



WESTERN AUSTRALIA

# **Parliamentary Debates**

**(HANSARD)**

THIRTY-FIFTH PARLIAMENT  
FIRST SESSION  
1998

LEGISLATIVE COUNCIL

Tuesday, 9 June 1998

# Legislative Council

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**THE PRESIDENT** (Hon George Cash) took the Chair at 3.30 pm, and read prayers.

## **TREASURER'S ADVANCE AUTHORIZATION BILL**

*Assent*

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

## **URANIUM MINING INDUSTRY**

*Petition*

Hon Giz Watson presented a petition, by delivery to the Clerk, from 86 persons praying that the Legislative Council will evaluate the acceptability of the establishment of a uranium mining industry in Western Australia.

[See paper No 1656.]

## **PETITION**

*Ruled out of Order*

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [3.32 pm]: I have a petition addressed to the President and members of the Legislative Council of the Parliament in Western Australia in Parliament assembled.

*Point of Order*

Hon N.F. MOORE: I understand that this petition does not conform to standing orders. Reading it out defeats the whole purpose of having standing orders for petitions.

The PRESIDENT: Has the petition been certified by the Clerk?

Hon TOM STEPHENS: The petition has not been certified by the Clerk because it does not conform to standing orders in one regard, which is that it petitions the Legislative Council -

The PRESIDENT: Order! The Leader of the Opposition knows the rules. If the petition has not been certified he cannot use this avenue to present it. However, another avenue is the adjournment debate. So long as the petition does not contain offensive material, that would give the Leader of the Opposition the opportunity to read the petition out.

Hon TOM STEPHENS: I was endeavouring to let members hear the wording of the petition, so that I could seek the leave of the House to present the petition, because the wording would not then be a source of controversy, and leave would be granted.

The PRESIDENT: The Leader of the Opposition can seek the leave of the House, but there is no need to read the whole of the prayer. All he has to do is indicate to the House the general nature of what he wants the leave for.

Hon TOM STEPHENS: I seek the leave of the House to present a petition signed by 10 294 people calling upon the Legislative Council to act in regard to the wages and conditions affecting Western Australian nurses.

The PRESIDENT: Before I ask the House if it will grant leave, can the Leader of the Opposition tell me why the petition does not conform to standing orders?

Hon TOM STEPHENS: The advice is that by calling on the Legislative Council in reference to money matters, it is asking the House to do things beyond the powers of the Legislative Council.

The PRESIDENT: It is important that the Council be aware of that. Is leave granted?

[Leave denied.]

Hon N.F. Moore: Try tomorrow and give me more than one minute's notice.

Hon Tom Stephens: Have a good day.

The PRESIDENT: The Leader of the House and the Leader of the Opposition will come to order. If they have matters of management, those are between themselves and certainly not between them and the Chair.

**HIGHWAY THROUGH WANNEROO***Petition*

Hon E.R.J. Dermer presented the following petition bearing the signatures of 1 219 persons -

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

We the undersigned residents of Western Australia call on the Government to amend plans for a six lane highway through Wanneroo to Burns Beach Road. Your petitioners therefore respectfully request that the Legislative Council will, as a matter of priority, urge the Government to develop and implement a road plan which will divert heavy traffic away from Wanneroo Road, Wanneroo townsite and local neighbouring streets.

And your petitioners, as in duty bound, will ever pray.

[See petition No 1657.]

**JOINT STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS AND STATUTES REVISION***Report on Petitions Regarding Voluntary Euthanasia*

Hon M.D. Nixon presented the "Twenty-third Report of the Joint Standing Committee on Constitutional Affairs and Statutes Revision in relation to Petitions Regarding Voluntary Euthanasia", and on his motion it was resolved -

That the report do lie upon the Table and be printed.

[See paper No 1658.]

**NURSES WAGE CLAIMS***Urgency Motion*

**THE PRESIDENT** (Hon George Cash): I have received the following letter addressed to me and dated 9 June 1998 -

Dear Mr President

At today's sitting it is my intention to move an Urgency Motion under SO 72 that the House, at its rising, adjourn until 9.00 a.m. on Friday, 12th June, 1998 for the purpose of discussing the escalating crisis in public hospitals as a result of the failure of the State Government to satisfactorily resolve claims for a fair wage for nurses.

Yours sincerely

Giz Watson, M.L.C.

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

[At least four members rose in their places.]

**HON GIZ WATSON** (North Metropolitan) [3.39 pm]: I move -

That the House at its rising adjourn until 9.00 am on Friday, 12 June.

I sincerely believe that we are looking at a crisis in our health system. The latest events of today only serve to further indicate that. This morning a meeting of over 1 500 nurses voted for an all out strike. I understand that the vote was unanimous. I will address why we find ourselves in this situation and the role of the Federal and State Governments in this dispute. We cannot underestimate the value of a strong health system to all of us. Unfortunately we do not realise how important it is until we need it as individuals. Over the past few years I have been involved in taking people to various public hospitals. During this time I have experienced shocking situations such as having to carry a person to and from the toilet as a result of a shortage of staff. I gather this level of staff shortage is not unusual; we hear about it many times.

The Government is seriously underestimating the level of community support for nurses. I have been listening to talkback radio and other media. Time and again we hear people asking: What are we doing in this State if we are not willing to pay some of the most important people in our health care system a fair wage? Numerous people said

today that nurses were very much the backbone of our health system. Coming from a family in which my sister is a midwife and my mother was a nurse, I am well aware of that. It is shocking that in this day and age we do not value the extraordinary contribution nurses make to the community.

Conditions have deteriorated in the health system and health budgets have declined. In that climate the number of people admitted to hospital has increased. In addition to the increased number of admissions, nurses' productivity has increased. The average actual cost for each patient admitted to Perth's major teaching hospitals has decreased; it represents a \$14 fall per admission. That means that nursing practice is now more intense than ever and patients are spending less time in hospital. Inadequately resourced home and community nurses are bearing the brunt of those early releases from hospital. As a result, nurses are dealing with more acute situations in hospitals. The attendant stress that goes with that adds to nurses' difficulties.

Hospital nurses are being asked to do more; they often work double shifts and take inadequate breaks. Dramatic changes have occurred with handovers. The handover period in the nursing occupation has historically been a time for debriefing, exchange of information, etc. Over the past several years increasing pressure has been put on nurses to shorten the handover period. In many cases it is done by tape recording; therefore, less interaction occurs between nurses leaving and those starting a shift. I understand from nurses that the handover period is important for them to discuss their nursing duties and to maintain teamwork. That has been whittled away as nurses are increasingly put under pressure to do more work for the same pay.

I refer to a transcript from the proceedings of the Australian Industrial Relations Commission held in Perth on Thursday, 1 February 1996 at which Dr Mark Platell was discussing productivity and efficiency in hospitals. He said -

Efficiencies measured as the outcome of patient processes, eg, length of stay, tend to reflect upon all of the individuals and services which impact upon that patient . . .

The only way forward or faster is for the team to pick up the pace as a unit. Over the last 4 to 5 years there has been a noticeable and measurable increase in the efficiency/productivity of teaching and other hospitals in Western Australia.

He also said in his testimony to the commission -

. . . hospitals were seeing more patients, looking after more patients without any increase in resources. There's a lot of debate over how you use the figures, what they really mean but I was basing that on the position of someone who is actually working within a hospital unit and I had no doubts that we were working harder, smarter, doing more work for the same or less resources than previously. It was really just a personal conviction that was shared by all of the executives that I was working with in the hospital.

That is an admission that nurses have done much to improve productivity with fewer resources.

We are facing an ageing population and increased technological demands which increase pressure on nursing staff. It is therefore unreasonable to ask nurses to trade off conditions for a pay increase. It was suggested they should trade off their registered days off. As I have indicated previously, it is appalling that nurses are being asked to trade off conditions when members of Parliament have been granted a pay increase without having to change their conditions. As I indicated publicly, I find that a great embarrassment. The trade-off is unreasonable because registered days off are recognised as important stress management opportunities in the nursing occupation. Comparisons have been made between nursing and the hard work politicians do. I do not know how many people have nurses as friends or socialise with nurses. I know exactly how hard they work and the stresses and strains they are under. It is unreasonable that they are being asked to trade off that very important respite time.

As we know, nurses in Western Australia are the lowest paid in Australia.

Hon E.J. Charlton: Is that right?

Hon GIZ WATSON: Yes; I have the figures. A level 1 registered nurse in WA earns \$537.90 a week; in Victoria, \$614.09; in New South Wales, \$595.80; and in Queensland, \$561.15.

Hon E.J. Charlton: Where did that information come from?

Hon GIZ WATSON: It has come from the nursing union. I will table it if the Minister wishes.

The PRESIDENT: Order! Is the Minister asking under Standing Order No 48 for the document to be identified?

Hon E.J. Charlton: Yes.

Hon GIZ WATSON: It is an information sheet provided by the Australian Nursing Federation.

Another issue that has not gone unnoticed is that nursing is traditionally dominated by women. Again it is an attitudinal matter that women are often expected to do the same hard work as men for less pay. Although some members are shaking their heads, figures prove that women are underpaid and overworked. I agree with that conclusion.

Hon Max Evans: You get the same rate of pay as Hon Jim Scott.

Hon GIZ WATSON: I am referring to nurses.

The PRESIDENT: Order! Hon Giz Watson has the floor and does not need the help of other members.

Hon GIZ WATSON: A police constable with a starting salary of \$34 906 has six months' training. Nurses are required to undertake at least a three-year degree course and their starting salary is \$29 317.60. As much as I appreciate that our police officers work hard and make a contribution, the level of stress and trauma confronting nurses on a daily basis gives them a right to equal to if not more than that awarded to police officers. I understand that since 1990 politicians have received a 40 per cent increase in salary compared with a 16 per cent increase for nurses over the same period.

It is a great concern that both the State and Federal Governments have failed to respond to these very pressing issues. They have thrown up their hands and said there is no money. That is ridiculous; we have money to spend on roads and tunnels. According to answers received during the Estimates Committees, we have \$2m to pay the police to go to the wharves.

Hon E.J. Charlton: That is about upholding the law.

Several members interjected.

The PRESIDENT: Order! We will stick to the topic.

Hon GIZ WATSON: The easy and short answer is to say there is no money. I find that highly offensive. There is always money to address projects such as Oakajee, which will involve a multimillion dollar handout to industry. Such subsidies to industry are an insult to the hardworking members of the health professions. We can anticipate much more serious disruption of the hospital system. We will face a continuing crisis unless leadership is shown by both this Government and the Federal Government in resolving this issue.

**HON KIM CHANCE** (Agricultural) [3.52 pm]: When this Government loses office in two years, one of the things that it can reflect upon -

Several members interjected.

The PRESIDENT: Order! The first speaker was heard in relative silence, and I intend to ensure that that is so for all speakers. We are now wasting time as a result of interjections. I ask members not to interrupt the speaker.

Hon KIM CHANCE: The former Government can then reflect upon where it went wrong, where it had successes and where it had failures. The issue that will give the former Government the greatest heartburn is the way it handled industrial relations matters generally and, in particular, public sector wage claims. The Government's handling of this issue has been an absolute disgrace. Other States in nowhere near as good economic shape as Western Australia have faced the same issue and resolved it. South Australia handled it expeditiously and effectively and got on with business.

One of our biggest public hospitals - Royal Perth Hospital - has not delivered services in non-urgent elective surgery since February this year. That is a disgrace. That non-delivery of services was acknowledged by the Minister in another place in the Estimates Committees the week before last as being entirely the result of the failure to resolve this dispute.

This motion is about obtaining an explanation from the Government as to why it has not fixed the situation. Today 1 500 nurses demonstrated outside Parliament House. How often has that happened? Has it ever happened previously? Have we ever had 1 500 nurses demonstrating on the steps of Parliament House and saying to the Government, "Get on and do your job"? It is not doing its job and that is an outrage.

I ask members of the Government to reflect on why the Goss Government in Queensland was kicked out of office. It was facing the very same situation. Just before that Government lost office commentators identified that the nurses, municipal workers and teachers had had enough of it. Nurses demanding that this Government do its job is a grim warning. It might be different with waterside workers and builders' labourers, because they will vote for the Labor Party anyway, but members opposite should consider how they will go when they face these people in two years. It will not be very pretty.

Hon John Halden: Fortunately their federal colleagues will face up to it earlier.

Hon KIM CHANCE: I will not get into a lengthy discourse about comparative wages across the country or the public sector. However, I will ask a couple of questions.

Nurses spend three and a half years training at university. I wonder whether members opposite are aware that, even if the Australian Nursing Federation claim were met by the Government, a level 1.2 nurse would still earn more than \$1 000 per year less than a probationary constable. Has the Government considered that? Has it also considered that a level 1.2 nurse now earns less than a level 2 clerk? It is a ridiculous situation.

I have some sympathy with the position in which the Government finds itself vis-a-vis the Medicare agreement. I know the Minister for Health has problems. However, let us fix the problems we have first and buy some time for Mr Prince to sort out the matter with the people in Canberra who are, after all, his colleagues.

The Minister for Health's opening comments in his address to the nurses outside this place this afternoon were about the most appalling I have ever heard a government Minister make to anyone.

[Interruption from the gallery.]

The PRESIDENT: The Parliament is more than happy for the public to join members this afternoon. That is part of a democracy. However, there are some rules, one of which is that only the member on his feet may speak. I ask that people in the gallery observe that rule, and if they do so we will not have any problems. The various members elected to this House on the public's behalf will then be able to put the case for or against the issue.

Hon KIM CHANCE: What really concerns me about all of this is that the message the Parliament is sending to nurses and the general public is that we do not value nurses; we do not think they are worth the time that it takes to sit down and negotiate; we do not think their claims are just, because we expect them to work for less than we expect a probationary constable to work for. The message is that we do not think they are good enough. This patronising attitude that is expressed in this statement and in the statement that the Minister for Health made outside this place today was summed up and portrayed rather beautifully in the Australian Nursing Federation's newsletter of June 1998 by way of satire in a cartoon. The cartoon is of a health industry boss leaning over his desk with a workplace agreement in his hand addressing a young female, who is presumably a nurse. The health industry boss is saying to the nurse, "Working conditions! Listen girlie, do you want a job or not?" The subtitle of the cartoon is "Suddenly Pam realised that workplace agreements were an offer she couldn't refuse." How true it is! Allowing for satirist's licence, that is an illustration of the Government's attitude to the negotiations for the new enterprise bargaining arrangement.

Aside from the dispute over the level of wages and conditions in the EBA, nurses are also having to deal with a blatant attempt by the Government to divide and rule the workplace by the introduction of workplace agreements. The Government has placed a requirement on all agencies to offer workplace agreements as the only form of employment for new employees. Members on this side of the House I am sure will remember the lies that were told about the workplace agreements regime increasing the range of choices for employees. Members will remember that when we dared to say in the Press that we did not believe that was true - at least in the case of new employees - we were told that we were liars. I was called a liar in the Geraldton media. Members opposite should try to tell a new nurse that he or she has a choice between the negotiated EBA, the negotiated award or the non-negotiable workplace agreement. The concept of choice has always been arrant nonsense, for the reason we gave some three or four years ago: The imbalance of power between the negotiators is just silly. The example we drew was of the 15 year old shop assistant trying to negotiate with Coles Myer Ltd. It was always a nonsense and always will be a nonsense. Here we have the might of the Government negotiating with a young university graduate and it is still a nonsense; it always will be nonsense. It should be obvious to everyone that was always the intent. The Government never intended that there be a meeting of minds. Those words were used by Hon Peter Foss at the time. A meeting of minds between the 15 year old shop assistant and Coles Myer! They were going to come to an agreement and everyone would be happy and live in the wonderful new industrial age. That was always going to be arrant nonsense. Why? Because there was no requirement in the Western Australian industrial laws to have a no disadvantage clause. The Commonwealth legislation has a no disadvantage clause. If members look in the WA Workplace Agreements Act to find the no disadvantage clause they will not find it. It is not there, because it was always the Government's intention to do exactly what is happening here. It was always the intention to shut people out of the award and the EBA process, for one reason only. It was not to make a better workplace, but to screw wages and conditions down as low as they could be screwed.

**HON MAX EVANS** (North Metropolitan - Minister for Finance) [4.04 pm]: I put on record that the Government appreciates what nurses are doing in the health system, so much so that we are building four new hospitals in Joondalup, Mandurah, Bunbury and Armadale to improve the conditions in the hospital system of Western Australia.

Hon Ljiljanna Ravlich interjected.

The PRESIDENT: Order! Hon Ljiljanna Ravlich will come to order.

Hon MAX EVANS: I cannot recall any other Western Australian Government building that many hospitals in the past 10 years. That money is going into the system to improve the medical system and to make people more productive.

Since last June the Government has worked hard to reach agreement with the nurses.

Hon Ljiljanna Ravlich interjected.

The PRESIDENT: Order! Hon Ljiljanna Ravlich will not be treated any differently from anyone else in this House. If I ask her to come to order she will come to order.

Hon MAX EVANS: The nurses wanted a single agreement to cover all hospitals. The Government held out against this because it was its practice to have separate agreements in separate workplaces. The Government reached agreement with officials of the nurses' union twice. The members of the union rejected those agreements.

The nurses' position is of concern to the Government. To this point industrial action has not resulted in major disruption. Waiting lists have increased, but waiting lists go up and down according to people's requirements to be listed when they want an operation.

The Government supports a view that nurses deserve a pay rise. In fact, the Government granted nurses a 10 per cent pay rise over two years in the last round of enterprise bargaining without any tradeoffs. That is in contrast to most public sector employees, who received only 3 per cent without tradeoffs. Members opposite referred to the pay rise given to the police. The police made many tradeoffs to get the increase in pay that they received. The nurses want an increase without tradeoffs. The police traded off a lot of things which made them more productive and efficient.

