What is the component of these consolidated fund budget figures allocated to research costs; that is, the non-salary components of research?

Mr MINSON replied:

(1) (a) $6 935 000
(b) $7 317 000
(c) $7 005 000
(d) $7 561 000
(e) $8 629 000

(2) The following figures are from when the Perth Observatory joined CALM in February 1996 -

1995-96	$315 000
1996-97	$783 000

(3) (a) $5 235 000
(b) $5 822 000
(c) $5 333 000
(d) $5 500 000 - Observatory component $208 000
(e) $6 653 000 - Observatory component $485 000

(4)

1992-93	information unavailable; not kept at this detailed level during this period
1993-94	$14 969
1994-95	$19 188
1995-96	$29 710

(5)

1992-93	$1 700 000
1993-94	$1 495 000
1994-95	$1 672 000
1995-96	$2 061 000
1996-97	$1 976 000

MINIM COVE DEVELOPMENT, MOSMAN PARK - CONTAINMENT CELL

Proponent, Additional Ground Water Monitoring Details

1803. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) Further to question on notice 407 of 1996, has the proponent provided the additional ground water monitoring details to the Department of Environmental Protection?

(2) If so, will the Minister table the details?

(3) If not, will these be provided?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1) Yes.

(2) Yes.
[See papers Nos 528A and B.]

(3) Not applicable.

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - TREE AND FLORA DEATHS, OPHTHALMIA DAM AREA

1807. Dr EDWARDS to the Minister representing the Minister for the Environment.

(1) Further to question on notice 579 of 1996, what other flora have been affected?

(2) Are such tree and flora deaths the result of altered water flow patterns?

Mr MINSON replied:

The Minister for the Environment has provided the following answer -

(1) I am not sure what the member means by "affected".

(2) For flora, see (1). For trees - again, this is ambiguous. Water flow patterns can vary naturally or artificially. Contributors to artificial change include roads, railway lines, dams and pastoral activities. There are also many other explanations possible for the tree deaths.

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - BAUDIN'S COCKATOO; RED-TAILED BLACK COCKATOO, RESEARCH

1813. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) Did the Minister for the Environment receive a letter from the Australian Director of the Royal Australasian Ornithologists Union in 1993, saying that the RAOU "had been alerted to the potential threats to hole-nesting and forest-dwelling birds from the increase in clear felling of old-growth karri forests, and the increase in logging of jarrah and marri, planned by the Department of Conservation and Land Management"?

(2) Did the letter also say that "of particular concern are the south-western subspecies of the Red-tailed Black Cockatoo and Baudin's Black Cockatoo, about which we know very little"?

(3) Was Baudin's cockatoo recently placed on the Western Australian list of threatened fauna?

(4) Why was this decision made?

(5) What research is being conducted concerning -

(i) Baudin's cockatoo;
(ii) the red-tailed black cockatoo?

Mr MINSON replied:

The Minister for the Environment has provided the following answer -

(1) Yes, in August 1993. This letter was copied to the Executive Director of the Department of Conservation and Land Management. The response to the RAOU identified that its concerns over the alleged increases in areas to be logged were based on a misinterpretation of the forest planning then under way.

(2) No, the letter stated "Of particular concern are the south-western subspecies of the Red-tailed Black Cockatoo, which is classified as being nationally threatened, and Baudin's Black Cockatoo, about which we know very little".

(3) Baudin's cockatoo was added to the State's threatened species list, as a species declared rare or likely to become extinct pursuant to section 14(2)(ba) of the Wildlife Conservation Act 1950, on 30 April 1996.

(4) Baudin's cockatoo nests in the forest areas of the south west and nearby woodland. It is restricted to areas receiving more than 650mm of rainfall annually, and uses hollows in trees to nest in. The species has a low reproductive rate and is reportedly still shot illegally in some orchard areas. The Threatened Fauna Scientific Advisory Committee recommended to the Minister for the Environment that the species be listed as threatened and that there was a need for more research effort on the conservation status of the species. These recommendations were accepted by the Minister and a research program is under way.

(5) (i) The WA Museum, in cooperation with CALM, has been recording since 1995 nesting sites, distribution, status and breeding biology of Baudin's cockatoo.

(ii) The WA Museum, in cooperation with CALM, has been recording since 1995 nesting sites, distribution, status and breeding biology of the forest red-tailed black cockatoo. CALM also conducted a survey during the 1995-96 breeding season of this subspecies.

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - HABITAT MANAGEMENT PRESCRIPTION BURNS FOR RED TINGLE FOREST

1920. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) What is the current status of research to identify and refine 'habitat management' prescription burns for red tingle forest?

(2) What funds are currently available for research into habitat management prescription burns for red tingle?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1) The Department of Conservation and Land Management has recently compiled all research information available on the fire ecology of forest containing red tingle, yellow tingle and Rates tingle. This report written by CALM botanist Russell Smith reviews the published and unpublished research findings from studies conducted in the past 10 years in the southern forests. A copy of the report can be obtained from the Department of Conservation and Land Management. CALM has established a number of monitoring plots to determine the recovery and response of litter and bark invertebrates to fire and long absence of fire in red tingle and karri forests near Walpole. In addition CALM scientists will be monitoring the regeneration and fate of red tingle seedlings following fire events and in long unburnt areas. This information will be combined with the wealth of information that is available on the impacts of fires on forest ecosystem components that has been collected on a number of forest sites over the past 30 years or so, as part of the ongoing process to refine habitat management prescriptions. The National Parks and Nature Conservation Authority has recently established a subcommittee which includes representatives from

the Walpole-Nornalup Parks Association, CALM and the NPNCA to examine the most suitable burn prescriptions to ensure the protection of the red tingle forest, the national park and the adjacent towns and community assets.