It has been stated that the nurses' pay increase was 16 per cent since 1990. It was 10 per cent in February 1988; 3 per cent, 1988; 1.7 per cent, 1989; 3 per cent, 1989; 3 per cent, 1989; 3 per cent, 1989; 3 per cent, 1990; 3 per cent, 1990; 1.7 per cent, 1990; 3 per cent, 1991; 2.5 per cent, 1991; \$8 in October 1993, October 1994 and November 1995; 5 per cent, 1996; 2 per cent, 1996 and 3 per cent in 1997. I do not know where the member got the figure of 16 per cent because since 1990 that adds up to 30.4 per cent. That is a fact of life. Members can add up what has gone on. I can deal only with the facts; they are the award increases.

The member referred to rates of pay for different levels of nurse. The rates for equivalent level 1.8 are: New South Wales, the highest at \$788.60; the WA workplace agreement rate is \$755.90; Victoria, \$724; Queensland, \$735; South Australia, \$713; and the Northern Territory, \$737. The rates in August 1998 will be New South Wales \$812; Western Australia, \$756; Victoria, \$746; Queensland \$757; South Australia, \$735; and the Northern Territory \$759. They are the facts of what is being paid to nurses. At present we have the second highest paid nurses and after 1 July we will not be the lowest. There is always a lag when we compare rates of pay because rates increase at different times. Nurses across Australia will never be on the same rate because their position will go up and down depending on when the rates are fixed.

The Australian Nursing Federation originally served a claim for 15 per cent in June 1997 on all public health employers. Negotiations took place at that time and we thought we had reached agreement on that. Applications were made in the Australian Industrial Relations Commission because industrial action was felt to be a protected action under the Workplace Agreements Act. That action was stopped by the ANF after a full bench decision in April. Since then the employers made a decision in early May to make an administrative payment of 3 per cent to all registered nurses. This decision was made out of frustration by employers over the lack of progress. Since that time the ANF has served a new claim on the Metropolitan Health Services Board and separate claims on each country health service.

The Government is just as keen as anybody else to finalise this. We have a basic philosophy to keep some rationale between rates of pay across Australia. We have limited funds, but I will not go through all of that. We could go on like the previous Government and spend and spend to buy favours and get further and further into debt. We have had to avoid that. We are trying to be responsible in what we are doing and we are trying to do that with most organisations or unions, even the Civil Service Association, to create a proper basis to work on. In Western Australia, nurses have access to salary packaging and workplace agreements. In other States only management nurses have this right. This can be a big benefit to nurses if they wish to take this up. However, most nurses do not want to enter into workplace agreements.

Hon Ljiljanna Ravlich: So what? You cannot force them.

Hon MAX EVANS: They can take up that benefit.

Hon Ljiljanna Ravlich: Who will pay the tax?

The PRESIDENT: Order!

Hon MAX EVANS: The benefit of salary packaging is to save tax. Some members opposite do not like that idea but some people find it very beneficial.

Hon J.A. Scott: Will the Minister table the document so that we know where he gets his figures from?

Hon MAX EVANS: This is a faxed sheet of figures on the enterprise bargaining agreement for registered nurses provided by the Health Department. The honourable member can check it.

The PRESIDENT: Minister, it comprises two pages?

Hon MAX EVANS: Two pages. We have great respect for nurses and their rates of pay. What we have tried to do - similarly with the police - is to come to some arrangement in reorganising their different award and payment rates so that we can more efficiently and effectively manage hospitals. However, at the end of the day, they will be paid probably even more money. Currently, without doing that, it is a very difficult situation. Comparing rates of pay or other awards with other organisations is difficult because one does not know where they are coming from. An example was given about members of Parliament over a period. Mention was not made of Hon Brian Burke dropping all members' salaries by 10 per cent when he came to office, which meant nothing to the Ministers or the Premier. The Premier got a pay increase of 50 per cent and even with the decrease of 10 per cent, he was still 35 per cent better off. Although Hon Mark Nevill's salary as a backbencher at the time was down by 10 per cent, Ministers were a lot better off.

When members compare parliamentary salaries, they compare them from a base which was reduced by 10 per cent and kept down to that level for some years. As a chartered accountant, I used to say that one can prove anything with percentages. I do not want to get into argument on this. We are being responsible. The Metropolitan Health Services Board wants to resolve this situation. It has twice reached agreement with the union and twice the members have knocked it back. They may want to change their union representatives, I do not know.

Hon J.A. Scott: The Government does.

Hon MAX EVANS: No; we were doing very well with the officials but they do not relate to their members. We thought they were being very responsible.

That is the position. We want the nurses to receive a fair rate of pay within the Government's finances. We just cannot add on another 15 per cent. There are many financial problems in this State, particularly with the Federal Government, but I will not bring that issue into play at the moment.

Hon J.A. Scott: I ask the Minister to table the document from which he was quoting.

The PRESIDENT: Under Standing Order No 47 the Minister is required to table the document that he identified.

[See paper No 1659.]

**HON LJILJANNA RAVLICH** (East Metropolitan) [4.15 pm]: Mr President, thank you for the opportunity of speaking on this urgency motion. When I stepped onto the steps of Parliament House I heard the Minister for Health, Hon Kevin Prince, tell the nurses that nothing they do should affect the sick. That Minister must be vying for the Liberal Party foot in the mouth award this year because I do not know where he was coming from. For a Health Minister to give that message - nothing they do should affect the sick - after he and his parliamentary colleagues have caused 22 000 Western Australians to have to wait for surgery and health care is an absolute disgrace and shows how out of touch he is. The Minister for Finance in a very cavalier fashion said that the number of people on the waiting list goes up and down.

Hon Max Evans: I only gave you the facts.

Hon LJILJANNA RAVLICH: The number is up by 22 000. I have not seen any trends downwards and I have not seen any trend downwards for a long time. What an absolutely arrogant attitude has been displayed by the Minister for Finance in this House and by the Minister for Health in the other place. Western Australian people are hurting and they will not cop it. The Western Australian public have had enough and nurses are telling us loudly and clearly that they too have had enough. What the nurses are asking for is fair and reasonable. Members of the WA public have told me that they have a great deal of sympathy for the nurses because they know about the excellent work they do in our hospitals. They believe also that what the nurses are asking for is fair and equitable.



The nurses are asking for 15 per cent over three years, improvements in their conditions and no tradeoffs. The Minister for Finance has told us that the nurses are not happy with what is being offered to them. Quite frankly, they are entitled to be paid in dollars; they do not have to accept salary packaging or that they have to trade off conditions. The bottom line is that they want parity with their interstate colleagues by 2000. That is a reasonable request. They want to retrieve their conditions, particularly those who have been on workplace agreements, and they want assurance that any agreement reached with the Government will be honoured and funded.

What does this say about what Western Australian workers think about the Government? They do not trust the Government - even if it enters into agreements with these workers - to honour the agreements over the long term and provide the agreed conditions. This problem is the making of this Government and its Premier as far as the Western Australian people and I are concerned. The Premier played a very heavy hand in this state Budget. He has said that he did not provide an allocation in the Budget to pay Western Australian nurses an increase because he wanted to force the hand of the Federal Government in terms of the Medicare agreement.

Hon N.F. Moore: He did not say that at all. The member knows better than that.

Hon LJILJANNA RAVLICH: Hon Norman Moore knows at the end of the day he should never have taken that calculated risk.

Hon N.F. Moore: He did not say that. That is the interpretation of Hon Ljiljanna Ravlich.

Hon LJILJANNA RAVLICH: There is an absolute tragedy in this State. Twenty-two thousand people are waiting for hospital treatment and nurses are marching in the street and sitting in Parliament House. Why? They have been forced into this position. The bottom line is that they cannot go to their workplaces because if they let the Government ride roughshod over them now, they must accept that the Government will ride roughshod over them in the future.

I spoke to Helen Attrill from the Australian Nursing Federation yesterday. One of the amazing things that has emerged from that conversation was that, when I asked her how often the Minister for Health had attended the meetings which are part of the consultation and negotiation process, she said that he has never attended. The reason given for his non-attendance at the negotiations is that the Minister does not believe he knows enough about management to meet with the nurses. I ask Hon Norman Moore not to screw up his face because that is the truth: Only government officials are represented at those meetings.

Hon N.F. Moore: I am not screwing up my face. Good grief!

Hon LJILJANNA RAVLICH: What sort of Minister worth his salt does not have the courage to attend a meeting all about negotiating a wage package and conditions for nurses? If the Minister for Health cannot do that, frankly, he should not be in the job. If he cannot meet the challenge, the Government should appoint someone who can.

Several members interjected.

Hon LJILJANNA RAVLICH: The problem is much broader. Nurses represent one target group; another target is the Maritime Union of Australia; and workers in the building industry took a day of action recently! The other day I spoke at length about the discontent of workers in this State. We must admit there is a lot of discontent, given that there are more workers on the streets than in the workplace! We face many problems which are a direct result of this Government's policies. They are a direct result of this Government's failure because its priorities are wrong. Those problems are a result of the arrogance of this Government. We all heard the Minister for Finance say that the Government did not have enough money; but the responsibility of good government is all about prioritising - in other words, delivering on the highest priorities for the people of this State.

Hon John Halden: Perhaps we could have another convention centre!

Hon LJILJANNA RAVLICH: The Government spent more than \$2m on the protest at the wharf, at which people were protecting their rights and conditions of work. It is an outrage that the Government spent that amount of money on that protest. We know about the \$1.3b road projects, and the \$100m which has been allocated for a convention centre. The Minister for Health offered the nurses a 7 per cent increase over three years, and said that he could not entertain the idea of a 15 per cent increase. He could afford only a 7 per cent increase over three years, because he could not afford the \$40m necessary to facilitate a 15 per cent increase. We will have a \$100m convention centre -

Hon N.F. Moore: Are you opposed to that?

Hon LJILJANNA RAVLICH: Yes. That money should have funded a pay increase for nurses.

Several members interjected.

The PRESIDENT: Order! Hon Ljiljanna Ravlich should address her comments to me, and there will be no need for interjections.

Hon LJILJANNA RAVLICH: Mr President, that money should have gone towards funding a pay increase for nurses and to ensuring that people found places in hospitals. I believe this is a deliberate strategy to force nurses onto the streets, and to reduce their conditions and wages. It is a strategy to create chaos in our public health system. It is a deliberate strategy by the Court Government to create a health crisis - that has occurred - and to drive Western Australians, at least those who can afford it, out of the public health system into a private health system. If the situation is not resolved, many people who will not be able to afford it may think that ultimately they may as well pay to go to a private health system rather than put up with the uncertainty of the current system.

I call on the Premier to do three things: He should stand down the Minister for Health because he is incompetent; he should grant the nurses a 15 per cent pay rise, and he should immediately solve the Medicare funding impasse with the Federal Government.

[Interruption from the gallery.]

The PRESIDENT: Order! Ladies and gentlemen in the gallery, members in this House have a limited time to speak. People in the gallery have wasted some of that time - and so am I wasting that time - because this debate, without leave being granted for it to continue, will finish at 4.30 pm. Every time people in the gallery or I interrupt, it costs a member time.

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [4.24 pm]: The community has before it an issue of justice; the House has before it an issue of justice; the Parliament, in turn, has the same issue of justice before it. However, most importantly, the Government of Western Australia faces that issue of justice. It is a question of justice for the nurses of Western Australia. We know that throughout this State dedicated nursing professionals work and serve in our hospitals, nursing posts and the health clinics in our remote regions. We also know that that dedication has been presumed upon by the Government. It has been presumed upon by the way nursing professionals are exhausted by the process. In those institutions and facilities, nurses are overworked; nurses are reluctant to go to work. Nurses are no longer going to work due to all those factors. We know that this is an issue of justice that has created a crisis for the community.

We know that the Government has the prime responsibility for resolving those issues. We also know that these issues are not being left unresolved due to any shortage of funds. We know that funds are available. The recent Budget presented in Parliament allocated funds to areas with a lower priority than the health needs of the community and the provision of funds to the nurses who work in those institutions. When we think about the facilities being staffed by the men and women who work in the nursing profession, we realise that many facilities require a huge emotional effort by staff. We know that hospitals are very busy institutions these days, and we know, for instance, that in palliative care units nurses are the frontline troops and for them it is a draining and exhausting working lifestyle; yet we deny that section of the community the justice to which it is entitled by pay increases and improvements to its employment conditions. We know that very regularly nurses are bogged down in the stress and pain of trying to deliver nursing services in those facilities in this State.

We are not strangers to those realities. We all go to those facilities - some more recently than others - and we see the stress that those institutions are under. Almost without exception, we are aware of the dedication that the staff continue to deliver to the people of Western Australia. Recently that situation changed. The nurses decided to pull the pin because this Government has been heartless in its response to this issue of justice. It is an issue of justice not only for those who work within those facilities, but also for the remainder of the community whose needs those nurses serve.

The patients who are the beneficiaries of the support and assistance of nursing staff are among the most vulnerable people in our community. We hope that they will be blessed with dedicated service by staff who can go home at night no longer exhausted or worn out by the conditions with which they are faced and in the knowledge that their contribution is valued by the community. The way the community can express that value - and this should be done by the Government - is by remunerating this group of workers properly. That will not be done by the current arrangements. There is an alternative: This Government could start spending the funds available to it within its own coffers on an appropriate area of allocation. That is, to meet the justice demands of this working group of men and women in Western Australia we could allocate funds appropriately if this Government was not so heartless, and if this Government got its priorities right. Until it does that, the Government of Western Australia is faced with the wrath of increasing sections of our community. Today it is the nurses, yesterday it was the people on the wharves. Who will it be tomorrow?

Hon N.F. Moore: Is that a question of justice?

The PRESIDENT: Order!

Hon TOM STEPHENS: The cumulative effect of what the Government is doing will eventually drive it from the Treasury benches of Western Australia.

Hon N.F. Moore interjected.

The PRESIDENT: Order! Leader of the House.

Hon TOM STEPHENS: The Government should be driven from those benches because it has illustrated by its display of heartlessness that it is not entitled to occupy them.

Hon N.F. Moore: We are not putting this State in the quagmire of debt that you put it in.

Hon TOM STEPHENS: The Government is no longer serving the interests of the Western Australian community. Not only the nurses, but also the people whom the nurses serve are entitled to something better than that which the Government is prepared to allocate to them. They are entitled to expect that we will have well remunerated men and women in the hospital facilities, the palliative care units, and the health clinics of Western Australia.

Motion lapsed, pursuant to standing orders.

### **REAL ESTATE AND BUSINESS AGENTS AMENDMENT BILL**

#### *Second Reading*

Resumed from 19 May.

**HON N.D. GRIFFITHS** (East Metropolitan) [4.32 pm]: The Labor Party supports the Real Estate and Business Agents Amendment Bill 1998 because of its content, not because of the rhetoric in the Minister's second reading speech. This Bill provides and enhances a regulatory regime covering one of the most important activities in our community; that is, the work of real estate and business agents, and the sales representatives and staff who provide support services. They are at the cutting edge of economic activity in Western Australia. Those who engage in that pursuit are involved in two aspects of life: Enterprise and service. Their jobs are very worthwhile and they are typical of small business people. We are very pleased to support them, just as, in the previous debate, we indicated our support for the nurses in their reasonable expectations.

When we as legislators examine the real estate industry - I use that expression in a shorthand way - it is important we bear in mind that, for most Western Australians, it involves the classic major investment of their lives; that is, the purchase of their home, whether it is their first home or a subsequent dwelling. For many other Western Australians it involves the purchase of businesses. The work of real estate and business agents, sales representatives and their staff is intrinsically bound up with the general wellbeing of our society. They play a significant role in fulfilling what is still the proper and classic Australian dream of owning one's own home, and/or getting involved in one's own business. Consequently, a strong regulatory regime should be in place so that these very important matters are dealt with fairly for all concerned.

Real estate and business agents and real estate sales people provide a very worthwhile service to their customers. They, like most people involved in economic activity and business, know that the best business is the business one obtains after the first job; that is, repeat business. These people provide a very worthwhile service and it is appropriate that I take the opportunity to acknowledge it. I have many friends and acquaintances in the industry and I am well aware of the great integrity they bring to bear on the tasks in which they are involved. I am also aware of the many hours spent by people in the industry, often for no reward. Many real estate agents spend money advertising and hours opening homes. The sales may not eventuate; offers may not be forthcoming. However, these people still carry on with their tasks and keep smiling. They do a marvellous job in the services they provide to Western Australians. I cannot say too much about the good work they do, and it is not necessary that I say any more. I wish to place on record my view and that of my party as to the very good work done by real estate and business agents, and we should be supportive of it.

There is another side to the economic activity; that is, the side of the consumer. The interests of real estate agents and consumers are fundamentally the same. Both groups are trying to ensure that matters work out well; that, in the case of buying a house, the right house is purchased by the appropriate person. From time to time things go wrong. It is in the interests of all concerned that when things go wrong, or when there is a dispute, appropriate standards be maintained. We differ from the Government in that we in the Australian Labor Party believe that matters to do with civilised behaviour in our society, matters of fairness and justice, are appropriately the province of law and, therefore, there should be regulation.