(2) CALM has expended approximately $8 000 in the past six months on the research review and on the invertebrate and regeneration studies. A further $8 000 is likely to be expended on these monitoring studies this financial year.

FIRES - SOUTHERN RIVER ROAD WASTE SITE AREA

1939. Dr WATSON to the Minister representing the Minister for the Environment:

(1) Following the February 1994 fire at the Southern River Road waste site, is it correct that the site continued to burn underground until at least July 1994?

(2) What material was burning?

(3) What are the known adverse consequences to -
(a) the environment;
(b) humans;
(c) animals
of this burn?

(4) Was there pollution of local domestic water bores and, if so, how was this detected and dealt with?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1) I am advised that an extensive check of the records held by both the Department of Environmental Protection and the City of Gosnells has failed to locate any information relating to a fire at the Southern River Road waste disposal site in February 1994. Officers from the City of Gosnells have advised that they attended a grass fire on the site in December 1994 but that this fire was extinguished on the same day and did not affect the area used for waste disposal. If the member can provide more definitive information regarding the incident she was referring to I would be pleased to arrange for the matter to be investigated further.

(2) As indicated in my answer to (1), only grass and vegetation was reported to have been burnt in the fire in December 1994.

(3) The only known health or environmental effect of smoke from vegetation fires is respiratory irritation from prolonged exposure. I am advised that four fire fighters who attended the grass fire were briefly hospitalised for smoke inhalation.

(4) The Southern River Road site was a major liquid waste disposal site for the Perth metropolitan area for many years with effluent being disposed of, largely untreated, into lagoons. The site closed many years ago. As a result of a proposal to redevelop part of the waste disposal site, the City of Gosnells has prepared an environmental report on the site which is currently being assessed by the Environmental Protection Authority. The investigations undertaken in preparing this report have indicated the presence of some localised soil and ground water pollution. There is no evidence that fires on the site have in any way contributed to ground water pollution.

CONTRACTS - GOVERNMENT DEPARTMENTS

1945. Mr BROWN to the Minister for Family and Children's Services; Seniors; Fair Trading; Women's Interests:

(1) In each department and agency under the Minister's control, how many contracts does the Government have with the private sector for work which was carried out by government employees when the Government was elected to office in February 1993?

(2) What is the name of each contractor?

(3) What is the nature of the work provided by each contractor?

(4) What is the contract price paid to each contractor?

(5) How many government employees used to carry out the work that is now carried out by each contractor?

Mrs EDWARDES replied:

(1)-(5) The specific information sought in this question is not collated or recorded centrally. Individual agencies would need to dedicate significant time and numbers of staff to extract the information and present it in the format requested. Furthermore, it is likely to be difficult to ensure the accuracy of all relevant information over the period requested. The member for Morley has already been provided with copies of the reports on the first two annual surveys of competitive tendering and contracting and the third survey report will be completed towards the end of this year.

CHILD PROTECTION SERVICES REGISTER - ESTABLISHMENT, MEDIA RELEASE

1962. Mr BROWN to the Minister for Family and Children's Services:

(1) Did the Minister issue a media release on 7 August 1996 advising the State had established a child protection services register?

(2) Will the register record the names of children who have been assaulted or maltreated and the names of people convicted of harming children as well as services provided by the various agencies?

(3) How many names of children have been entered on the register?

(4) How many names of people convicted of harming children have been included on the register?

(5) How many names of various agencies providing services have been included on the register?

Mrs EDWARDES replied:

(1)-(2) Yes.

(3) Since 1 July 1996 the names of 50 children have been registered.

(4) Since 1 July 1996 the name of one person convicted of offences against a child has been registered.

(5) There are seven government agencies which can register -

Family and Children's Services
Education Department
Health Department, including Princess Margaret and King Edward Memorial Hospitals
Disability Services Commission
Alcohol and Drug Authority
Police Service, including police child abuse unit
Ministry of Justice.

NORTHBRIDGE TUNNEL - CONTAMINATED SOIL, WEST AND EAST OF FITZGERALD STREET

1973. Ms WARNOCK to the Minister representing the Minister for Transport:

(1) Is it true that contaminated material has been found in the soil in the tunnel demolition site to the West and East of Fitzgerald Street in Northbridge?

(2) If so, what are those polluting substances and how will they be cleaned up?

(3) How much is this process expected to cost?

(4) What sort of health risk does it constitute, if any?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

(1) Yes.

(2) Remnants of lead and zinc from industry previously located in the area are evident and will be moved to approved selected landfill sites under a management plan agreed with the Department of Environmental Protection.

(3) The cost will depend on the method of disposal, which is yet to be finalised.

(4) None. Procedures agreed with the Department of Environmental Protection will ensure the safe transport and disposal of this material.

PRISONS - CANNING VALE; CASUARINA

Section 9 Prisons Act Inquiries

2045. Mr BROWN to the Minister representing the Attorney General:

(1) Further to question on notice 763 of 1996, exactly what was the nature of the "range of concerns raised at Casuarina Prison" referred to in the answer to (8)?

(2) Had any of these concerns been raised with the former Director General of the Ministry of Justice by Superintendent Moore before Superintendent Moore submitted his report?

(3) On what date was the report submitted?

(4) Prior to, or on the date of the report being submitted, had the former director general spoken to or communicated with Superintendent Moore about one or more section 9 inquiries being established?

(5) What was the first date Superintendent Moore became aware of the former director general's intention to establish the section 9 inquiry into certain events at -

(a) Canning Vale Prison;
(b) Casuarina Prison?

Mr PRINCE replied:

(1) (a) Issues relating to the prison officer reform package;
(b) incitement of prisoner;
(c) assaults on prisoners;
(d) excessive use of restraints.

(2) No.

(3) 23 September 1994.

(4) No, but on Wednesday, 21 September 1994, Mr John MacColl, Acting Director, Prison Operations at the time stated at a meeting, recorded in minutes, that he would request a section 9 inquiry into matters at Casuarina and that Superintendent Moore would conduct those inquiries.

(5) (a) 29 September 1994
(b) 30 September 1994.

PRISONS - CANNING VALE; CASUARINA

Section 9 Prisons Act Inquiries

2046. Mr BROWN to the Minister assisting the Minister for Justice:

(1) Further to question on notice 758 of 1996, was the former Director General of the Ministry of Justice made aware that the section 9 inquiries may not be carried out in a fair and unbiased way because of antagonism that existed between the inquirer and other prison staff he may be inquiring into?

(2) Did the Minister, or the Ministry of Justice, take any steps to verify that the person who conducted the section 9 inquiry would conduct that inquiry in a fair and unbiased manner?

(3) If so, what steps were taken?

(4) Given the involvement of the Director of Public Prosecutions, the Solicitor General and other senior members of the Crown in the deliberations on the measures to be taken to investigate matters of concern in the Ministry of Justice, were any steps taken by anyone to ensure the inquiry would be conducted openly, fairly and in an unbiased manner?

(5) If not, why not?

Mr MINSON replied:

(1)-(2) Yes.

(3) A system was implemented so that the inquiries were supervised by the Director of Public Prosecutions and the reporting officer forwarded all reports to the director general who independently made the end of line decisions.

(4) Yes.

(5) Not applicable.

ELECTORATE OFFICERS - CONFERENCE, SEPTEMBER 1996

2055. Mr BROWN to the Speaker:

(1) Is there a two-day conference of electorate officers arranged for 26 and 27 September 1996?

(2) Did the Civil Service Association/Community and Public Sector Union seek the Speaker's approval to have a representative from the union attend all or any part of the conference?

(3) Did the Speaker refuse permission for a representative to attend -
(a) all;
(b) any part
of the conference?

(4) If so, why?

(5) Was permission refused in line with the Government's policy of dissuading employees from becoming and remaining union members?

The SPEAKER replied:

(1) Yes.

(2) The union asked the Ministry of the Premier and Cabinet whether a representative could be present at the conference. Ministry of the Premier and Cabinet

(3)-(5) The seminar was arranged primarily to provide information and training on a range of security matters in electorate officers. The opportunity will also be taken to provide some interpersonal training and deal with housekeeping issues. In this context, it was not considered that involvement of the union was appropriate.

BURROWING BETTONGS - FROM SHARK BAY AT WAMSLEY SANCTUARY, SOUTH AUSTRALIA, FUTURE

2056. Dr EDWARDS to the Minister representing the Minister for the Environment:

Can the Minister reassure the House that the rare Western Australian burrowing bettongs from Shark Bay "given" to the Wamsley sanctuary in South Australia last year will not be put down?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

The member's question is confusing. It appears that she is referring to recent media reports concerning brush-tailed bettongs in South Australia, a different species to burrowing bettongs - also known as boodies. I understand that a private individual who cares for brush-tailed bettongs under a State Government wildlife keeping permit in South Australia has claimed that she will have to "put down" some of her animals because her yards are overcrowded and she cannot find homes for her excess. I understand that it is a standard requirement of such permits that captive populations are to be managed to prevent overcrowding. A total of 20 adult burrowing bettongs were provided to South Australia in 1995 for release on a property known as Yookamurra Sanctuary. This sanctuary is privately run by Earth Sanctuaries Limited, a company established by Dr John Wamsley.

Under arrangements with the South Australian Government all of the burrowing bettongs provided from Western Australia and their progeny remain wild animals, the property of the Crown in South Australia. The burrowing bettongs are not owned by Earth Sanctuaries or Dr Wamsley, and are not held privately under permit. Yookamurra Sanctuary has a management plan approved by the South Australian Government which sets out how native fauna, including introduced fauna, are to be managed. Under arrangements established with Yookamurra Sanctuary through the South Australian Government's Department of Environment and Natural Resources and the Western Australian Government's Department of Conservation and Land Management, Yookamurra Sanctuary met the costs of capture, transport and monitoring of the translocated burrowing bettongs and also made a contribution towards CALM's ongoing threatened fauna programs.