The so-called mechanisms of competition and market economics, worthwhile though they are in the creation of

wealth, in many cases are not the appropriate mechanisms to ensure fairness. In themselves they are not adequate to ensure fairness or that appropriate people are engaged in this important work. When things go wrong and a dispute arises, it is not sufficient to say that it will be all right because competition will sort it out. This is a very competitive industry. The number of people involved in this activity fluctuates considerably. Many people enter the industry and move out again. The numbers vary considerably, but many people who are capable of performing these worthwhile services have acquired the appropriate qualifications and are fit and proper. It is appropriate that there be a regime so that regulation is not left to market forces and to ensure that only those who are able to deliver the goods are engaged in the activity. The Act, and the Bill which seeks to amend it, enhances the regulatory regime. We agree with the black letters on the white paper, but some of the rhetoric in the second reading speech, particularly that which refers to the wonders of so-called competition policy, market economics and matters of that kind, has no place in this industry. The reality is that competition already exists.

Reference is made in the second reading speech to the introduction of a concept which I mention, in passing, is dealt with in clause 14; that is, the phrase "unjust in the circumstances". The reference is made in the context that we are introducing this because we will be able to continue down a deregulatory path. To my mind, on the face of it, the concept seems reasonable; however, in the Government's mind it should not be tied to this notional deregulatory path. Words such as "deregulation", "competition" and "market economics" are misplaced when we are talking about a regulatory regime. That is not to say that I do not agree with the proposition in the second reading speech that unnecessary regulations should be removed. Of course they should be. We are talking about regulations which, on mature reflection, will enhance what is a very worthwhile economic activity in our State. In dealing with that economic activity, agents, representatives, staff, receptionists and all those who earn an income as a result of a spin-off are important. Then we have the dependants of all people engaged in the industry. I do not know whether the Minister has an approximate figure for the number of people affected by the wellbeing of this industry, apart from the consumers.

Hon Max Evans: It will be huge.

Hon N.D. GRIFFITHS: It is enormous. Many people work in the industry on a part time basis to supplement the household income.

Hon Max Evans: Settlement agents; people making loans.

Hon N.D. GRIFFITHS: Much of the financial services industry prospers when the real estate industry prospers.

Hon Max Evans: The Government does with stamp duty, as well.

Hon N.D. GRIFFITHS: The Government's treatment of stamp duty has been mentioned by this Minister for Finance of the highest taxing Government in the history of Western Australia.

Hon Ken Travers: Tax 'em Max!

Hon N.D. GRIFFITHS: Max on tax!

Hon Bob Thomas: Maxi tax!

Hon N.D. GRIFFITHS: Some features of the Bill are welcome; however, that is not to say the Bill cannot be improved. In Committee we might improve it a little. A number of members will seek to move amendments. There has been a fairly consensual approach in that respect. The Minister referred to an effective dispute resolution process. I am not sure whether we will have the best possible dispute resolution process in place as a result of this Bill but, on balance, I think it is an improvement.

The specific matters which I find very welcome include the giving of power to the Real Estate and Business Agents Supervisory Board to order restitution in appropriate circumstances; the operational capacity of the board to be improved by allowing staff, other than the registrars or inspectors, to be involved in investigating breaches; and powers to use conciliation procedures and to establish advisory committees for the purpose of providing expert advice.

A number of practices of the board are arguably said to be open to legal challenge. Whether such challenges would succeed is a matter of conjecture. It is very appropriate that the Bill seeks to tidy up those matters, to put beyond doubt those practices of the board about which some people have raised queries. For the most part, if not in each case, they may be academic queries. In dealing with an amending Bill such as this, it is appropriate that those matters be dealt with.

I reiterate that the Australian Labor Party supports the Bill, but not the free marketeer rhetoric. This is a matter of law and order, of regulation, of civilised behaviour. It is something in which we, as legislators, and the community

at large should be involved, rather than leaving this very important industry - like the Australian dollar - to the whim of unregulated market forces.

**HON CHRISTINE SHARP** (South West) [4.45 pm]: I offer the support of the Greens (WA) for this legislation. We think there are many significant improvements in the legislation. I will raise some specific points about the general new directions taken within the amendment Bill, some of which I hope the Minister may be able to clarify when he concludes the second reading debate.

The first is the issue of disclosure requirements. Although it is accompanied by the deregulation of real estate fees, this is a deregulatory Bill in that in many ways it refers to a substantial increase in vendors' rights under this legislation and the powers of the Real Estate and Business Agents Supervisory Board. It seems very important to me that if there are to be new substantial rights of vendors in real estate transactions, those rights should be very clearly understood by members of the public. How are they supposed to know about those matters? Section 60(2)(a)(ii) of the principal Act states that the agent must provide a document which will contain such other information, if any, as is prescribed. Just what information is to be prescribed, I understand, is to be contained in the regulations. I gather there will be a few points in the regulations to make sure vendors' rights are understood. I suggest it is very important that in the regulations those rights be clearly spelt out. All the rights the vendors will have under the amended Act - those for conciliation, to make complaints, to instigate inquiries, and so on - should be contained in the document and be explained to vendors in plain English.

Secondly, from my reading of the Bill, it does not seem to have any provisions to protect the consumer from what I understand to be one of the most common transgressions of vendors' rights in real estate transactions: From time to time, agents are tempted to overquote the market value of a property to get the clients to sign up because they think they will obviously make a very favourable transaction; however, it is an overquote and after some time reality sets in and the vendor does not receive the promised amount, but the real estate agent has the contract. I cannot see anything in the new amendment Bill or in any code of practice or regulation that will take any steps to prevent overquoting. Perhaps the Minister will indicate if the statutory provisions contain any protection for consumers from overquoting.

I also seek clarification on the question of resources. In the second reading speech in the other place the Minister for Fair Trading said -

I do not expect the business of the board to increase in any significant way as a result of these amendments.

However, I wonder about the Minister's point. If the object of the amendments is for the supervisory board to do a better job and if the deregulation of fees creates many consumer complaints, as some people fear, the supervisory board may be very busy in the future. Normally the supervisory board is funded from a general purpose fund, as set out in section 124A(1) of the principal Act; that is, it is self-funded from moneys held in trust during real estate transactions. I have some concerns that if the number of complaints increases, those funds may not be sufficient. I ask the Minister to comment on whether there are any contingency plans to make sure the supervisory board will be adequately resourced if it becomes much busier.

The last specific point on which the Greens seek clarification, again, refers to the second reading speech by the Minister for Fair Trading in the other place. I understand that speech is a fairly important statement of the new head powers in the amending Bill, because an important critical clause in the amendments, proposed new subsection 61(3c), covers the whole aspect of charging unjustly. The whole notion of unjust charges is put in a very non-prescriptive way and I am convinced by the arguments from the Minister's office that this is a good way of handling the provision to make sure vendors' rights are protected. However, because it is not prescriptive the Minister went to some lengths in the second reading speech to discuss the way this new subsection should be interpreted in order to give some guidance in possible litigation further down the track. It is important that the Minister's intentions be very clear. As a lay person, I was confused by the Minister's use on two occasions of the phrase "in all the circumstances". The Minister said -

... where it is found that an agent or sales representative has acted unjustly in all the circumstances.

He further said in relation to the Bill -

It has been drafted in this manner to directly relate to those rare situations in which a real estate or business agent or a sales representative does, in all of the circumstances, act unjustly in relation to fee charging matters.

As a lay person I have some concern about this. In everyday language that appears to mean that the agent or representative must have transgressed with regard to all the circumstances; that is, he or she must have transgressed

in several key aspects in every circumstance. I assume that the Minister intends it to mean in any of the circumstances; that is, there need be only one transgression for it to be considered a just complaint. I hope the Minister in this place can clarify the intention of the application of proposed new subsection 61(3c).

Last but not least, I deal with the most significant issue in this amendment Bill. It is rather an odd circumstance because I see this as very good legislation. It is a good amendment Bill but, as a result of extra parliamentary processes, it will have an effect which I am not sure is a good one. I refer to the concomitant deregulation of the fee schedule. The Greens are not at all convinced that consumers will benefit from the deregulation of real estate fees. Many arguments have been put in favour of deregulation of fees and, of course, that is not contained in the amendment Bill itself. That deregulation will accompany the amended Act once it is put in place. Arguments in favour of deregulation usually quote the 1992 report of the Prices Surveillance Authority, which stated that a cap on pricing inhibits efficient pricing because when a maximum price is set it tends to become the norm, rather than an upper limit, and it becomes a set price rather than a maximum price. In fact, most people who do not regularly use the real estate industry and who rarely conduct real estate sales do not know that a cap is in place. They believe the fee quoted is the set price rather than a maximum price and they do not know that they already have the right to negotiate that fee. Why not educate the public in this matter? A consumer education program is needed to inform the public about the move to deregulate fees, and it would have been much wiser to keep the cap in place and inform the public about their existing rights to negotiate from the maximum fee downwards.

The 1992 report of the Prices Surveillance Authority is quoted in support of the deregulation of fees, but the authority does not seem to be convinced of the arguments either. I quote from page 145 of that report as follows -

The Authority does not support fee deregulation unless accompanied by other measures . . . because it doubts that unregulated pricing of agents' services will be more competitive than currently. There is a probability that it would lead to generally higher fees in the marketplace which are unrelated to increased quality of services.

It is quite remarkable that the document used to defend the whole thrust towards deregulation contains no strong argument for it at all, but contains the reverse argument and expresses concern that it will lead to an increase in consumer prices.

I also draw the attention of the House to a notice in the *Government Gazette* of 29 June 1993 to the effect that real estate agents are entitled to charge extra fees if required. An agent who wants to offer a client extra advertising which will incur additional costs, is not prevented from charging the client for that.

The PRESIDENT: Order! There is too much audible conversation. There are five conversations going on in the Chamber at the moment.

Hon CHRISTINE SHARP: Nothing under the current provisions and the current code of practice prevents agents from charging extra fees if they are able to substantiate that claim with their clients. Therefore, another argument in favour of this deregulation of fees is demolished. I can see very little which will bring about a better situation for ordinary Western Australians.

#### **[Questions without notice taken.]**

Hon CHRISTINE SHARP: Ordinary people do not need to engage often in real estate transactions. However, when they do require to sell their property, such an occasion in their life is often accompanied by difficult circumstances, such as bereavement, a broken relationship, financial hardship, mental anguish or instability. Many people are ignorant of the availability of the board's processes and are unable to establish or articulate their grounds of appeal. They may have had previous negative experiences with authority; they may feel intimidated; or they may be old and need accommodation for the aged, which is why they are selling their property. There are many reasons why ordinary members of the community are vulnerable during this important financial transaction in their life.

I am not convinced that the arguments for deregulation indicate a positive move for most members of the WA community. Will the Greens be opposing this legislation? No, we will not be opposing the legislation because this Bill is a regulatory amendment Bill, not a deregulatory Bill. The strange circumstance is that this is a regulatory Bill about deregulation. We support the legislation because under the principal Act in section 61(1) very important powers exist for the Real Estate and Business Agents Supervisory Board. That section reads -

The Board may, with the approval of the Minister, by notice published in the *Government Gazette* fix the maximum amount of remuneration . . .

Therefore, after this amendment Bill is passed, there will be still, as part of the Real Estate and Business Agents Act, power to re-regulate whenever a Government should choose to do so. That is the reason for the Greens' support of this legislation. However, we also believe that one day sufficient concern may exist in the community, because things

have gone full circle, to place pressure on the Government to re-regulate. We will watch with great interest the development of this legislation and its impact on the community.

Lastly, I raised a suggestion that I understand has been passed on to the Minister; that is, it will be useful for the Government to conduct a properly constituted survey within three years of deregulation of the fee schedule to acquire some accurate data on its impact and the community's reaction to it. The survey should be properly constituted so that all sections of the community which attend to real estate transactions are surveyed. That will provide useful information to all of us on the effects of this Bill. I hope the Minister will indicate whether an undertaking can be made to conduct a survey at an appropriate time.

The Democrats will be pleased to support what we consider to be good legislation.

**HON NORM KELLY** (East Metropolitan) [5.41 pm]: The Australian Democrats support this Bill. One of the main aims of the legislation is to implement public protection mechanisms such as additional dispute resolution processes to deal with fees. This is crucial due to the deregulation of real estate and business agents' fees. As Hon Christine Sharp said, this legislation is not about deregulation. That occurred in 1996 after the Real Estate and Business Agents Amendment Act was passed. I am sure that had my party been elected to this place at that time my speech would be vastly different from this.

We are presented with a Bill that provides mechanisms to ensure adequate consumer protection from unscrupulous real estate and business agents. At present regulations provide for a schedule of fees that people often construe as being fixed. However, they are a maximum set of fees. Consumers can negotiate downwards from that maximum. However, members will be well aware that that would not happen in many cases. It would be more prevalent at the top end of the residential market or in the commercial market where there is more scope for variation.

It is important to ensure adequate consumer protection measures are in place to prevent abuses in a deregulated market. When they do occur it is equally important to ensure consumers have adequate access to restitution. The Democrats believe this Bill, especially when it includes some of the amendments on the Notice Paper, will provide adequate protection to consumers.

The annual report of the Real Estate and Business Agents Supervisory Board of 1996-97 contains the volume of transactions for that year. In 1996-97, 44 500 real estate transactions occurred in this State. The value of the transactions amounted to more than \$5.5b. Large amounts of money are involved. Only 345 complaints were made in the 1996-97 year. That is a very low number of complaints compared with the number of transactions. However, when a complaint is made it usually involves a good deal of money. A low number of investigations were made by the board in that period. It held only 43 prosecutions and inquiries, in respect of which only 26 penalties were imposed. This Bill goes a long way to providing a more effective structure for imposing penalties on agents where warranted. It will give the board greater flexibility to temper the penalty according to the severity of the offence. This can be done in a number of ways such as pecuniary penalty, suspension of licence, etc.

Safeguards in the Bill provide for greater reconciliation measures that go a long way to ensuring complaints are resolved more effectively. The Democrats have some concerns about the composition of the board as there is potential for conflicts of interest, especially when members of the board are making determinations about people who may be their colleagues. However, we have confidence in the fact that the chairman of the board will be independent. Changes to the composition of the board are not necessary, although we will be looking closely at the workings of the board as we head to a more deregulated market.

Clause 9 of the Bill provides for establishment of advisory committees, which are seen as necessary by all sides to ensure the board has access to expert advice which its members may not possess. In his second reading speech the Minister said -

The board will also be empowered to establish advisory committees for the purpose of obtaining expert advice . . .

My reading of the Bill gives a different interpretation; that is, it is not the board that is empowered to establish - the Minister has that power. Along those lines I will be moving an amendment in Committee to clarify that position. I am sure that is the intent of the Government. It is a subtle transfer of power to ensure the board must initiate any establishment of an advisory committee. It will also address some of the concerns expressed by the Australian Labor Party in the other place during debate on this Bill.

Other members sufficiently addressed other aspects of the work of real estate and business agents. In closing, I reiterate that the Democrats support the Bill. However, we will follow its implementation closely to ensure the intent of the Bill is matched in reality.

**HON MAX EVANS** (North Metropolitan - Minister for Finance) [5.50 pm]: I thank all parties for their strong

support of this legislation, although there have been some qualifications. Hon Christine Sharp is correct in saying that this is not deregulation; it is regulation. The second reading speech states -

The Real Estate and Business Agents Supervisory Board presently has no power to order restitution if a party suffers a loss as a result of unjust action by a real estate agent, business agent or sales representative when negotiating, setting or charging fees.

Deregulation was introduced previously and that has now been brought under a degree of control and supervision. That is very important and it has been supported by the various parties.

Members have pointed out that the sale or purchase of a property is usually the largest financial transaction in which most people will be involved. Normally people upgrade each time they buy a house and at the same time they incur a large liability in the form of a mortgage.

I do not have details about the tendency of agents to overquote. However, the board can respond to that issue. The reality is that a seller might agree to a higher price but be forced to sell at a much lower price later.

Hon Christine Sharp pointed out that often property sales occur during personal trauma - marriage breakup or whatever - and therefore the people concerned do not have their wits together. Therefore, it is important that they have redress against the real estate agent should that be necessary.

It will be very difficult to educate people about the legislation. We can undertake extensive advertising campaigns, but they mean nothing to people until they sell or buy a property. They might have read about the legislation last year, but people go about their daily life and do not think about it until they buy or sell a property, which could be three or four years later. There are many ways to clarify this with instructions about rights and protections if something goes wrong.

Hon Norm Kelly referred to the 300 complaints and only 26 resulting in penalties. Sadly, many of the complaints do not relate to the fee charged but, rather, to the abuse of trust accounts. As a chartered accountant I have been called in to investigate such cases. Money is held in trust accounts and agents use it for a hundred and one different reasons.

Hon Ken Travers: There are no complaints about the fees charged because we currently have a set maximum fee. The Minister has indicated that that will be removed.

Hon MAX EVANS: If I want any help I will approach the member. I am referring to the penalties imposed and the complaints lodged. Most of the penalties relate to abuse of trust accounts, and there have been a few such cases in recent times. That is sad because the people who can least afford it are usually the ones who lose their money and have very little redress.

Hon Christine Sharp referred to the inclusion in agency appointments of the right of agents' clients to access the Real Estate and Business Agents Supervisory Board when they are in dispute about a transaction. The Minister for Fair Trading has agreed to place such a requirement in the legislation to clarify it. The member also referred to the clarification of the unjust conduct provision. The term "unjust" has not been defined, to ensure that the meaning is not limited. Defining something can limit its scope. As a result, in the hearing of any complaint about unjust conduct, the board will examine all the circumstances of the setting, negotiating or charging of the fee by the agent. However, the board is open to make a determination that an agent has acted unjustly in any of the circumstances in the course of the transaction. That is, the board will examine all the issues, but the agent does not have to have broken all the rules. If only one rule or agreement has been breached, the board can make a determination against the agent.