These contributions were required in recognition of the fact that Yookamurra Sanctuary hopes to profit from tourism associated with people viewing rare fauna species in the wild. I can assure Dr Edwards that burrowing bettongs have not been "given" to any private sanctuary and there is no suggestion that I am aware of that any wild burrowing bettongs at Yookamurra Sanctuary will need to be "put down" because of overcrowding or for any other reason.

JUSTICE, MINISTRY OF - WORK CAMPS

2069. Mrs HENDERSON to the Minister assisting the Minister for Justice:

Will the Minister give an undertaking that the location of any future mobile work camps will be limited to places where contact with family and significant others is readily available as recommended in the Newman report?

Mr MINSON replied:

Current planning for mobile adult prisoner work camps includes opportunities for regular visits. Prisoners will be made aware of arrangements for visits from family and friends prior to work camp placement.

JUSTICE, MINISTRY OF - WORK CAMPS

2070. Mrs HENDERSON to the Minister assisting the Minister for Justice:

What steps will the Minister take to recruit and keep female staff for any future juvenile work camps or treatment centre to "normalise" the environment as recommended by Judge Newman?

Mr MINSON replied:

All employment opportunities are subject to the Equal Opportunity guidelines. Both genders are encouraged to apply for positions within the Ministry of Justice and are considered for these positions on merit having met the selection criteria.

JUSTICE, MINISTRY OF - WORK CAMPS

2071. Mrs HENDERSON to the Minister assisting the Minister for Justice:

Will the Minister put in place methods to measure outcomes before any future juvenile work camps are established and will the Minister set up a means of measuring whether any new initiatives have any effect on the levels of recidivism among juvenile offenders in line with recommendations of Judge Newman?

Mr MINSON replied:

Recommendations made by Judge Newman in his report will be considered in any future directions for juvenile work camps. In addition, a research and evaluation committee is to be established in the near future which will research and report on the impact that offenders' programs have on reducing recidivism.

METROBUS - TAXIS USED INSTEAD, FOR PUBLIC TRANSPORT

2075. Dr WATSON to the Minister representing the Minister for Transport:

(1) On what routes are taxis used instead of buses as public transport?

(2) What is paid to the driver per hour?

(3) How much do passengers pay?

(4) When have taxis been used on routes in the Canning and Southern River bus regions?

Mr LEWIS replied:

The Minister for Transport has provided the following reply -

(1) On any MetroBus route, as determined appropriate by MetroBus management.

(2) MetroBus is charged at the rate of $35 per hour.

(3) There is no charge for passengers.

(4) 27 and 31 July 1996;
1 to 3 August 1996;
5 and 6 August 1996;
9 August 1996;
15 August 1996;
19 and 20 August 1996;
30 August 1996; and
5 September 1996.

This initiative is required because the scheduled services have not been operating due to driver illness or absence at short notice. Taxis were brought in to ensure that the travelling public is not inconvenienced. We look forward to improved reliability and attention to customers' needs in these areas from the new contracted operators who commence operations from 30 September 1996.

BUS SERVICES - TENDER PRICES KEPT SECRET ONCE AWARDED

2076. Dr WATSON to the Minister representing the Minister for Transport:

Why are the tender prices for private bus services kept secret once awarded?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

Contract prices will be released when contract negotiations are concluded.

QUESTIONS WITHOUT NOTICE

INDUSTRIAL RELATIONS LEGISLATION - FUTURE PLANS

512. Mr McGINTY to the Minister for Labour Relations:

I refer to the Premier's carpeting of the Minister over the Minister's intemperate outburst when he threatened to introduce even harsher industrial relations laws after the next election. In case the Minister has forgotten, here is the headline in bold type for everyone to see!

(1) Is it true that the Premier has withdrawn his commitment to the Minister that his second wave legislation would be passed this year?

(2) Will the Minister be honest with the people and tell them what harsher workplace laws he will propose, if somehow he survives the state election?

(3) Is it not the case that the Premier and his Liberal colleagues recoiled in horror at the Minister's political stupidity in the lead up to the next election?

(4) Has the Premier reassured the Minister that he still has the Premier's confidence?

Mr KIERATH replied:

(1)-(4) I am fascinated to see that headline. Obviously I do not travel in the same circles as the Leader of the Opposition -

Mr McGinty: I read *The West Australian*. It is handy to be literate.

Mr KIERATH: I did not see that headline. Perhaps the Leader of the Opposition will be kind enough to give it to me to keep as a memento after he has finished with it today.

Mr McGinty: Together with your scalp, it will be one of my mementos.

Mr KIERATH: Is that right? The headline is interesting because it shows how wrong someone can be.

Mr McGinty: You are right, again!

Several members interjected.

The SPEAKER: Order!

Mr KIERATH: What is the definition of being carpeted? Neither the Premier nor any member of his staff has contacted me over that issue.

Mr McGinty: That is interesting!

Mr KIERATH: I do not know the definition of being carpeted. However, on policy matters -

Mr Court: It made a good headline!

Mr KIERATH: The headline was manufactured, but that is up to the people who write the headlines.