Hon Christine Sharp also asked for a survey of agents and consumers about their level of satisfaction with fee deregulation in three to four years. As part of the normal process following the implementation of a new policy initiative, its impact is reviewed. Such a review will therefore be conducted in respect of the removal of the maximum fee schedule for agents' fees. Accordingly, as requested by Hon Christine Sharp, the Government is willing to conduct a survey in the next three to four years to ascertain the level of public and industry satisfaction. That is a vital move. I will point out to the Minister that it should be done earlier than that. We are talking about 45 000 transactions each year. Many people could be surveyed. A sample group could be easily selected because the Government has a record of all the names and addresses. The member has made a very good point.

The member also referred to educating the industry and the public. When the Bill is passed by the Parliament it is intended to conduct a comprehensive industry and public education campaign prior to proclamation. The ministry and the board, with the cooperation of the Real Estate Institute of Western Australia, will conduct a series of seminars for industry participants and the public.



It is planned to use the media, with media releases and interviews, as part of the education campaign. The campaign will be ongoing following proclamation of the Bill, with literature being made available by the ministry to the public and advice provided by the board and the ministry. It will be important that the literature be made available in all real estate offices. If people are browsing in a real estate office, they will see what is available. It is no good its being held only by the ministry. This is being done for the protection of the public, not real estate agents.

The member also raised the issue of protection from overquoting. The code of conduct for agents and sales representatives states that agents must act in the best interests of the principal. They must also act fairly and honestly. The legislation contains a penalty of up to \$3 000 for sales representatives and up to \$10 000 for agents if they act unacceptably. They also face possible licence suspension and cancellation. If it can be proved - and that might be difficult - that the agent pushed the price up to get a better deal and dropped it later, the penalty will apply. That usually happens when a property goes on the market. The first offer will not be anywhere near the set price.

The Real Estate and Business Agents Supervisory Board is funded through the general purpose fund, which accrues income from various sources including interest on agents' trust accounts, fines and investment of existing funds. There is no impact on consolidated revenue; it does not rely on the Budget to make more money available. As at 30 April 1998, the general purpose fund balance was \$7.688m. Based on interstate experience, the board does not anticipate a major increase in its workload. However, that is a significant amount available to the board should unforeseen demands be made on it.

Hon Norm Kelly and Hon Nick Griffiths have foreshadowed amendments, which the Government will accept. I thank members for their support.

Question put and passed.

Bill read a second time.

*Sitting suspended from 6.00 to 7.30 pm*

*Committee*

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Max Evans (Minister for Finance) in charge of the Bill.

**Clauses 1 to 5 put and passed.**

**Clause 6: Section 19 amended -**

Hon MAX EVANS: I move -

Page 4, after line 19 - To insert the following subclause -

(9b) Sections 27, 28, 29 and 47 apply to the Registrar in the performance of a function under subsection (9) as if a reference in any of those provisions to the Board being satisfied as to a matter were a reference to the Registrar being satisfied as to the matter.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 7 and 8 put and passed.**

**Clause 9: Divisions 4 and 5 inserted in Part II -**

Hon NORM KELLY: I move -

Page 5, line 17 - To insert after the word "may" the following -

, after a request from the Board,

As I mentioned in the second reading debate, this will clarify that an advisory committee will be set up following a request from the board rather than the Minister.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 10 to 13 put and passed.**

**Clause 14: Section 61 amended -**

Hon MAX EVANS: I move -

Page 11, line 3 - To delete the words "the deposit" and substitute the following words -  
any deposit paid within 28 days of the execution of the contract

Page 11, line 9 - To delete the words "a deposit of".

Page 11, line 11 - To insert after the word "later" the following -  
, or at any other time as may be prescribed by the regulations

**Amendments put and passed.**

**Clause, as amended, put and passed.**

**Clauses 15 to 19 put and passed.**

**New clause 14 -**

Hon N.D. GRIFFITHS: I move -

Page 10, after clause 13 - To insert the following clause -

**Section 60 amended**

**14.** Section 60(2)(a) of the principal Act is amended after subparagraph (ii) -

(a) by deleting "and"; and

(b) by inserting the following subparagraph -

" (ia) clearly sets out the method by which the amount of any commission, reward or other valuable consideration to be received for those services is to be calculated; and "

Section 60(1) commences with the words -

An agent is not entitled to receive any commission, reward or other valuable consideration in respect of his services in that capacity unless -

It moves on to paragraph (b) -

he has a valid appointment . . .

Subsection (2) states that an appointment to act as agent is not valid unless (a) it is contained in a document, and subparagraphs (i) to (iii) set out what should be contained in the document. This proposed amendment will add subparagraph (ia) to that which should be contained in the document and concludes with the conjunction "and". The purpose behind that amendment is to strengthen the regulatory regime so that the proper interests of those engaged in the real estate industry and who benefit from it are clearly safeguarded.

Hon MAX EVANS: I thank the honourable member for his amendment. The Minister responsible for this Bill accepts the amendment.

**New clause put and passed.**

**Title put and passed.**

**Bill reported, with amendments.**

**BETTING CONTROL AMENDMENT BILL**

*Second Reading*

Resumed from 19 May.

**HON TOM HELM** (Mining and Pastoral) [7.45 pm]: The Australian Labor Party supports this Bill. I make no apology for taking more of the Council's time than the Bill deserves. However, once members have heard my contribution, they will understand the reason, which may not be obvious initially.

This Bill provides regulations that take into account activities already provided for under gambling laws in this State for which the Minister bears a great deal of responsibility. The provisions in this Bill suggest that it is not appropriate that he have that responsibility. The Bill will enable him to delegate authority to enable more practical betting in this State. It allows the gains from betting in remote areas to be given to those sporting entities. It will also provide control over a number of aspects of betting that are easier to put in place in the city than in the bush.

The Australian Labor Party supports these changes as they indicate a sensible attitude to the way betting is conducted in this State and ensure that revenue collected will go into consolidated funds for the benefit of sporting groups within the State. Part of the revenue raised from betting agencies and bookmakers should also go back to those events, such as foot races, wheelchair races, etc., that Australians like to bet on. Those funds should be used to advance those sports and not, as at present, go into an all embracing fund where no-one sees the benefit of those funds.

This Bill allows for sporting events to be designated by the *Government Gazette*, which although not the most favoured reading of most people in this State at least will act as a reference point for people to see how they comply, or otherwise, with the intention of the Government in its approach to betting in this State. The second reading speech - as usual from this Minister - is quite explanatory. However, there is something else worthy of note in the presentation of this Bill. This reflects on this Minister, and probably more so on his staff.

Mr President, you would be aware of the calls that have been made regularly for Bills to have more detailed explanatory notes. I have been in this Parliament for 12 years and, like most members, I have had to listen closely to debates to find out why a Bill is being presented to the Parliament. It takes an inordinate amount of time in this Chamber for the Minister to present a second reading speech and take part in the second reading debate to identify a policy decision of the Government, as opposed to a practical application of the everyday activities of people in this State that need to be regulated or answerable in law. There are very few occasions when Bills are presented to the opposition parties with good explanatory notes provided. Such notes are very useful for the population of the State to understand why we are doing something or why we are agreeing or disagreeing with Bills that come before us. Opposition parties consist of members of Parliament, who are not held in high esteem within the community. Very rarely is there a situation in the second reading of a Bill where the explanatory notes - if any are provided - give us the opportunity to determine whether the Government is taking a commonsense, practical approach, or whether it is merely a political decision, with which we may or may not agree.

This brings me to the reason why I will take longer than I would normally on something as simple, or as important, as this Betting Control Amendment Bill 1998. I bring the attention of the House to the explanatory memorandum provided by the Minister and his staff. I want it recorded in *Hansard* so that Parliament, draftsmen, Ministers and ministerial staff can understand, in a practical sense, the issues that lay people like me have, even though I am a politician. I am not a gambling man. I do not understand what bookmakers do or why they may do it. The Bill makes provision for recognising that some people may place a bet with a bookmaker but do not want to be issued with a ticket. Under current law if a person does not get a betting ticket after making a bet he has committed an illegal act. I do not see the sense in that. However, not being a gambler, I do not question it.

The explanatory memorandum gives members and the general public an opportunity to understand the legislation and the reasons for its introduction. This is the Betting Control Amendment Bill. How important would it be to provide such an explanatory memorandum for a piece of legislation amending the industrial relations law, in a less adversarial style, so that members of Parliament and lay people could understand exactly what was being proposed and why? Whatever the political persuasion of the Government it would be in the interests of good government to indicate to the House and to the people of this State that a change in that sort of legislation was the result of wide consultation with industrial representatives, whether the unions or the employers.

In Victoria, Ministers are obliged to provide explanatory memorandums and impact statements explaining how proposed legislation will impact on the State, environmentally, socially or economically. That would be a good idea here. It would eliminate some of the rhetoric we often hear in this place, which may or may not be relevant. My comments are probably relevant now, but I have not gone into this aspect in great depth in the past. This Bill provides me with that opportunity, so that in future we may receive detailed notes and ministerial advisers may provide briefings on the parts of any legislation that we do not understand.

I am not sure whether we would want to consider the Victorian experience. We certainly would not want to follow the Victorian experience of revisiting Acts of Parliament every five years at least, to consider whether the Acts are relevant or have become irrelevant due to past amendments or history and events passing them by.

A section of the explanatory memorandum is headed "General Overview", which is a potted version of the second reading speech, and reads -

Principal changes proposed by this Bill are to -

simplify the provisions detailing the procedural requirements for the conduct of betting by bookmakers fielding at professional foot racing meetings and to extend the provisions to other designated sporting events and venues;

The designated events and venues would be published in the *Government Gazette*. The next two points read -

stipulate that betting levy payable to government in respect of sports betting is distributed to sporting organisations as directed by the Minister for Sport and Recreation;

transfer responsibility for approving events for the purposes of sports betting from the Minister to the Betting Control Board;

That is logical. The board will not control the situation but will outline what is going on and why, which will be in the best interests of the State. The Minister will set up the board to take over that part of the job. The next point reads -

establish flexibility in relation to the requirement to issue betting tickets;

I did not know that if a person did not get a ticket when he made a bet it would be an illegal act. It seems silly to me. If a person wants to throw his money away, why should he need proof to show his wife or anyone else? Nonetheless that is the law, and this Bill will change that requirement so that a person will not need to have a betting ticket. The fifth point reads -

introduce provisions to recognise prior interstate betting offences;

I would like to understand that point a little more. It appears that at the moment interstate betting offences are not recognised. People can commit offences in one State and come to Western Australia, and do the same, but that history is not taken into account when they are caught. The next point reads -

establish temporary licensing provisions for bookmakers' clerks;

I did not know that clerks had to be licensed. That creates problems for oncourse betting in towns such as Kalgoorlie, Port Hedland, Broome or Newman because if a bookmaker or his clerk cannot attend a race meeting, people will not be able to make bets. Why not make the situation easier? That is well explained in the explanatory memorandum. The next point reads -

simplify the provisions relating to betting conducted at "Calling of the Card" events and direct the betting levy payable on that betting to the relevant race club;

That seems to be a sensible move. The bookmaker at Newman or Kalgoorlie, or anywhere else, pays a levy, and it should remain in the town. We should promote the regions. Members may not be aware that Newman Race Club is probably the only race club that fell off the back of a truck! A couple of years ago the club received great support from Mt Newman Mining Company. I think it is the only grass track north of the twenty-sixth parallel. The club has been a very good social gathering point for everyone, even for those who do not gamble - or, like me, do not see any fun in horse racing and feel embarrassed seeing horses trotting around the track. I appreciate the social gathering. It is a high point of the Newman social calendar. Any politician based in Newman would be silly not to attend the races. I enjoy them. However, the club is run on a shoestring, and would not exist without the support of Mt Newman Mining in the past, and the club would not be maintained without the support of BHP. I am sure that the fertiliser is put to better use at the course than it would be were it used for explosives, as it has been in other places!

A couple of years ago, the club closed due to the voluntary nature of the race club committee, the turnover in staff, and other issues. The town could not bring the race club to its feet again without the support of BHP. Now, I understand that the provisions of this legislation will require that money from the bookmaking ring will be returned to the race club to keep it going. The Minister and the Government are working hard to ensure that the important sport of racing in country towns is maintained, and I congratulate them for that. However, the Government proposes to close schools, and some people would be peeved at the effort being made to save race clubs. If we can ignore the negative aspects, we can at least say that whatever is done to maintain country towns it will be for the better.

Hon N.D. Griffiths: You cannot look a gift horse in the mouth.

Hon TOM HELM: The last dot point on the front page concerns the strengthening of the board's powers for conducting criminal record checks. The Labor Party was concerned that the Casino (Burswood Island) Agreement Act or the Act that related to it allowed draconian measures to ensure that the credentials of the people working in the casino were exemplary. The people who run the casino say that the employees are reasonably well paid. They might otherwise be easily influenced by those of a criminal nature, so one needs to be confident that the prospective employees are legitimate and honest people.

It is fortuitous that we are discussing this Bill tonight because on Friday night a meeting of the Newman branch of the ALP was held. We discussed Graham Kierath's proposal to regulate smoking in places where people drink, such as clubs and pubs. The branch discussed the matter because our sporting clubs, the recreation club and various other clubs approached me about measures that would be needed to save them. I told the branch of my view that if we were to go down the track of introducing regulations to overcome passive smoking, it would have a devastating effect on many workplaces. It is difficult not to support the idea of reducing passive smoking. Members understand my history and how I feel about the effects of smoking, but by the same token, one must measure that against the fact that clubs would close down. They have played an enormous role in supporting football teams, soccer teams and the recreation club, in bringing good entertainment into the town of Newman, and helping in various other ways. I suggested that we, as a Labor Party branch, should support the thrust that Kierath was proposing - I understand he is now backtracking. I suggested we ask the Government to amend the Casino (Burswood Island) Agreement Act so that we could get poker machines north of the twenty-sixth parallel to help the clubs. I did not think that would affect the gambling in the metropolitan area or the profits of the Burswood Casino. I thought it would be a good move to save the clubs. I was out of order and told so by branch members. They agreed that passive smoking was something we had to be worried about, but one socially unacceptable habit should not be replaced by another. They said that in the north west, particularly in mining towns, problems of too much alcohol and gambling exist. However, the size of the problem is in the eye of the beholder. It seems to some members of the branch that promoting gambling to save a social icon within the small towns may not be the right way to go. Although the branch members did not formally disagree with me, they could not agree with me, therefore they wanted time to consider the matter. I thought that was fair enough. That is what politicians are about. I had an idea which I thought was good. If bans on smoking in clubs were introduced it was the only way I could see that the clubs could continue and their revenue be maintained to some extent. However, my comrades in the branch were opposed to that view and wanted time to think about it and come back to me eventually.

This Bill is to accommodate, to regulate, and to legalise things that are already happening in the State. I do not think that is a bad thing. It would be nice to say no-one should do it, and it would be nice to say that I have never smoked. I am not ashamed or proud to say that I have never been into gambling. I like a game of poker or blackjack now and again, but I do not understand roulette or lotto. The Whip in the other place takes my money and puts it on lotto - so he says. I have no interest. I am not ashamed or proud; it is just the way I am.

Hon Derrick Tomlinson interjected.

Hon TOM HELM: I do miss the smoking part of my life and I am ashamed that I started when I was 11 years of age. I wish I had never started, for lots of reasons. I think it is an addiction that I have; it is not a habit, and that is the way it is.

People like to gamble and I believe that we can regulate and legalise gambling and use it to help society and to promote things in society that we think are good. No-one would deny the fact that sporting clubs and recreation clubs in country towns play a major role in those communities. We should ensure that they continue.

This Bill allows betting to take place on events on which betting is presently illegal - foot races and other races and games of skill that people take part in. It has technical amendments. It allows the board to present quarterly reports to the Minister, which is fine. Sometimes annual reports, particularly when submitted late, are just a hypocritical way that we as a Parliament look at things. Quarterly reports give a clearer picture of what is happening under the legislation and how it is affecting the community in general.

I will not go through any more of it. This document will be available; it is a public document. People who want to see it can do so, and they have the opportunity to fully understand it. As a person who does not gamble, to be able to explain to people why I have done what I have done, and to join in the debate within my own caucus room with some knowledge which has been provided by somebody else, is very useful. It is an important step in good government. It does not matter which party is in government. It is important that we should be able to take people with us when we want to bring changes about. Not only is it important in that practical sense of allowing people to understand better, but also it isolates the arguments that one wants to present in that one can argue about the practical application of something and the Bill's intent, and how it will or will not work. That is a perfectly legitimate arrangement.

It isolates the argument which takes place in here, but not as often as people might like, from a philosophical point of view. The explanatory memorandum identifies what is philosophical and what is practical. With some Bills we can argue until the cows come home about how we think they should read; however, in this case we can debate the Bill clearly and with knowledge. I cannot heap enough praise on this Minister for Finance in terms of these Bills, on which I have been asked to be the opposition spokesperson. I cannot support them enough.

I have been on the Joint Standing Committee on Delegated Legislation. From that experience I know explanatory

memorandums were just a load of hogwash with some smart bureaucrat trying to pull the wool over the eyes of stupid politicians, or so that person thought. Stupid maybe, inexperienced definitely in many of the areas about which I am asked to comment in this place; however, like most practical people, I know when I am being conned. There may still seem to be an attraction for some shiny-tailed public servants to manipulate Ministers to try to make things difficult for members of Parliament. They may get a short term laugh and there may even be a short term gain; however, when that happens we are all diminished as politicians, and those in the Government even more so. I do not mind diminishing the conservatives in this State. That is part of my job. However, I want to be the one who identifies when I am doing that.

When we do good things, we are obliged to recognise them. Surely we can do better than we do now in many cases and set up this Bill as an example for many of the other Bills with which we are presented. In that way we would not need to knock ourselves out by sitting until the early hours of the morning debating the Bills, but rather we could get to what the Bills are about very quickly and with some confidence. I know sometimes when I get up and speak, in my anxiety to try to thrash those opposite, I am overenthusiastic. On a number of occasions I have been accused by the chairperson of not keeping my comments relevant to the issues in the Bill being debated. That is because I am more enthusiastic about taking the mickey out of some of the silly remarks that come from those on the other side of the House.

Hon Derrick Tomlinson: Oh, no.

Hon TOM HELM: Very rarely, and never from Hon Derrick Tomlinson.

Hon N.D. Griffiths: You did that so easily with the one who was there before.

Hon TOM HELM: Yes, the honourable senator.

Hon N.D. Griffiths: And his good colleague, now an empty space.

Hon TOM HELM: I think most people will understand exactly where I am coming from. I have given credit where it is due on other occasions, and I do so with this Bill. It is well laid out, well explained and, therefore, easily understood. It should be supported. It is not too much to ask of the opposition parties.

Hon N.D. Griffiths: Those are great introductory comments, but I now want to hear about the Bill.

Hon TOM HELM: I think I have talked enough about the Bill. It is a very small document. Once Hon Nick Griffiths reads it he will be fully aware of its provisions, rather than my going through it for him. If the Minister wishes to amend any of the clauses, we will not oppose those amendments. The Opposition will not seek to amend the Bill, which is a measure of the quality of the Bill. We will support any proposal that comes forward from the Minister in Committee, in anticipation of the third reading of the Bill.

**HON NORM KELLY** (East Metropolitan) [8.13 pm]: I appreciate Hon Tom Helm leaving some aspects of this Bill for me to comment on. First, I express the support of the Australian Democrats for this Bill. The legislation addresses one of the problems facing bookmakers in this State; that is, their ability to compete with interstate bookmakers and, in particular, those in the Northern Territory, in the area of sports betting. In this State sports betting has a low turnover. In the last financial year the turnover was \$20.2m. This has been partially as a result of having to compete with other States and Territories with different taxing regimes and partially because of the restrictions imposed on where bookmakers in this State can accept bets.

The levies that apply to sports betting are detailed more fully in another Bill which is yet to reach this place. It is important that the other Bill be considered in conjunction with this legislation. It has a significant impact on what these changes mean to this State. The combined changes being put forward by the Government will enhance the viability of bookmakers in this State and extend the ability to gamble, but in a responsible way, with appropriate controls.

Let us look at the pressures which apply to bookmakers in this State. A very small number of people is involved in this issue, but it is very much an integral part of our society. The annual report of the Betting Control Board shows that in the 1994-95 financial year 86 bookmakers were licensed in the State. The following year the number decreased to 82. Last financial year the number had dropped to 73. In the space of two years we have gone from having 86 bookmakers to 73. That partially shows the pressures facing bookmakers in this State. The decrease in numbers does not necessarily mean we must make changes so that the industry is more viable for bookmakers and to increase the social impacts of gambling in this State. That is why I feel this Bill is a responsible measure which will cater to those two concerns.

Although the Bill deals with sports betting, as Hon Tom Helm mentioned, it also makes some commonsense changes in other areas, such as simplifying the calling of the card events and allowing temporary licensing for bookmakers'

clerks. This has been brought about mainly due to country events where it may be difficult if someone is sick on the day and the bookmaker does not know until he gets to the meeting that he is down a penciller, or whatever, and must find a replacement at very short notice. The decision to give a temporary licence rests with the clerk of the racecourse. In that sense, it is a temporary measure and quite suitable for the requirements of the day. The Bill also provides for the recognition of prior interstate offences when considering the registration of individuals. This broadens the scope of inspection as to whether people should be registered and can include those activities in other States.

Flexibility in issuing betting tickets allows for a more reasonable way of handling betting matters, especially in this electronic day and age, to get away from the absolute necessity to produce a written betting ticket. I am not too sure whether members realise the scope of the amendments in this Bill and what they mean to this State, given the way in which we gamble. At the moment if people want to place bets on football or basketball matches or whatever, they can make telephone calls to a bookmaker who must be situated on race club premises, or they can attend the racecourse when a meeting is on, or even when it is not. This Bill will enable a far greater expansion of availability by allowing bookmakers to set up at the sporting events. One possible scenario is that this coming summer when the cricket test is on at the Western Australian Cricket Association ground, bookmakers' marquees could be dotted around the ground, into which people can go to place their bets on a variety of possibilities on that match.

That suggests the possibility of a huge increase in this type of betting in this State. It also indicates a potentially huge increase in the social impact of betting. A cricket match can mean a long day with quiet periods. People could be tempted to wander along to the betting marquees; depending on the combinations available they could place a bet which is realised within a few minutes. This allows for the reinvesting of winnings in another bet.

The scope exists for an increase in the way this betting is conducted. The benefits of this are increased turnover and revenue. This will flow back to the State and to sport and recreation in the State. It is important that we realise the possibilities of this Bill. At the moment, we have only two sports bookies in the State. Phone betting requires a \$200 minimum bet. That is a protection of the viability of TABs' betting operations. If I was a bookmaker I would be looking at this Bill and what it will open up to me and my business in the expansion of the events I could attend and the increased turnover with this variety of events. The events that are covered go far and wide. I have been provided with the types of events on which betting is currently allowed.

The PRESIDENT: Order! Members! There is too much audible conversation and it is difficult for me, let alone anybody else, to hear.

Hon NORM KELLY: At present, people can bet on Australian Football League and Westar football matches, the National Basketball League, test matches, and the Brownlow Medal and Sandover Medal counts. Members will remember the controversy that surrounded the Sandover Medal count last year -

Hon Max Evans: The rules will be different next year.

Hon NORM KELLY: Other events include the major golf events, Formula One racing, Australian sports racing and rugby league. The list goes on and on. It includes tennis events and boxing matches; betting is possible on a huge variety of events.

Being at the event rather than having to be stationed at a race club expands the possibilities enormously. The Democrats are concerned that the expansion will lead to an increase in the social problems associated with betting. Hon Tom Helm touched on my concern when he talked about the special requirements of the north west. It is important in considering this Bill that we also consider the wider implications of gambling in this State. I mentioned recently in debate on the Lotteries Commission Amendment Bill that we need to look in a holistic sense at the forms of gambling in this State and decide how to control gambling as a whole. I know some reviews are taking place, including a national inquiry into gambling. We need a more specific, state based inquiry to examine the specific needs of this State. Western Australia has been strong in its opposition to the introduction of poker machines to the State. We should applaud all parties which support that stance and make sure that those machines stay away. For that reason I am concerned about Western Australia becoming part of a national inquiry that imposes controls on poker machines, which could mean the introduction of poker machines to this State. For that reason it is important that Western Australia does control the consideration of gambling in the State.

Another concern with this Bill is the distribution of funds from the levy on sports betting. At the moment that levy is 2 per cent and the funds are directed to the Minister for Sport and Recreation for distribution to sporting groups. I think the terminology is "sporting or related groups". My concern is that money might go to the elite sports, it could go to Western Australian football to develop the Westar competition or their major sporting venues and provide things like lighting at Subiaco Oval.

Hon Max Evans: The amount of money coming would buy only a couple of globes for that.

Hon NORM KELLY: That is right; it would be burnt out in one night. We need to consider the bigger picture. Even though at the moment we are talking about only \$64 000 - 2 per cent of \$3.2m - the Bill creates the potential for far greater amounts of funding to come through for these events. Even with the reduction in the levy proposed in the other Bill we are still looking at a potential increase in funding.

I looked in the annual report of the Ministry of Sport and Recreation to find out where this money might be going. However, it appears that it is contained in the funding grants. Looking through I see that these grants go to the grassroots sporting organisations. The grants have been provided, for example, to erect shade cloth shelters for bowling clubs, and the upgrading of local community sporting facilities. In my region the grants have provided additional lighting for the Kalamunda Districts Hockey Club, the resurfacing of courts at the Lesmurdie Tennis Club, and the enclosure and heating of existing pool facilities at the Kalamunda Districts Swimming Club. These funds should be concentrated on the upgrading of facilities for people who are involved in sport at a local level and especially at a junior level to promote sporting activities to our youth. By doing that the State will naturally benefit in the years to come.

These are the concerns of the Democrats. We support the thrust of the Bill. We believe it will be well regulated. A lot of emphasis is placed on regulation in the implementation of this legislation. The Australian Democrats will watch this implementation carefully to see whether that potential for expansion does occur and if it does how it is controlled and what sort of social impact that increased gambling has on the State.

**HON J.A. SCOTT** (South Metropolitan) [8.28 pm]: The Greens (WA) will be supporting this Bill. Like the Democrats, we have a couple of concerns about the Bill. We share their concern about the social impact of gambling. Western Australia is not as bad as some of the other States. In Victoria some 17 per cent of the revenue comes from gambling. I do not want to see that happen in Western Australia. Clearly the detrimental social impacts outweigh the benefits. I am also concerned that the setting up of betting operations through bookmakers at all sorts of sporting events will alienate young people. They are ostracised by those sorts of things. They are not allowed to do it themselves because they are not old enough, and I believe it will discourage young people from going to football matches and so on. I am a little concerned about that aspect. I hope that, as a countermeasure, some of the money from this will go into junior sporting events.

My other concerns are rather more trivial. One is about the archaic nature of the language. For example, I refer to the word "permittee". It is not in *The Macquarie Dictionary*, but some of the Oxford dictionaries explain the meaning of the word by using an example from John Milton's *Paradise Lost*. That does not exactly fit the meaning of this word in the legislation. The dictionary definition is largely to do with submitting, giving up, handing over or leaving undone. I do not think that meaning totally fits its use in this Bill.

Finally, I am sometimes worried about the Minister's thoroughness in relation to these betting and racing Bills. The average great aunt could think that his thoroughness in these matters is verging on the unhealthy! Apart from that, the Minister has done his usual thorough work in these matters, but I have some concerns about the impact of these events on young people because betting rings are not places for young people. I hope some consideration is given to that in the establishment of them in sporting grounds.

**HON MAX EVANS** (North Metropolitan - Minister for Racing and Gaming) [8.32 pm]: I thank all parties for their strong support of this legislation. I particularly thank Hon Tom Helm for his compliments on the explanatory notes. Before dinner he told the chief executive officer that he need not come back but I am glad he did and heard those compliments. Those notes should be supplied with every Bill.

Hon Jim Scott thinks I may be doing too good a job, but that may be because of my training as a chartered accountant. Legislation should be in simple English so that people can understand it. Hon Jim Scott commented on the language used in the Bill. Hon Mark Nevill produced a good report some years ago about the use of plain language in legislation, and I will take note of the comments of Hon Jim Scott.

Hon Tom Helm and I are both non-gamblers but we go to the functions with other people, and can enjoy them whether or not we gamble.

Bookmakers are unique in this country. There are bookmakers in England and Australia, but not in New Zealand, Canada, the United States or Europe. They are part of old England and they create an atmosphere on the racecourses. I remember that some years ago a committee at the Western Australian Turf Club said it would like to get rid of bookmakers, because it thought it would get more turnover on the Totalisator Agency Board if there were no bookmakers. However, that would not be the case because some people prefer fixed odds, which they cannot get from the parimutuel system of the TAB. The turnover of bookmakers on course is more than \$100m. I do not think many gambling tragedies occur through the bookmakers, although some people bet on horses and spend more than they should.



Hon Norm Kelly spoke about a decrease in the number of bookmakers. Their numbers have decreased. They are a dying breed because young people are not going to the races or becoming bookmakers. In the early days people started as bookies because it was a way of making a quick quid that they could not do in any other way. They could enhance their standard of living by gambling against somebody else. The way of life has changed, people can now earn a decent living and they have not resorted to that. The bookmakers are finding it harder today. I was talking to my old friend Lucky Kailis at the races the other day and he said it is harder nowadays because the punters have computers. In the old days bookmakers were better educated about horses than the punters were, but now the punters have a lot of information and they bet in a very complicated fashion to get better odds. The bookies take some big losses at times. In time bookmakers will go out of the game. Some of them have made some money and they do not want to lose it by staying in the game.

Fixed odds betting should be looked at further along the line. There is definitely a demand for it. That means when a person places a bet with the bookmaker he knows the odds he will receive if his horse wins. With the parimutuel system the funds go into a pool, the Government takes a certain amount, and the remainder is distributed according to the number of bets. With regard to the calling of the card and the money going out, this comes back to taking bets at the venue. Hon Tom Helm talked about this, and it is important. There was the embarrassing situation a couple of years ago when there was a Calcutta at the Hyatt Hotel for the Turf Club. The bookie called all the cards and some chap, who had brought a horse called Big Al over from the eastern States, walked up with \$2 000 to put on it. Darryl McCauley looked at me, and I said he could not do it. He put the money in his pocket and they fixed it up some time later. The end of the story is that Big Al did not win either. The trainer was certain it would win, but it did not. He should have kept the money in his pocket.

Hon Bob Thomas: Put a dollar on Bomber tomorrow.

Hon MAX EVANS: Right. I hope Hansard got that down. I was interested in Hon Tom Helm's comments. A couple of weeks ago he spoke about betting above the twenty-sixth parallel, and referred to the Newman club. When this Government came to office a lot of its country members thought gambling machines would rejuvenate the clubs. They had second thoughts when they saw that the gambling machines destroyed many of the clubs in South Australia. Many families would not go to the clubs because they did not want to spend their money into the machines. I was conscious of that comment because I have heard it myself. In some country towns in Victoria the hotels got rid of the machines. They became ordinary hotels and people enjoyed themselves again. When clubs have gambling machines, such as in Victoria, people can sign themselves in as visitors and the clubs rely on non-members to disgorge their money into the machines for the benefit of the members. However, in small country towns there are not enough people to do that, and it creates a few problems.

We all hear about the amount of revenue Victoria gets. It will have problems in a few years because it lives up to the high proportion of revenue it receives from gambling and spends it all. As overall expenditure goes up, it will have to work out how to increase revenue, but it will not be able to increase its revenue from gambling. That is one of the biggest problems in the United States, where there are Indian reservations, casinos, race tracks, lottos and scratchies. The States are looking for a new magical way of making money for state revenue but they are facing problems because there are no new ways of making money. The Internet gambling, which we discussed the other day, is coming in more and more and there is now access to a virtual casino. I have a CD-ROM from Holland which provides a virtual casino. It teaches a person to play all the games, but there is no money involved. The Senate in the United States is working through the Kyl Act, which seeks to prohibit gambling on the Internet, not because of the dangers of gambling but because of the loss of state revenue. They fear that the money will go offshore and the States will miss out.

Some good comments were made towards the end of the debate about where the money is going. It has been simplified, and it has been suggested that I read a statement to the effect that the Minister for Sport and Recreation has advised that the Government places a high priority on increasing the participation of all Western Australians in physical activity, particularly younger Western Australians. Increasing participation in sport and recreation will therefore be a real priority for any funding such as that proposed by the Betting Control Act to become available to the Sport and Recreation portfolio. That is important. Members might have received phone calls about betting on the Australian Football League. If betting is taking place on the AFL, representatives of that league say, "We should get the money." That is greedy. It is better to have the money go back to the grassroots, to the young people who may play the game at league level in the future. It will go to the younger generation. The money will not go to the sport upon which the betting took place. That matter was commented upon by two members opposite.

We must watch the impact of this form of gambling. I do not think it will be very much. The turnover in gambling on sport with Kieran Glynn and other bookmakers in this State is not a lot. It was thought that it could be much more, but it has not turned out that way. It could go to the cricket and the AFL. Ladbrokes in England has been operating for 50 or 100 years in sport gambling. Members may remember Marsh and Lillie betting at odds of 500:1 against

winning a match which they lost. As a wicketkeeper and a bowler in that game, their bet caused a lot of controversy. I think it is funny that tennis players can bet on whether a game will go to three, four or five sets. If a player is any good, he can determine the outcome. It is hard for the bookmaker, although people will always bet on other outcomes.

We must ensure that this form of betting is not overdone, as Hon Jim Scott commented. It is not happening currently. It gives people an interest in the sport itself, and not only for the participants. In the old days, one handed over the lottery ticket for someone to mind. Lotto is different. People paid their gambling debts in lottery tickets. I never knew whether people shared the prize if they won, as none of my friends won in that procedure. I thank members for their support of the Bill.

Question put and passed.

Bill read a second time, proceeded through remaining stages, and transmitted to the Assembly.

### **BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL**

### **ACTS REPEAL AND AMENDMENT (BIRTHS, DEATHS AND MARRIAGES REGISTRATION) BILL**

#### *Cognate Debate*

On motion by Hon Peter Foss (Attorney General), resolved -

That leave be granted for the Bills to be debated cognately.

#### *Second Reading*

Resumed from 28 April.

**HON N.D. GRIFFITHS** (East Metropolitan) [8.44 pm]: I heard a learned interjection from Hon Bob Thomas that we are about to deal with life, death and certain events in between. These matters are important to the State of Western Australia. Government is based on the foundations in Western Australia of land and resources management, but also on ensuring that people have an identity. In that context, we are discussing what the State does at the commencement and end of life, and at important events in between.

The two Bills before us are part of the implementation of a national approach to deal with the registration of births, deaths, marriages and people's names. Its significance in part, but only in part, can be measured by what is stated in the budget papers. I make passing reference to page 620 of the Budget Statements, where the role of this area of government is summarised succinctly. It refers to creating and ensuring a permanent storage of birth, death and marriage records enabling members of the public to retain documentary proof of these key life events for key personal, legal and historical reasons, and for approved organisations to obtain information for research and records.