Mr Cowan: Never!

Mr KIERATH: *The West Australian* would not do that!

Mr Brown: So, the Premier has not spoken to you about the matter!

Mr KIERATH: At that stage, no.

Several members interjected.

The SPEAKER: Order!

Mr KIERATH: This week we discussed industrial relations matters. I have not spoken to the Premier about industrial relations issues over the past couple of weeks. This just goes to show what a headline is designed to do. Before the last election, we launched our industrial relations policy. That document contained all the initiatives we intended to take over the next eight years. We have probably achieved 90 per cent of those initiatives in the first four years. If the Leader of the Opposition is asking whether I have many reforms remaining, I do not. Most reforms have been introduced. The systems are working very well. Our first policy paper said that we would review the existing system. We used Commissioner Fielding for that. His report is publicly available.

Several members interjected.

Mr KIERATH: If members will be quiet, I will give them a hint. I imagine that we will issue an industrial relations policy, again, before the next election. This time members opposite may pay more attention, because they know that we mean it. I feel fairly confident that it will probably be based on some, not all, of the recommendations in the Fielding report. The Government will do what it did last time; that is, go to the people with a clear plan and ask them to endorse that plan.

Mr Brown: That will be a first.

Mr KIERATH: It is not a first. I am sure the Government's industrial relations policy will be released way before the next state election. I hope it will be released in the next couple of months.

The SPEAKER: Order! I ask the Leader of the Opposition to remove that poster from the front of his desk.

ECONOMIC GROWTH - AUSTRALIAN BUREAU OF STATISTICS FIGURES

513. Mr DAY to the Premier:

Has the Premier examined the state account figures released by the Australian Bureau of Statistics earlier today and will he inform the House of Western Australia's most recent economic performance?

Mr COURT replied:

I thank the member for some notice of this question. Yesterday I was asked by the media to comment on a statement by the Labor Party that Western Australia's economic growth this year would be 2.5 per cent. I thought that figure seemed a little strange. The Government forecast 4.75 per cent growth for the last financial year and nearly 6 per cent this year. I made some inquiries and found out that the Labor Party based that claim on a forecast by Syntec International Pty Ltd that was made 18 months ago. The Deputy Leader of the Opposition was on radio last Thursday talking about economic growth. He said the State was not growing at the pace it should be.

Dr Gallop: Absolutely, my friend. You should talk to Mr Howard about that problem.

Mr COURT: I will tell the Deputy Leader of the Opposition the rate at which the State is growing. Figures out today indicate that Western Australia's economic growth last year was not 4.75 per cent, but 6.3 per cent.

Dr Gallop: What about the relativity to the other States?

Mr COURT: The relativity is that the national growth was 3.8 per cent.

Dr Gallop interjected.

The SPEAKER: Order! I formally call to order for the first time the Deputy Leader of the Opposition. He has a well modulated voice. He does not need to shout, because when he shouts it draws more attention to his interjections and I cannot hear the person we are trying to listen to.

Mr COURT: No State apart from Western Australia had a figure above 4.7 per cent. This State has achieved the economic trifecta: It has the highest level of economic growth, the lowest level of unemployment, and the highest level of business investment. What more does the Deputy Leader of the Opposition want?

Dr Gallop interjected.

The SPEAKER: Order! I formally call to order for the second time the Deputy Leader of the Opposition.

Dr Gallop: He invited me to comment, Mr Speaker.

The SPEAKER: Order! I asked the member several times to come to order and he took no notice.

Mr COURT: I inform the House of what the economic growth was for the last two quarters under this Government.

Dr Gallop: You are a dishonest Premier.

Withdrawal of Remark

The SPEAKER: Order! I formally call on the Deputy Leader of the Opposition to withdraw that comment.

Dr GALLOP: I withdraw.

Questions without Notice Resumed

Mr COURT: The State has had 6.3 per cent growth in the past financial year.

Dr Gallop: You fiddle with figures.

Withdrawal of Remark

The SPEAKER: Order! The member cannot use that expression. It is unparliamentary.

Several members interjected.

The SPEAKER: Order! A prominent case is before the court in this State about fiddling the figures of companies. The member cannot use that expression. I call on him to withdraw it. I cannot go on all day asking him to withdraw. I will take formal action against him if he continues to make remarks like that.

Dr GALLOP: I withdraw, Mr Speaker.

Questions without Notice Resumed

Mr COURT: We are dealing with facts. In the September quarter of 1992, before the election, the growth was negative 0.6 per cent. In the September quarter it got worse; it was negative 0.9 per cent. We are dealing only with facts.

Dr Gallop: You are manipulating the figures.

Mr Brown: What was it in the March quarter?

Mr COURT: I am trying to tell those opposite that our forecasts were wrong for last year. The figure was not 4.75 per cent; it was 6.3 per cent. We may well have to redo the forecast for the next financial year because of those terrific results that have come out today.

HOSPITALS - TREATMENT COMPLAINTS

514. Dr GALLOP to the Minister for Health:

I am quite happy to offer the Premier a briefing from the Australian Bureau of Statistics, because he obviously understands nothing about statistics. I will move on to the real issues in Western Australia. In this morning's media the Minister claimed that concerns about the treatment of patients at Joondalup hospital were unfounded. I ask -

(1) Is the Minister aware of the case of Carmen Cox, who was rushed to Joondalup hospital with a fractured sternum and severe abdominal pain after a traffic accident, only to be bundled out four hours later and told to see her doctor?