I will deal with the significant matter of names shortly. The national approach in this area was initiated by the Registrars General of all Australian jurisdictions. In that context, I pay tribute to our Registrar General, Mr Stockins. The registrars engaged consultants to prepare a report called "Project Link". Page 1 of that report makes reference to a report arising from a meeting of registrars from all the Australian jurisdictions of States and Territories in 1992 in which they decided to embark on what is termed "the first step along a path to a process of improvement within births, deaths and marriages registration system by undertaking investigation into opportunities for the integration of registers".

We are dealing with basic statistical and personal material, which, if used appropriately, is the foundation for how we can improve our society. The consultants were engaged. The "Project Link" report was entitled "The Business Case for the Greater Integration of Births, Deaths and Marriages Registration Services" and dated September 1993.

I do not want to embarrass Mr Stockins, who is a long-serving public servant, but no doubt this process was due in no small part to his initiative. Western Australia continued to take a leading role in this adoption of a national approach. I am not known for praising this Government, which is fair enough - try as I might, it presents very little worthy of praise. Notwithstanding that, I can praise the Government for this process. I always try to look for the best in people.

Hon Mark Nevill: Do not tell us.

Hon N.D. GRIFFITHS: I will tell Hon Mark Nevill; I know he wants to be surprised by my words. I found out that Western Australia led the charge. One of the earlier Cabinets of the member for Nedlands approved the drafting of this legislation in August 1995. It is now June 1998. We were leading the charge. This is the sort of legislation which the Australian Labor Party is always happy to support and to give appropriate scrutiny. I am not delaying it tonight because I want to move the process along.

However, although we were the first State to give it the nod, we then fell behind. It should not be any surprise that we fall behind when certain people are in charge of the administration of the State. It does not surprise me that New South Wales overtook us, no doubt due to events which occurred in 1995, and has had the national approach in operation since 1 January. Since then, dare I say it, we have been overtaken by South Australia, Victoria, the Northern Territory and the Australian Capital Territory. I accept that we are still leading the charge when it comes to Queensland and Tasmania, but if we do not get a move on, Queensland will overtake us very quickly following Saturday's election.

Hon Derrick Tomlinson: Queensland will go back 20 years!

Hon N.D. GRIFFITHS: I think Hon Derrick Tomlinson has some familiarity with Queensland and its attitudes, but I will not go into that.

My party and I endorse the process of moving this legislation forward, and the sooner we get these worthwhile measures into operation, the better. These matters do not involve the changing of votes one way or the other, but are about good government. It is a great pity that matters about good government are not given the priority that they deserve.

Hon Peter Foss interjected.

Hon N.D. GRIFFITHS: That is true. I have some sympathy with the Attorney, because many matters that he wants to put forward and with which I agree are not given appropriate priority, and I suppose those who impede that process should be condemned for that.

Hon Peter Foss: The problem lies in the other House and always has done.

Hon N.D. GRIFFITHS: The Attorney has made a comment about another place. I will never criticise the other place, because I believe that is against standing orders, but I often wish there was only one place so that we would not have to put up with another place anywhere impeding what we do. When members see what happens in Queensland on Saturday, they will appreciate the significance of my words.

This Bill will put in place a regime which, when the jurisdictions get together at the conclusion of this process, will be essentially common throughout Australia and will allow this country to operate better. Notwithstanding that, three matters will remain which are - peculiar may be the wrong word, and idiosyncratic may also be the wrong word, although it is accurate - part of the Western Australian tradition, history and method of doing things. That will not slow down or detract from the national approach, but rather will enable Western Australia to keep that which is different and good about Western Australia.

Those areas are not necessarily substantive, but I will mention them in passing because they may be of interest, if not this evening, perhaps when someone takes the time to go through what has happened in our history. Firstly, the Change of Names Regulation Act 1923 will be repealed. That Act has some interesting provisions that are unique to Western Australia. In Western Australia, people can change their names by deed poll or licence. That will be replaced with the provisions of part 5 of the Bill.

It is appropriate at this stage to refer to the *Hansard* of 15 November 1923, because we do not often refer to the *Hansards* of 1923. The Minister who moved the Change of Names Regulation Bill was Hon W.C. Angwin, who represented North-East Fremantle. I do not know what side he was on, but I suppose it does not matter. I suspect he was on the other side of the Chamber, being a Minister, and I do not think he was a Labor Party Minister because we won the 1924 election and were, therefore, not in power in 1923.

Hon Mark Nevill: A street is named after him on the other side of the river.

Hon N.D. GRIFFITHS: That confirms my view that he was a Tory, or that it would be kind to call him a Tory. In any event, he said at page 1862 of *Hansard* that -

This is the short Bill, and its provisions are very clearly stated.

That is unique when we consider legislation these days. That is not the fault of parliamentary counsel but the fault of their instructors. He said also -

It has been found that quite a number of persons by changing their names evade their legal liabilities, particularly those persons who desert their wives and families. In the State Children Department -

That is what he said; *Hansard* never gets it wrong. He continued -

- the greatest difficulty lies in finding absconding fathers on account of whom the State is called upon to pay thousands of pounds annually in the maintenance of children. . . .

The Taxation Department also is affected, because many persons evade their taxation by changing their names.

That was the case in 1923, 19 years prior to the uniform taxation regime, so that would have been of great concern to the State.

The second difference is the method of registration of stillbirths. In Western Australia, both the birth and the death are registered, and there are two certificates - a birth certificate and a death certificate. Other jurisdictions record the death on the one certificate - the birth certificate.

The third significant difference in my view is the process of collecting information with regard to the recording of death. In Western Australia, a death is recorded primarily by the funeral director, and that is dealt with in clause 42; as a result, the doctor, in the most common example, gives the document to the funeral director, who passes it on to the registry. In the other States, the doctor passes it on direct.

These Bills taken together as part of a common approach contain a number of significant initiatives. For many people in our community, the most significant initiative is the question of choice about a child's name. Traditionally, in most cases that choice is for a male orientated name. In the case of marriage, the child will have the surname of the husband.

An exnuptial child will have the mother's surname but this Bill inaugurates a regime of substantive choice. With some proper limitations, certain aspects of which we will deal with at the Committee stage, it is a matter of choice; not a male or female matter or even necessarily restricted by culture. In that context it is appropriate that I pay tribute to the longstanding involvement and efforts of the member for Pilbara, Mr Larry Graham, who has on many occasions advanced the interests of substantive numbers of his constituents who are concerned about their capacity to engage in choices of names for children. That refers particularly to the Islamic communities. In the electorate of the member for Pilbara, a substantial number of people in the Islamic community are in Port Hedland. Significant Islamic communities are also in other parts of Western Australia and many persons of that faith are dispersed throughout Western Australia.

This issue applies to not only them but also many other people. It is a very worthwhile measure. It would be remiss of this House not to note the huge efforts of the member for Pilbara in pushing for this change and advancing this issue, and at the same time we should compliment our public servants in Western Australia who have clearly done a good job convincing the rest of Australia that this is a path we must go down. Perhaps they had some ready listeners, but the cause was advanced by Western Australia and was taken up. Many people will welcome this change. I note in that context the capacity to change names as matters develop.

I shall briefly mention some other changes but I shall not take up the time of the House by going through the detail of those changes at this stage, knowing that we may do so during the Committee debate. I note my concern that, given the delay of almost three years that has occurred to date, I do not want to add to that even in a small way. I note that, notwithstanding practices, there is now a duty on hospitals to notify births and there is also a joint parental responsibility to do so. This relates to the changing nature of our society in that we do not necessarily have a decrease in marriages but rather an increase in non-Marriage Act marriages, which is something the common law may have to revisit sooner rather than later. This will depend on how accessibility to justice develops over time or how the Government's program for legislative change progresses.

Now when a child is born out of marriage, the father is not recorded as such unless he signs off and acknowledges paternity. Even if there is a finding of paternity in the Family Court, the father is still not acknowledged as such. The court has the capacity to order that the father does so but it cannot grab him by the hand and twist whichever parts of his body are required to cause that involuntary action. Contempt of court cannot do the job. This legislation does something which is long overdue; that is, if the Family Court makes an order, the registrar will give effect to it. That is good. We cannot compel a person to do something against his will. It may not be something which affects too many people but it is very important that the provision is there. On those occasions when it is necessary to use it, it is extremely important that it is available.

The last aspect I shall touch on relates to a uniform approach. The registrars wanted - I think they will succeed - people in Australia to have access to this very important information. Rather than relying on hard copy records, this Bill brings this important area of public activity into the late twentieth century. I did not say copperplate printing, because I have never had any complaints about the Registrar General's office; it is quite efficient in my experience. The office is moving from hard copy, handwritten and typed records to the use of computers, and this legislation permits that. It is important that it does so. It indicates that this Parliament has confidence in modern technology. Noting the importance our public servants place on these primary records, I am confident their capacity to use computer technology does not mean we will get rid of hard copy and have information vanishing if there is some

awful brown-out, blackout or whatever. In that context I note that the administration of this area is proceeding along this path; that although the various registration or sub-registration districts in this State will be abolished, in practice they will remain until such time as appropriate modern technological facilities are in place.

In conclusion, I restate that the Australian Labor Party is very pleased to support these worthwhile measures. Our regret is that in the past couple of years we have slipped behind many of the other States. I hope that in making my few short remarks I have moved the matter along to a speedier conclusion than would otherwise be the case.

**HON HELEN HODGSON** (North Metropolitan) [9.09 pm]: The Australian Democrats also support this Bill, which we have examined together with the committee report. We agree that the uniform system of registration throughout Australia is a very important principle. It is obvious the important events of births, deaths and marriages should be registered. My family found out some years ago that for about 50 years we had been celebrating my father's birthday on the wrong day. In a small country town in the 1920s when the authorities came to do the registration somebody forgot the correct date so the birth certificate recorded was different from the date on which the family celebrated the birthday. With technology and the fact that we are more readily in touch with remote areas of the State it is unlikely that situation would recur. It is important those public records be maintained accurately.

Modern technology and habits also require us to re-examine uniformity of legislation throughout the Commonwealth. Given the ease and frequency of travel for work, family, retirement or whatever - it might be to seek a life in a State with a different rate of economic development from our own - people regularly move throughout the nation. It is not only desirable we have a uniform system, it is necessary in our modern lifestyle. For that reason it is important we have a universally accepted system that will be more than efficient in the use of both time and resources.

An important aspect that has been taken into account in the legislation is the need to recognise cultural diversity. As members of Parliament we regularly attend citizenship ceremonies at our local shire councils. We also regularly see examples of people whose naming traditions are different from ours. It is important our legislation encompass those differences. I note the committee's recommendation that we continue to examine different naming customs and find ways of incorporating those within the system.

Although the committee was unable to recommend changes to the legislation to take account of that it made its views clear that procedurally we must be sure we can accommodate these issues within the framework of this legislation.

Another improvement to the legislation is the treatment of exnuptial children. The fact that we are now deleting references to the legitimacy of children recognises the changes we have made since the original Act was first introduced. In a greater proportion of families these days the two parents do not reside together where a child is born outside of wedlock. We must ensure these changing habits are reflected in a way that will not impact on the child later in his life.

In the same way, the legislation takes into account the role and responsibility of both parents in the birth of the child. Where both parents are around at the time of the birth, both have a responsibility to the child, although exceptions are provided for such as death or physical absence. This is consistent with the Family Court Act which passed through this Parliament last year, and which I note has yet to be proclaimed. I hope it will be proclaimed as soon as possible so that issues involving legitimacy of children and exnuptial children can be made consistent with the commonwealth legislation.

Changes in society's attitudes to children who may not be born in marriage are also reflected in the ability to register children with surnames different from those of the parents. This can be for a number of reasons, such as cultural reasons or the circumstances of the birth of the child; nevertheless, it is a very desirable change.

One matter I consider to be of vital importance is the privacy of registration details and the need to ensure that, although they are on the public record to the people who need access to them, some of the personal and confidential information should be treated sensitively, in particular the provisions relating to adoptions. Adoptions are a matter of extreme sensitivity, with parents choosing to handle the adoption of their child in different ways. Some are open about it from the time the child is old enough to ask questions. Others treat it as a matter of some privacy even within the family. I was very pleased to see the provisions in the Adoption Act override the provisions in this Bill to ensure the three parties - the birth parent, the adoptive parents and the child - are not put into an embarrassing situation because someone had access to information that everyone would prefer to remain private.

I was a little concerned about the extent of access that may be granted under this Bill when a person may need to preserve his privacy. In other work I have been doing since I have been here in the past year I have encountered a number of situations where people have changed their names. The most obvious is a person who is transgendered and who changes his name by deed poll because he wants to be recognised as a person of the gender he has adopted. This Bill will enable that person to apply for a birth certificate in the name adopted by deed poll. To some extent that could be defeated if someone searched behind that birth certificate and obtained the original birth information.

I was concerned about this matter when examining the issue of access to register entries. I was pleased to see provisions are in the Bill to ensure the registrar must protect the person from unjustified intrusion on his privacy. Obviously it is a matter for the registrar to interpret and if necessary to involve other legal avenues in reaching that interpretation. However, I am satisfied the Bill contains a provision to ensure privacy is protected in cases where people have no right to know beyond the official documents issued.

All in all, although I will seek clarification on a couple of issues in Committee, this Bill is worthwhile and the Democrats support it.

The Bill was forwarded to a committee under the relevant standing orders when it was introduced into this place. That committee brought down a committee report. It is usual in these situations for us to receive a response from the Minister handling the legislation about whether he believes the committee's recommendations should be adopted.

On this occasion I do not appear to have a response from the Attorney General about the adoption of the committee's recommendations. Instead, we have a Supplementary Notice Paper put up in the name of a private member on the basis that these are the committee's recommendations. That is not the procedure adopted in the past. It is difficult to respond to amendments if members do not have prior notice of the Government's response. In this case the amendments are not controversial, but we will find out in Committee whether the Attorney General accepts them. It would be very useful to have the Attorney General's response prior to Committee so that members know where the Chamber is going with the legislation when it is subject to a committee report. The Democrats support the Bill.

**HON PETER FOSS** (East Metropolitan - Attorney General) [9.21 pm]: I thank members for their support of the Bill. There is a tendency with modern legislation to codify all procedures. That is appropriate with the registration of births, deaths and marriages. However, for other legislation that may not be appropriate. I am currently taking seriously the point made by Hon Nick Griffiths that legislation often contains far more than is necessary. As members are aware, the assistance of Parliament is required for only one very small part of much legislation that passes through this place. However, given the tendency for draftsmen to write a book, everything is included in the legislation regardless of the necessity for Parliament to approve of it. We must make the distinction between those issues for which it is handy for the public to have a tome detailing everything and those for which it would be handy that Parliament pass only those aspects that require its approval.

I will shortly introduce legislation in the latter form. I hope that I hear the connoisseur comments of Hon Nick Griffiths on that legislation. We may even be able to take out more than I have already taken out on the basis that Parliament is not required to approve everything in the Bill. I agree with the honourable member in that regard: We include in legislation much more than is required. That unnecessarily takes up the time of parliamentary counsel. I agree entirely that we should have several streams of priority in the drafting of legislation. I have put the idea forward previously, as have successive Attorneys General, often without success simply because of the dictates and origin of the priorities, and he is all too well aware of that.

It was not possible to let members know the Government's view on the amendments prior to the Committee stage. I have concerns with only one amendment and I will deal with that and how the policy is currently drafted in Committee. I commend the Bill to the House.

Question put and passed.

Bills read a second time.

### **Births, Deaths and Marriages Registration Bill**

#### *Committee*

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Peter Foss (Attorney General) in charge of the Bill.

**Clauses 1 to 3 put and passed.**

**Clause 4: Definitions -**

Hon N.D. GRIFFITHS: I move -

Page 4, line 23 - To delete paragraph (c).

I note the Constitutional Affairs and Statutes Revision Committee's comments on this matter. The amendment is in accord with its recommendation.

Hon PETER FOSS: Half of the other Australian States have included this in their legislation and half have not. The committee correctly states that any necessary control is provided in the succeeding paragraph. If someone came

along and made himself or herself Attorney General it could be interesting, but that could be interpreted as being against the public interest.

Hon N.D. Griffiths: I have been incited because the people of Western Australia may welcome that.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

*Point of Order*

Hon HELEN HODGSON: I wish to speak to clause 11.

*Ruling by the Chairman*

The CHAIRMAN: These are clauses put without debate under sessional order 6(2)(b), which states -

the question in relation to a clause agreed to by the standing committee without amendment (evidenced by its report) shall be put without debate unless it is proposed to amend such a clause.

I cannot allow debate on any clause other than clauses 4, 15, 34 and 49.

Hon Helen Hodgson: Does that not apply only when the report is adopted by the Minister or the member handling the Bill?

The CHAIRMAN: No, it does not.

**Clauses 5 to 14 put and passed.**

**Clause 15: Responsibility to have birth registered -**

Hon N.D. GRIFFITHS: I move -

Page 12, line 10 - To delete the words "not practicable" and substitute -

impossible, impracticable or inappropriate for the other parent to join or be required to join in the application because of his or her death, disappearance, ill health or unavailability or the need to avoid unwarranted distress

Hon PETER FOSS: The Government accepts this amendment.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 16 to 33 put and passed.**

**Clause 34: Registration of change of name -**

Hon N.D. GRIFFITHS: I move -

Page 24, lines 11 and 12 - To delete the words "the change of name may be registered under this Act if the Registrar considers that it is appropriate to do so" and substitute the following -

the Registrar is to register the change of name unless the personal safety of the person requires otherwise

The Attorney has indicated that the Government may have a contrary position to that which I am proposing, so I intend to listen to what the Attorney has to say. In doing so I point out that what I have moved is a form of words in line with the recommendation of the Standing Committee on Constitutional Affairs and Statutes Revision.

Hon PETER FOSS: I will deal with the substantive reason for this rather than the technical reasons; that is, whether it is the appropriate name to register at that time. We find that people register names in different States at different times. This appears to require the registration of a name as a matter of course irrespective of the period in time in which it was changed in the other States. Clause 34(2) says that if the registrar is satisfied that the name of a person whose birth is registered in the State has been changed under the law or by order of a court of another State or the Commonwealth the change of name may be registered under this Act if the registrar considers that it is appropriate to do so. If we change that it will become "unless the personal safety of the person requires otherwise". The registrar needs to take into account a number of considerations with regard to events in other States. The first is what is the name that the person is currently using and under what basis. If the person has adopted another name in the meantime

or has gone back to the name that is currently on a change of name licence in Western Australia it would be appropriate for him to say that the name he should have registered here is the one he is currently using, which is contained in the licence in this State or the one that is on the birth certificate in this State. That is because the right to have one's name changed on the register is subject to the performance of certain formalities, and those formalities may occur in a different order in other States.

The registrar suggests other reasons that perhaps it should remain in this State. The first is that it is consistent with every other State in Australia. I do not think uniformity must be obsessively followed. However, something can be said for uniformity in this case.

Hon N.D. Griffiths: It should be followed unless there is good reason to the contrary.

Hon PETER FOSS: I agree, and I have not yet heard a good reason to the contrary. The other reason is that it also follows the scheme that has been adopted for interstate registrations in the rest of the Bill. I draw the member's attention to clauses 13(3) and 40(3), which use the same terminology. It would be strange if just in the change of name clause - which, in many ways, is an add on to the whole system - we have a different basis. Change of name is not a fundamental part of registration of births, deaths and marriages; it is something we have added at a later date. Insufficient grounds have been given to depart from uniformity and good reasons exist to maintain the current standard.

Hon N.D. GRIFFITHS: I wish the record to note the standing committee's reasons; namely, its concern that the registrar is not obliged to change a person's name on the register when he or she has changed it in another State and the committee's view that a situation may arise where a known criminal is able to go under a different name in different States in order to avoid detection. However, the committee points out that in a case where a person enters a witness protection scheme some flexibility may still be required.

Hon PETER FOSS: I should mention one other course of action that is open to a person who wishes to register his name in this State and that is he can follow the process in this State. He is not completely closed out; it is just that the Registrar General has that discretion.

**Amendment put and negatived.**

**Clause put and passed.**

**Clauses 35 to 58 put and passed.**

**Clause 59: False representation -**

Hon N.D. GRIFFITHS: I move -

Page 40, line 6 - To delete "\$1 500" and substitute "\$10 000".

Hon PETER FOSS: The Bill currently has the same ratio of penalties which is consistent with other legislation. It was seen that clause 59 should have a lesser penalty. However, I believe that penalties are a matter of local judgment and I am happy if the standing committee wishes to have that penalty. Its judgment is as good as anybody's.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 60 to 72 put and passed.**

**Schedule 1 put and passed.**

**Title put and passed.**

**Bill reported, with amendments.**

**Acts Repeal and Amendment (Births, Deaths and Marriages Registration) Bill**

*Committee and Report*

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

*Third Reading*

**HON PETER FOSS** (East Metropolitan - Attorney General) [9.40 pm]: I move -

That the Bill be now read a third time.



**HON HELEN HODGSON** (North Metropolitan) [9.40 pm]: I rise as a consequence of what happened in the Committee stage of this Bill and the standing orders that are relevant when we receive a standing committee report into this House. I had a minor question on two clauses, however the standing orders, as they are currently drafted, meant that I was unable to ask those questions because it was likely they would result in an amendment. I am sure there is no issue and I will clarify the matter with the Attorney General outside this place. However, this is a matter that needs to be raised with the Standing Orders Committee. In situations where a committee report does not answer a question that a member may have, under the relevant standing order that member is unable to have the matter clarified at the time of making that decision. This situation occurred today when the amendment was on the Notice Paper and there was no report from the Minister as to whether he was going to accept the committee's report. This left two matters unclarified. They are minor in this instance and I will not delay the progress of this Bill by taking the issue any further - I will clarify the issue with the Attorney General outside this House - but it is a matter that needs to be raised as a potential issue in the way the standing order is drafted, that we are unable to seek clarification of matters that may not have been addressed in the committee's report.

The PRESIDENT: Was the question the member wanted to raise in respect of the Bill 123-1? Was it Order of the Day No 15 or 16?

Hon HELEN HODGSON: Bill 122-1, the Births, Deaths and Marriages Registration Bill.

The PRESIDENT: That is what I thought. Is the member using the third reading as an opportunity to draw this to my attention rather than referring specifically to the Bill?

Hon HELEN HODGSON: Yes.

The PRESIDENT: I heard what was said. I had the opportunity of listening in to the Committee debate. It is a matter that we can consider at a meeting of the Standing Orders Committee. I will leave it there for the time being because we are discussing a separate Bill at the moment.

Question put and passed.

Bill read a third time and transmitted to the Assembly.

#### ADJOURNMENT OF THE HOUSE

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [9.45 pm]: I move -

That the House do now adjourn.

In view of the good progress being made by the House today, can I take a moment to indicate to members that there will be opportunities in the next two days for speeches on the budget papers. If members wishing to speak on that are prepared, the opportunity will be available.

#### *Pink Snapper Fishing - Adjournment Debate*

**HON KIM CHANCE** (Agricultural) [9.46 pm]: I draw the attention of members to the issue of the Western Australian *Government Gazette* bearing today's date, No 113, which refers to the proclamation of order No 6 of 1998 by the Minister for Fisheries, cited as the prohibition on fishing for pink snapper Shark Bay eastern gulf order 1998. Members may recall a similar order being proclaimed about this time last year and subsequent action by this House to disallow that regulation. I note that this order is yet to be tabled. I expect it will be tabled either tomorrow or the next day.

Without indicating to the Government what the Opposition's position will be on this matter, a clear issue arises here and it is fair to advise the Government of the way the Australian Labor Party will be dealing with this. I have been able to speak to members of RecFishWest and Fisheries WA relative to this issue. I have been told that the matter involves a dispute over the level of research which has taken place in the 390 days that have expired since the current order went into place. The research has been widely quoted as being extensive. If members have not read the article on the front page of today's *The West Australian*, I recommend that they do so because it is a good article which gives some background into the situation. I raise this matter now and I would appreciate the Government passing this information on to the Minister, although I will be doing that myself also. The matter of dispute over the amount of research that has taken place is something that must be resolved and the way it is resolved will play a very large part in determining the Opposition's attitude to these regulations. I am not in a position to say what that attitude might be. Consequently, I will be placing a question on notice tomorrow asking that the Minister for Fisheries table in this place the research data, or a condensation of that data if he thinks that is more appropriate, so that members can make their own determination on the extent of that data.

Mr President, after this House made a determination based on the fact that the scientific data was inadequate to

sustain a zero bag limit in the eastern gulf of Shark Bay last year, there was an undertaking that more research would be conducted between then and now. In the 390 days since that undertaking was given, my understanding is that the research done consequent to that undertaking in the eastern gulf amounted to a week or less. That research did not extend to aggregation but only to some netting and egg counting. If that is the case, Mr President, I think this House should take the same action it did at the same time last year.

Hon N.F. Moore: I think the member should talk to the officers before he reaches any conclusion.

Hon KIM CHANCE: Of course. The Leader of the House may have missed what I was saying. For his benefit I will repeat it briefly. I will be putting a question on notice tomorrow asking the Minister to provide to this House the scientific data that has arisen from that research.

Hon N.F. Moore: I think the member should also talk to the officers himself.

Hon KIM CHANCE: I have done and I will do so again. I have spoken to both Fisheries WA and RecFishWest, which also supports the ban. However, it is appropriate to advise that that question will be going on notice tomorrow. I hope that the Government will encourage the Minister to fully cooperate with that request.

*Dombakup 24 Forest Coupe - Adjournment Debate*

**HON NORM KELLY** (East Metropolitan) [9.50 pm]: I wish to talk about an issue that has become a great concern to the south west in recent weeks; that is, the operations of the Department of Conservation and Land Management in the Northcliffe area, in particular the proposed logging in Dombakup 24 forest coupe. If the logging proceeds, the negative social and economic impacts could destroy the town. To a degree, Northcliffe is already divided by the competing interests of the traditional logging industry and the emerging industries such as agriculture, eco-tourism, apiaries and macadamia plantations.

The future of the town was addressed by a recent funding submission by the townspeople to the Department of Commerce and Trade as a small town economic planning program. The submission identified the town objectives, a few of which read -

- to maintain, preserve and enhance the natural environments of Northcliffe;
- to create local cooperatives to value add on local primary industry product;
- to promote soft and eco tourism that enhances the unique values of Northcliffe's way of life;
- to ensure local investment into appropriate new industry (eg hemp in place of wood chips);
- to promote and develop a quality sustainable agricultural base for Northcliffe;
- to create both employment and social opportunities that keep young people living in Northcliffe.

Northcliffe is a town on the edge. It does not enjoy the services provided in many south west towns. It does not receive free-to-air television, unless people pay for an expensive satellite dish -

Hon Kim Chance: Is it close to rolling up?

Hon NORM KELLY: It is not as remote as some towns in the north west. However, as south west towns go it is a fairly remote location.

The submission by the townspeople to the Department of Commerce and Trade encouraged the local member for Warren-Blackwood, Paul Omodei, to endorse the proposal. He stated -

I am of the opinion that Northcliffe is well placed to take advantage of the opportunities for nature-based tourism . . . In particular there will be significant benefits for young people, encouraging a sense of pride while creating employment opportunities.

Those employment opportunities do not relate to the logging industry. I visited Northcliffe last Friday on World Environment Day, and it was interesting to see the logging trucks rumbling through the town. Each truck transported only one log, because the logs are 2.5 metres in diameter, which indicates the size of the trees in the area. I presume the trucks were making their way to the Pemberton mill or even to the Diamond mill near Manjimup for chipping. Therefore, the economic benefits leave town with the trucks -

Hon Barry House: Big logs would not be going to the Diamond mill.

Hon NORM KELLY: I have been to the Diamond chip mill and I have seen logs bigger than that going through the chipper. They must be quartered because they are so huge, and chippers will take only logs of one metre diameter. That is the size of logs which go directly to the chipper these days.

Hon Peter Foss interjected.

Hon NORM KELLY: They are karri and marri. I am talking about the logging of native forests.

The town of Northcliffe is receiving no benefit. The Bunnings mill was closed a few years ago. A few small mills remain. However, many people in the town realise that the future of Northcliffe will not rely on a logging based industry, and they are working very hard to develop other industries to ensure the future viability of the town.

I met with many people in Northcliffe and I was amazed to see how the town has become divided. The employees of timber companies and mills are being told not to shop at certain stores, under threat of losing their jobs, simply because retailers believe that alternatives can be considered for the future of the town and want to work hard to maintain the town. The retailers are losing business due to the threats being made by employers in the timber industry.

I turn now to responses during question time today relating to the existence of a sensitive Aboriginal site in the Dombakup area. The area is a silcrete quarry-factory site. I queried any liaison between the Department of Conservation and Land Management and other people regarding Aboriginal sites. The Minister's response reads -

No Aboriginal site within the proposed roading or harvesting areas were on CALM's geographic information system database and had not been registered with the Department of Aboriginal Affairs.

That should be a matter of real concern. I have here a report produced in 1976 entitled "Archeological Investigations in the Northcliffe District, Western Australia", which details 30 archeological sites in the area. The comment on the Dombakup forest silcrete quarry-factory site reads -

We estimate that the silcrete formation is at least 15 hectares in area . . . We interpret site 28 as a quarry-factory and the source of the numerous silcrete artefacts found throughout the district. Two radiocarbon dates based on charcoal samples taken in the Trench 1 excavation . . . show that the quarry-factory was in operation from before 6780 years BP until at least 3000 years BP.

That indicates the historical significance of the area. It is amazing that CALM is not aware that the site exists; most locals have known about the site for years. In answer to my question today seeking a guarantee that logging in Dombakup 24 not commence until the issues are resolved, the Minister stated -

The area to be harvested is not an Aboriginal site.

That may be the case, but the answer implies that the Minister will be willing to allow logging trucks to continue to rumble over roads which have been put through a highly sensitive Aboriginal site. The Government does not consider the issue to be critical enough for it to give a guarantee that logging will not commence until the issues have been completely resolved.

These are a few important issues being addressed by people in Northcliffe at the moment. From my discussions with local landholders I know that they are concerned, because a couple of private landholders have had to pay to fence off 20 to 30 hectares of land to ensure that the area is not degraded, while a few kilometres away CALM is ripping out about 100 ha of native forest which contain sensitive areas, including one of the most diverse ecosystems in the south west. The unique diversity of the ecosystems has been recognised in some of the regional forest agreements maps. The area surrounding the forest contains wetlands, which are sensitive to any change in groundwater levels. Logging of the forest will affect those areas and could impact on the agriculture industry and the numerous marron farms in the area. I would like to say a lot more in this regard, but I will take that opportunity at some future time.

Question put and passed.

*House adjourned at 9.59 pm*

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**QUESTIONS ON NOTICE**

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

**RALLY AUSTRALIA - COMPLIMENTARY TICKETS**

1212. Hon KEN TRAVERS to the Minister for Tourism:

- (1) Did the State Government receive complimentary tickets to Rally Australia?
- (2) If yes, who were issued with the tickets; on what basis was the allocation of the tickets decided; and for what purposes were the tickets allocated?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) (a) As Minister for Tourism I forwarded general admission tickets to -

The Premier of Western Australia.  
Coalition Members.  
Leader of the Opposition.  
Shadow Minister for Tourism.  
Shadow Minister for Sport and Recreation.

The Executive Director of API Rally Australia forwarded general admission tickets to -

The Lord Mayor of the City of Perth.  
Cabinet Ministers.

- (b)-(c) From its inception in 1988, tickets have traditionally been allocated to the State Government because of its major contribution to Rally.

The previous Labor Government made Corporate Box Tickets available to Government Members on request.

This Government has provided General Admission Tickets to Government Members, and has restricted invitations to the Corporate Box to Ministers of the Crown, Opposition spokespersons for relevant portfolios and special guests of the Government.

**INFLUENZA VACCINATION PROGRAM FOR SENIORS**

1278. Hon CHERYL DAVENPORT to the Minister for Transport representing the Minister for Seniors:

- (1) Has the Government initiated the \$300 000 program of free influenza vaccinations allocated to Seniors in the State Budget estimates for 1997/98?
- (2) If not, why not?
- (3) When does it intend to commence the program?
- (4) If so, how?

Hon E.J. CHARLTON replied:

- (1)-(4) Negotiations with the Commonwealth Government on the implementation of free influenza vaccinations for seniors over 65 have proceeded over the last year.

In its 1998/99 budget, the Commonwealth Government has allocated \$20 million nationally for free influenza vaccinations for seniors over 65. This will be implemented during the 1998/99 financial year.

In the light of the Commonwealth commitment, the State Government will decide on its allocation on receipt of advice from the Commonwealth on the structure of the program.

**SENIORS - PROGRAM OF ACTIVITIES**

1279. Hon CHERYL DAVENPORT to the Minister for Transport representing the Minister for Seniors:

- (1) Has the Government initiated the \$200 000 program of activities leading up to and implementing a '5 year plan for the aged', allocated to Seniors in the State Budget estimates for 1997/98?

(2) If not, why not?

(3) If so, how?

Hon E.J. CHARLTON replied:

(1) Yes.

(2) Not applicable.

(3) The funding allocation provides for activities to develop and implement the Five Year Plan on Ageing. To date, these funds have been used for the production and distribution of a discussion paper and public consultations in metropolitan and rural areas. The Minister for Seniors has recently approved of recommendations for the remainder of the budget allocation for 1997/98 and the following financial year. It is anticipated that the Five Year Plan on Ageing will be launched during the second half of 1998.

#### SENIORS - MULTI-GENERATIONAL PROGRAMS

1280. Hon CHERYL DAVENPORT to the Minister for Transport representing the Minister for Seniors:

(1) Has the Government initiated the \$150 000 development of multi-generational programs allocated to Seniors in the State Budget estimates for 1997/98?

(2) If not, why not?

(3) If so, how?

Hon E.J. CHARLTON replied:

(1) A multi generational strategy, title Lifetime Links has been developed and launched by the Minister for Seniors. The title refers to multi generational activities that improve links between the generations.

Key components of the strategy include -

A community grants program;  
Research;  
Education and awareness raising;  
Across government policy development;  
Specific projects, eg Seniors Partners and Living with Grandparents.

(2)-(3) Not applicable.

#### SENIORS - YEAR OF THE OLDER PERSON PROMOTION

1281. Hon CHERYL DAVENPORT to the Minister for Transport representing the Minister for Seniors:

(1) Has the Government initiated the \$150 000 program to plan and promote 1999 as the Year of the Older Person, allocated to Seniors in the State Budget estimates for 1997/98?

(2) If not, why not?

(3) If so, how?

Hon E.J. CHARLTON replied:

(1) Yes.

(2) Not applicable.

(3) A Steering Committee with broad representation across the community was established in 1997 and is developing a varied calendar of events and other initiatives to mark the Year.

#### FAMILY VIOLENCE PUBLICITY CAMPAIGN

1282. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Women's Interests:

(1) Has the Government initiated the extensive publicity campaign against family violence for which \$300 000 was allocated from the State Budget estimates for 1997/98?

(2) If not, why not?

(3) If so, how has the \$300 000 been allocated?