(2) What does the Minister say to her husband, Glen, who broke down in tears on Radio 6PR this morning after telling listeners how his wife was subsequently rushed to St John of God Hospital where she is likely to remain until next week?

(3) What does the Minister say to the young mother from Exmouth, who suffered a miscarriage and was flown from Exmouth to Carnarvon, and then at two o'clock the next morning was bundled into a courier truck for a six-hour trip via Coral Bay back to Exmouth?

(4) When will the Minister admit that our hospital system is in urgent need of major surgery?

Mr PRINCE replied:

(1)-(4) The second case was brought to my attention about two weeks ago. The Commissioner of Health is in Port Hedland today and he will be in Exmouth tomorrow. The Chief Medical Officer of the Health Department, Dr Bryant Stokes, was in Exmouth last week. The report from Dr Stokes is that, with an upgrade to the theatre at the Exmouth District Hospital, obstetrics can be recommenced there, assuming doctors who are accredited for obstetrics work and midwives, etc are in the community, and I understand they are.

It is a particularly appalling and distressing case. The young woman suffered a miscarriage and had to go to Carnarvon for a curette. I am totally dissatisfied with the way in which she was directed to go back to Exmouth, travelling in a courier truck. As I say, this matter has already been brought to my attention, has been investigated and action is in hand.

Dr Gallop: The member for Northern Rivers raised this matter 12 months ago and nothing was done about obstetrics.

Mr Riebeling: You cancelled the obstetrics services.

Mr PRINCE: It was done on the recommendation of the Health Department. I refer to Ms Cox who is a 42 year old lady. She presented to the emergency department at Joondalup hospital at about a quarter to eight on Monday morning and she left at about half past 11 the same morning. The car in which she was a passenger had been involved in an accident. The driver, a male - I do not know who he was, but he was at least a close friend, if not a relative - had a fatal heart attack while driving at a fairly low speed. As a result the crash was designated as a low speed motor vehicle accident.

Ms Cox, understandably, was distressed because the driver had died. She was received by the resident medical officer on duty who ordered a full range of diagnostic tests, including chest and bone x-rays, and an electrocardiogram. The results showed a minor crack in the sternum. The results of those tests were then reviewed by the medical officer and the director of emergency. Standard treatment for this sort of injury is rest and pain control at home. Her pain was not great and could be controlled by taking Panadeine Forte. She was not admitted to hospital because the injury was of a relatively minor nature. She left at half past 11 in the morning with her daughter. She was advised to rest at home and also to contact her general practitioner if any pain or discomfort continued. Of course, as I said, she was distressed as a result of the death of her friend who was driving the car.

Other patients in the emergency department at the time included people who were involved in a different motor vehicle accident, had suffered head injuries and were transferred to Sir Charles Gairdner Hospital; a child who had a cut hand; someone with a metal spike in the arm; a child with an ear infection; someone with appendix and abdominal pain; someone with impaired vision, possibly a stroke; and someone with acute chest pain, painful neck and severe migraine.

Ms Cox was seen to as soon as possible. She was tested, diagnosed and treated, and she was then allowed to leave, because that was the appropriate way for her to be treated. Her husband is understandably distressed, because clearly he is also a friend of the person who died; and there may be other complications about which I would rather not comment. The way in which that hospital dealt with that lady on Monday was perfectly in order.

Dr Gallop: Where is she now?

Mr PRINCE: St John of God Hospital.

Dr Gallop: It is interesting that the next day she finished up in hospital.

Mr PRINCE: I do not want to discuss private medical matters in this place. If the Deputy Leader of the Opposition wants to know the reasons, I will tell him outside.

Mrs Henderson: That is what you are doing.

Mr PRINCE: No. The Deputy Leader of the Opposition has brought that up; all I have done is respond to the allegations. I will not take it any further.

Dr Gallop: Our health system is in crisis, and this man is doing nothing!

The SPEAKER: Order! Deputy Leader of the Opposition! I ask the Minister to begin to conclude his answer.

Mr PRINCE: Certainly, Mr Speaker. I have for the Deputy Leader of the Opposition a copy of a letter from Royal Perth Hospital to the other lady whose case he raised. She is going back into Royal Perth Hospital next week; she is entirely happy with the place. I have given the Deputy Leader of the Opposition the information with regard to Mr Shaw, whose case he raised yesterday with respect to Joondalup Hospital. He had an infected finger. He was not dealt with straightaway because he was the lowest priority; at the same time in the emergency room was a person with a fractured skull, a person with a cardiovascular accident, and people with diabetic infection, head injury, gastric bleeding, abdominal pain and severe anxiety. All those people rated much higher than Mr Shaw. He left casualty of his own volition and saw his doctor, because he had been assessed as low priority. The Deputy Leader of the Opposition is running a scare campaign -

Dr Gallop: I will show him the way you have used this Parliament to discredit his reputation. This is a disgraceful contribution by you to discredit that human being.

The SPEAKER: Order! I formally call to order for the third time the Deputy Leader of the Opposition, and if he continues to do what he has been doing, he will suffer the observed fate. I ask the Minister to conclude promptly.

Mr PRINCE: The Deputy Leader of the Opposition is running a scare campaign. I will respond to whatever he has raised.

HOSPITALS - ROYAL PERTH REHABILITATION, SIEGE

515. Dr HAMES to the Minister for Health:

Will the Minister give the reasons that the Shenton Park siege was allowed to continue for the reported 50 hours, as it has been claimed that it could have been resolved much earlier?

Mr PRINCE replied:

I am pleased to respond to some criticism that has appeared in the media - I am not criticising the media for reporting it, because it is criticism which has come from other people - to the effect that the siege, which lasted for some 50

hours, perhaps could have been brought to an end earlier. It was a combined exercise involving the police, the tactical response group, a psychiatric assessment team, a psychiatrist, many nurses and doctors, and other people in and around the hospital and that ward area. The police judgment, particularly through its negotiators, was that it was a wait and see situation until it was appropriate to try to grab the person, who was clearly psychotic, and cut him loose from the brace that the lady had around her neck, which was immobilising her, in such a way that the brace was not moved. There was a real danger that if the brace was moved and her head was moved, particularly sideways, it could cause permanent neurological damage to her spinal cord because she had suffered injuries as a result of a motor vehicle accident. The people who were there, who had experience of siege situations and so on, were the best people to judge what was the appropriate action. The officers and others involved fully assessed the situation and waited for the opportune time. There is no doubt that they moved at the opportune time, because the young woman was completely unharmed physiologically as a result of the experience; I do not know what her mental state would be like, but she suffered no physical injury. I express my admiration for the people who were involved in carrying out that operation.

DISCRIMINATION ON THE GROUNDS OF SEXUALITY - LEGISLATION DEFEATED

516. Ms WARNOCK to the Premier:

Will the Premier explain to the community why his Government supports discrimination on the grounds of sexuality? Does the Premier think it is appropriate that people can legally be sacked from their jobs, refused service in restaurants or denied other goods and services simply because of their sexual preference? How can this Government claim to be a Government for all Western Australians when it ignores the fundamental issue of human rights?

Mr COURT replied:

If the member has examples of people who have been discriminated against in that way, I would certainly be interested.

Several members interjected.

The SPEAKER: Order!

Mr COURT: We do not need legislation for those matters. The matter was debated last night in the Parliament. The Government's view is that legislation is not required to cover those matters.

HOTELS - ENTERTAINERS' DRESS STANDARDS

517. Dr TURNBULL to the Minister for Police:

(1) Recently the Director of Liquor Licensing wrote to the licensees of licensed premises and told them that they can apply to have removed from their licence the condition that requires an entertainer not to be immodestly dressed. Will the Minister explain if that is true?

(2) The Director of Liquor Licensing has stated that he has used the fact that the police are not making charges as one of his reasons for removing the requirement that people not be immodestly dressed. Have there been any successful recent convictions for immodest dress?

Mr WIESE replied:

I think that most Western Australians would be quite disturbed if there were to be the type of relaxation in dress standards that the member has indicated may be occurring in our hotels and licensed premises. That the police are not successfully prosecuting, referred to by the member for Collie, is not the case.

Mrs Roberts interjected.

Mr WIESE: The member should wait a moment and listen. The advice I have been given is that the police have been prosecuting successfully people who have been responsible for breaches of the relevant section of the Liquor Licensing Act. I refer members to a case which went, not just through the courts, but through the Supreme Court. A company called Lonergan Pty Ltd had been charged with five counts of breaching the entertainment conditions, involving allegations of females being immodestly dressed. Lonergan was successfully prosecuted.

Mr Catania: Why don't you get the police to stop people breaking into people's houses? What a load of garbage!

Mr WIESE: Let us deal with that. As a result of apprehensions and prosecutions, the burglary rate is down eight per cent. It is the first time that figure has dropped. It is a very clear indication that some of the things that we and Commissioner Falconer are doing are starting to have effect. The members of the Opposition do not like it, but it is a fact.

Lonergan was successfully prosecuted for offences relating to the indecent dress of entertainers on its premises. The case went on appeal to the Full Court. The appeal of Lonergan versus the Commissioner of Police in the Full Court on 12 June 1996 was based on several matters, including whether the imposition of entertainment conditions was valid and whether the evidence in the case established immodesty and indecency. In both instances the Full Court dismissed the appeals. That is a very clear indication that the courts are prepared to uphold the standards set out in the Act. Most Western Australians applaud that; some members of the Opposition do not. The Commissioner of Police has prosecuted many breaches of those entertainment conditions. In the majority of cases prosecutions have resulted in a finding against the licensee and the imposition of penalties.

Mr Catania interjected.

The SPEAKER: Order! The member for Balcatta.

GOLD ROYALTY - FUTURE PLANS

518. Ms ANWYL to the Premier:

Just for once can we have a clear, straightforward answer to a very simple question? When the Premier said in this place yesterday that "this Government would never impose a royalty where it would affect small producers", did he mean that if the Government were re-elected -

(1) no gold royalty will be imposed;

(2) no gold royalty will be imposed on small producers, but the rest of the industry had better watch out; or

(3) that he is setting out before the election deliberately to mislead the entire goldfields and that he is planning some form of graduated tax on the entire industry?

Mr COURT replied:

(1)-(3) I do not know how many times I must tell the member: We do not have the question of a gold tax on the agenda, full stop.

I said that the matter has been raised by members of the industry at virtually every meeting we have had. The one point they make to us is that if we were to have a gold royalty, we would want to negotiate with them to ensure it does not affect small producers and the low grade ore bodies. I do not know what more the member wants me to say.

SMALL BUSINESS - BUNBURY; IMPACT OF RESOURCE PROJECTS

519. Mr OSBORNE to the Minister for Resources Development:

I draw the Minister's attention to an article in the business section of today's *The West Australian* headed "Small business booms on business optimism", quoting Australian Bureau of Statistics figures showing strong growth in the number of small businesses in Western Australia. While a number of significant resource related projects have recently been constructed in the Bunbury region, such as the Wandoo Alliance oil storage structure, is the Minister confident that this momentum will continue, and that the effects will flow through to businesses in the electorate of Bunbury?

Mr C.J. BARNETT replied:

Many of the benefits of these major projects are flowing through to the small business sector, and particularly in the Bunbury area.

Mr Catania interjected.

The SPEAKER: I call the member for Balcatta to order again!

Mr C.J. BARNETT: It is common knowledge in Western Australia and throughout Australia that both the retail and home building sectors have been relatively recessed.

Mr Catania interjected.

The SPEAKER: Order! I formally call to order for the first time the member for Balcatta.

Mr C.J. BARNETT: Indeed, the development that has taken place in the resources sector has kept this State strong while the rest of Australia has had low levels of activity in both of those sectors.

The member for Bunbury raised in particular projects in the south west. I refer him to the recently completed concrete gravity structure built in Bunbury harbour at a cost of $100m. The Australian content on the project was 92 per cent and the Western Australian content was 82 per cent. Some of the small businesses benefitting from that project in Bunbury include Leonie's Catering, which had a $50 000 contract; Night Guard Security, which had a $250 000 contract; Bricknell Electrics, which had a $200 000 contract; and Bunbury Plumbing Services which had a $500 000 contract. There is very visible evidence of that work flowing to local firms.

In addition, around the State, the goldfields gas pipeline has 79 per cent Australian content and 62 per cent Western Australian content; the Nelson Point expansion at Port Hedland has 90 per cent Australian content; the DRI plant at Port Hedland will achieve 65 per cent Australian content; and the almost completed Beenup minerals sands project in the south west near Augusta has had 96 per cent Australian content, of which 94 per cent was Western Australian. Western Australia, Australia and the small business sector are benefiting.

Every time someone misses out on a contract they complain to the Opposition and members opposite stand up in this place and bleat about it. We can recall being in opposition and it always happens. When these projects are looked at objectively, one sees the level of Australian and Western Australian content is consistently in the range of 75 per cent to 90 per cent.

ENERGY - UNIFORM TARIFF POLICY

520. Mr GRILL to the Premier:

In part answer to my question on country power pricing yesterday, the Premier said -

> In case the member for Northern Rivers has not been informed, he should know that the uniform tariff policy is still the policy in this State.

(1) Does the Premier concede that at least 35 commercial businesses in Esperance alone are now being asked to pay much higher tariffs outside the uniform tariff policy?

(2) Does he concede, as do Western Power officials, that areas not covered by the uniform tariff policy will now have their prospects for industrial and commercial growth blighted by the new discriminatory policy?

Mr COURT replied:

(1)-(2) I will do the best I can to answer this question. The member should direct his question to the Minister responsible for this issue. The uniform tariff policy is in place, and will remain in place. I cannot see any Government changing that policy in the future. I will not comment specifically on the 35 commercial businesses the member referred to because I do not know the detail. The member knows that the large users have always been on contracts. He also knows that the reason they have been on contracts is that if there was not a contractual arrangement for the large user in many of the remote areas projects like, for example, goldmines, would be receiving huge subsidies from the Government. I do not believe the Opposition would support that.

Several members interjected.

Mr COURT: Members should let me finish. Arrangements have been made, which I am sure even the member who asked the question would be satisfied with, in relation to the Esperance situation.

Mr Grill: I am not sure that you are aware of what has happened.

Mr COURT: To make sure the member feels comfortable, I advise him that representatives from the Chamber of Commerce and Industry and the energy action group in Esperance will be meeting with the Minister, me and possibly the Minister for Regional Development to discuss the Esperance situation.

Mr Grill: It is not just Esperance - there are other places as well.

Mr COURT: No, not just Esperance.

Mr Leahy: It is a Liberal-held seat.

Mr Cowan: No, you are wrong.

Mr COURT: The positive situation in the Esperance area is that there are more options available to address the issue of the availability of competitive energy for large users of the gas that will be coming into the goldfields next month.

Mr Leahy: Western Power says it is not possible to transmit by wire because of the loss. You have lost that one.

Mr COURT: The bureaucrats told the previous Government that it could not fund an infill sewerage program, but this Government worked out how to do it. If there is a way to get competitive energy from Kalgoorlie down to Esperance, this Government will work out how to do it.