Hon MAX EVANS replied:

- (1) Yes.
- (2) Not applicable.
- (3) On market research, evaluation, concept and advertisement testing, media scheduling and associated costs, in preparation for the launch of the community education campaign in 1998.

DOMESTIC VIOLENCE UNIT

1283. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Women's Interests:

- (1) Has the Government initiated expenditure of the \$500 000 allocated to a domestic violence unit from the State Budget estimates for 1997/98?
- (2) If not, why not?
- (3) If so, how?

Hon MAX EVANS replied:

- (1) Yes.
- (2) Not applicable.
- (3) For Regional Coordinators in all 16 regions, conferences for Regional Chairpersons and Coordinators, and evaluation of regional planning and coordination.

WOMEN'S ADVISORY COUNCIL

1284. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Women's Interests:

- (1) Has the Government initiated expenditure of the \$200 000 allocated from the State Budget estimates for 1997/98 to expand the Women's Advisory Council role?
- (2) If not, why not?
- (3) If so, how?

Hon MAX EVANS replied:

- (1) Yes.
- (2) Not applicable.
- (3) By -
  - consultation with women through participation in the North West Women's Gathering in September 1997;
  - encouraging use of technology through distribution of an Internet Handbook and working with telecentres;
  - facilitating a Forum for Aboriginal Women in May 1998;
  - representation on the Rural Remote and Regional Women's committee to expand contact with rural women; and
  - participation in Joy'98 to promote the Women's Advisory Council to young women and to encourage their interest in economic independence.

WOMEN'S SUFFRAGE GRANTS

1285. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Women's Interests:

- (1) Has the Government initiated expenditure of the \$100 000 allocated from the State Budget estimates for 1997/98 to women's suffrage grants?
- (2) If not, why not?
- (3) If so, how?

Hon MAX EVANS replied:

- (1) Yes.
- (2) Not applicable.
- (3) Grant agreement documents have been sent to successful applicants. On acceptance by the successful applicants of the terms and conditions outlined, grants funding will be remitted.

#### WOMEN'S INTERESTS - BUDGET ALLOCATION

1286. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Women's Interests:

- (1) Has the Government commenced expenditure of the \$340 000 allocated from the State Budget estimates for 1997/98 to 'various other initiatives' for women?
- (2) If not, why not?
- (3) If so, how?

Hon MAX EVANS replied:

- (1) Yes.
- (2) Not applicable.
- (3) Consistent with election commitments:
  - advertising and promotion of the Women's Information Service;
  - further development of the Government Two Year Plan for Women including community consultation and the production of a publication highlighting achievements of this Plan;
  - commencement of work on a compendium of data on women to be produced as part of the celebrations of the centenary of women's suffrage;
  - an upgraded and expanded Edith Cowan Women's Fellowship has been awarded in 1997 and advertised for 1998;
  - strategies to increase the proportion of women on Government boards and committees;
  - development of a Women Customer Best Practice Manual for use in Government agencies.

#### CHILDREN IN REFUGES - CHILD CARE AND COUNSELLING SERVICES

1287. Hon CHERYL DAVENPORT to the Minister for Transport representing the Minister for Family and Children's Services:

- (1) Has the Government initiated expenditure of the \$250 000 allocated to child care and counselling services for children in refuges from the 1997 State Budget surplus of \$60m?
- (2) If not, why not?
- (3) If so, how?

Hon E.J. CHARLTON replied:

- (1)-(3) \$250,000 was allocated to Family and Children's Services in the 1997/98 State Budget for the provision of services to children in refuges.

Family and Children's Services invited requests for proposals for three children's domestic violence counselling services during 1997. These services were located in Albany (\$30,000), Bunbury (\$50,000) and the Perth metropolitan area (\$170,000). The services in Albany and Bunbury commenced in February this year and the metropolitan service is expected to commence this month.

#### FAMILY AND CHILDREN'S SERVICES - CONSTRUCTION OF SAFETY ACCOMMODATION

1288. Hon CHERYL DAVENPORT to the Minister for Transport representing the Minister for Family and Children's Services:

- (1) Has the Government initiated expenditure of the \$300 000 allocated to the construction of safety accommodation in regional communities from the 1997 State Budget surplus of \$60m?

- (2) If not, why not?
- (3) If so, how?

Hon E.J. CHARLTON replied:

- (1)-(3) Family and Children's Services do not fund the construction of safety accommodation. There was, however, an additional \$300,000 allocated to Family and Children's Services for additional safety services in regional communities in the 1997/98 State Budget.

Family and Children's Services has invited requests for proposals for the provision of a women's refuge in Newman (\$220,000) and a family healing centre in Derby (\$230,000) during 1997/98. It is anticipated that these services will be operational this financial year.

An additional \$30,000 was also allocated to Pat Thomas Memorial House in Mandurah for the provision of support to women and children escaping domestic violence who are being accommodated in the agency's two medium term houses.

#### WOMEN'S REFUGES AND OUTREACH SUPPORT SERVICES - BUDGET SURPLUS ALLOCATION

1289. Hon CHERYL DAVENPORT to the Minister for Transport representing the Minister for Family and Children's Services:

- (1) Has the Government initiated expenditure of the \$500 000 allocated to increase resources for women's refuges and outreach support services from the 1997 State Budget surplus of \$60m?
- (2) If not, why not?
- (3) If so, how?

Hon E.J. CHARLTON replied:

- (1) An additional \$500,000 was allocated to Family and Children's Services for additional domestic violence and outreach support services in the 1997/98 State Budget.
- (2) Not applicable.
- (3) Four new Aboriginal Family Violence Support and Prevention Services have been established from the additional allocation. Services have been established in Mirrabooka (\$60,000), Bunbury (\$60,000), East Pilbara (\$70,000) and the Goldfields (\$60,000). All of these services were operational in 1997.

A further four Domestic Violence Victim Advocacy and Support Services were also established from the additional allocation. Requests for proposals were invited for services in Midland (\$60,000), Rockingham (\$60,000), the Goldfields (\$70,000) and the Murchison (\$70,000). Selections have been completed for all four services and contracts are currently being established with the successful applicants.

#### MOLTONI CORPORATION PTY LTD'S CONTRACT - BUSINESS CASE

1331. Hon LJILJANNA RAVLICH to the Leader of the House representing the Premier:

Further to the answer given to question on notice 2054 of 1995 asked in the Legislative Assembly in relation to the Premier's Department's contract with the firm Moltoni Corporation Pty Ltd worth approximately \$5.1m for the provision of asbestos removal and demolition of Bank West building, can the Premier advise -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?
- (6) What other options were considered?
- (7) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (8) If yes, did it include a check of the contractors financial background?
- (9) Who carried out the financial background check?



(10) If the contractor is a company -

- (a) when was the company formed;
- (b) what is its share capitalisation;
- (c) who are the directors of the company; and
- (d) are any of the company directors Ministers or senior public servants?

Hon N.F. MOORE replied:

- (1) No.
- (2)-(3) Not applicable.
- (4)-(6) Demolition of the former Bank West building was one of many social initiatives outlined in 1994 to improve the amenity of the central city area for all users.
- (7)-(8) Yes. As part of the Department of Contract and Management Services pre-qualification and Builders Categorisation scheme.
- (9) Department of Contract and Management Services.
- (10) The member should refer this question to Moltoni Corporation.

#### ALTERNATIVE ENERGY DEVELOPMENT BOARD

1343. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

- (1) Are legislative changes in place for the Alternative Energy Development Board which became operational on July 1, 1995?
- (2) If no -
  - (a) what has caused the delay; and
  - (b) what interim arrangements are in place?

Hon N.F. MOORE replied:

- (1) No.
- (2) (a) The Board has operated satisfactorily in the short term under administrative arrangements. Although there is no intention to create the Board as a statutory authority, it is proposed to provide a legislative basis to the Board and transfer the energy related functions of MERIWA to the Board through legislation when time permits.
- (b) The Board responds to and advises the Minister for Energy and operates under administrative arrangements through the Office of Energy. The Board retains an Executive Officer to assist in promotion, assessment and on-going management of grants which are made under contract. Funding for the Board is provided by an annual appropriation, currently around \$250 000, to a trust account. Additionally the Board advises MERIWA concerning grants for research activities in renewable energy and energy efficiency. The MERIWA funding currently provides an additional \$260 000 each year for these purposes.

#### NORTH WEST SHELF GAS MARKETING CARTEL

1349. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

Why didn't AlintaGas make a submission to the Australian Competition and Consumer Commission inquiry into the application by North West Shelf Project partners to continue their gas marketing cartel on the domestic gas market?

Hon N.F. MOORE replied:

I am advised:

At the request of the ACCC, AlintaGas provided a background briefing on WA gas markets. After this meeting, AlintaGas decided it would not make a submission.

#### NORTH WEST SHELF GAS MARKETING CARTEL

1350. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

Why didn't the Department of Resources Development make a submission to the Australian Competition and

Consumer Commission inquiry into the application by North West Shelf Project partners to continue their gas marketing cartel on the domestic gas market?

Hon N.F. MOORE replied:

The Department of Resources Development responded directly to a request for information from officials of the Australian Competition and Consumer Commission who were conducting the inquiry into the application.

NORTH WEST SHELF GAS MARKETING CARTEL

1351. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

Why didn't the Office of Energy make a submission to the Australian Competition and Consumer Commission inquiry into the application by North West Shelf Project partners to continue their gas marketing cartel on the domestic gas market?

Hon N.F. MOORE replied:

The Office of Energy responded directly to the officers of the Australian Competition and Consumer Commission conducting this inquiry, providing advice on the general circumstances surrounding gas privatisation and supply in the State and the status of market liberalisation being progressed by the Government.

NORTH WEST SHELF GAS MARKETING CARTEL

1352. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

What evidence and view did the Department of Resources Development give the Australian Competition and Consumer Commission in respect of the North West Shelf Project application for authorization to continue its gas marketing cartel on the domestic gas market?

Hon N.F. MOORE replied:

The Department of Resources Development provided the Australian Competition and Consumer Commission with information on the natural gas market in Western Australia. The Department did not express a view in relation to the merits of the application.

NORTH WEST SHELF GAS MARKETING CARTEL

1353. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

What evidence and view did Western Power give the Australian Competition and Consumer Commission in respect of the North West Shelf Project application for authorization to continue its gas marketing cartel on the domestic gas market?

Hon N.F. MOORE replied:

I am advised:

Western Power forwarded a submission to the Australian Competition and Consumer Commission (ACCC) as part of the public process undertaken by the ACCC following an application from the North West Shelf Joint Venture Participants for authorisation to continue its gas marketing arrangements for the WA domestic market.

Western Power representatives also attended the subsequent public hearing in Perth.

NORTH WEST SHELF GAS MARKETING CARTEL

1354. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

What evidence and view did AlintaGas give the Australian Competition and Consumer Commission in respect of the North West Shelf Project application for authorization to continue its gas marketing cartel on the domestic gas market?

Hon N.F. MOORE replied:

I am advised:

No formal position was put by AlintaGas to the ACCC on this matter. At the request of the ACCC, AlintaGas officers did provide an informal background briefing on a confidential basis. AlintaGas were

advised by the ACCC that due to the confidentiality constraints imposed by AlintaGas, the ACCC would be unable to use the information in its deliberations.

NORTH WEST SHELF GAS MARKETING CARTEL

1355. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

What evidence and view did the Office of Energy give the Australian Competition and Consumer Commission in respect of the North West Shelf Project application for authorization to continue its gas marketing cartel on the domestic gas market?

Hon N.F. MOORE replied:

Refer to Question on Notice 1351.

CITY NORTHERN BYPASS

*Boulderstone Hornibrook Engineering's Contract*

1356. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 344/95 with Boulderstone Hornibrook Engineering for \$9.2m due to be completed by July 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

The Hon Member has asked for identical information in respect of other contracts and I am not prepared to continue to have Main Roads commit scarce resources to collate the details required. However, if the Hon Member would like specific information about a particular contract, I would be pleased to assist.

CITY NORTHERN BYPASS

*Evans and Peck Management's Contract*

1357. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 405/95 with Evans and Peck Management for \$339 025 due to be completed by May 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*Moltoni Corporation Pty Ltd's Contract*

1358. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 452/95 with Moltoni Corporation for \$141 600 due to be completed by July 1996 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*Boral Contracting's Contract*

1359. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 520/95 with Boral Contracting for \$449 549 due to be completed by March 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN CONTRACT

*Evans and Peck Management's Contract*

1360. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 560/95 with Evans and Peck Management for \$176 420 due to be completed by March 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*Vic Park Salvage's Contract*

1361. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 576/95 with Vic Park Salvage for \$48 900 due to be completed by August 1996 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*Linkpin Construction's Contract*

1362. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 577/95 with Linkpin Construction for \$53 074 due to be completed by December 1996 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

#### CITY NORTHERN BYPASS

##### *Connell Wagner (WA) Pty Ltd's Contract*

1363. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 612/95 with Connell Wagner (WA) Pty Ltd for \$129 000 due to be completed by October 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

#### CITY NORTHERN BYPASS

##### *P.B. & K.A. Brajkovich Pty Ltd's Contract*

1364. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 72/96 and 192/96 with PB & KA Brajkovich for \$90 000 and \$37 000 due to be completed by November 1996 and July 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

#### CITY NORTHERN BYPASS

##### *Woodward Clyde Pty Ltd's Contract*

1365. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 275/96 with Woodward Clyde Pty Ltd for \$47 250 due to be completed by November 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*Town & Country Demolition & Salvage's Contract*

1366. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 299/96 with Town and Country Demolition for \$45 600 due to be completed by March 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*Moltoni Corporation Pty Ltd's Contract*

1367. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 359/96 with Moltoni Corporation for \$46 880 due to be completed by January 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*Moltoni Corporation Pty Ltd's Contract*

1368. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 462/96 with Moltoni Corporation for \$73 880 due to be completed by March 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*Raptor Demolition's Contract*

1369. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 463/96 with Raptor Demolition for \$105 800 due to be completed by April 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*Shelton Partners' Contract*

1370. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 503/96 with Shelton Partners for \$61 243 due to be completed by April 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*P.B. & K.A. Brajkovich Pty Ltd's Contract*

1371. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 593/96 with PB & KA Brajkovich for \$54 000 due to be completed by May 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*Moltoni Corporation Pty Ltd's Contract*

1372. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 711/96 with Moltoni Corporation for \$95 388 due to be completed by June 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*Landscape Development's Contract*

1373. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 936/96 with Landscape Development for \$349 743 due to be completed by October 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*P.B. & K.A. Brajkovich Pty Ltd's Contract*

1374. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 908/96 with PB & KA Brajkovich for \$62 000 due to be completed by October 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*Ove Arup & Partners' Contract*

1375. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 167/95 with OVE Arup and Partners for \$31 805 due to be completed by May 1996 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*Vic Park Salvage's Contract*

1376. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 202/95 with Vic Park Salvage for \$3 340 due to be completed by November 1995 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?



- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*Vinsan Contracting's Contract*

1377. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 293/95 with Vinsan Contracting for \$10 750 due to be completed by February 1996 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*Town & Country Demolition & Salvage's Contract*

1378. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 391/95 with Town and Country Demolition for \$10 700 due to be completed by February 1996 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*Drake Personnel Ltd's Contract*

1379. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 481/95 with Drake Personnel Ltd for \$32 400 due to be completed by February 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*CMPS & F Pty Ltd's Contract*

1380. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 482/95 with CMPS & F for \$5 835 due to be completed by March 1996 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*Arthur Andersen's Contract*

1381. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 595/95 with Arthur Andersen for \$34 000 due to be completed by February 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*Deloitte Touche Tohmatsu's Contract*

1382. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 596/95 with Deloitte Touche Tohmatsu for \$43 950 due to be completed by March 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*The Colour Copy Centre's Contract*

1383. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 597/95 with The Colour Copy Centre for \$4 300 due to be completed by August 1996 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?

- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*Woodward Clyde's Contract*

1384. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 223/96 with Woodward Clyde for \$7 086 due to be completed by October 1996 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*Linkpin Construction's Contract*

1385. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 314/96 with Linkpin Construction for \$17 954 due to be completed by May 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*P.D.C. Wilson Sons & Associates' Contract*

1386. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 331/96 with PDC Wilson, Sons and Assoc for \$16 990 due to be completed by January 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*Town & Country Demolition & Salvage's Contract*

1387. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 358/96 with Town and Country Demolition for \$6 800 due to be completed by February 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*Town & Country Demolition & Salvage's Contract*

1388. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 431/96 with Town and Country Demolition for \$7 900 due to be completed by March 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*P.D.C. Wilson Sons & Associates' Contract*

1389. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 464/96 with PDC Wilson, Sons and Assoc for \$ 28 342 due to be completed by April 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*P.B. & K.A. Brajkovich Pty Ltd's Contract*

1390. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 526/96 with PB & KA Brajkovich for \$12 200 due to be completed by April 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?

- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

#### CITY NORTHERN BYPASS

##### *Town & Country Demolition & Salvage's Contract*

1391. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 712/96 with Town and Country Demolition for \$21 950 due to be completed by May 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

#### CITY NORTHERN BYPASS

##### *Evans and Peck Management's Contract*

1392. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 730/96 with Evans and Peck Management for \$23 000 due to be completed by January 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

#### CITY NORTHERN BYPASS

##### *Evans and Peck Management's Contract*

1393. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 733/96 with Evans and Peck Management for \$6 500 due to be completed by July 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*Bureau Veritas Quality International's Contract*

1394. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 820/96 with Bureau Veritas Quality International for \$37 900 due to be completed by October 1996 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*Sinclair Knight Mertz Pty Ltd's Contract*

1395. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 840/96 with Sinclair Knight Mertz for \$8 420 due to be completed by June 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*Cooper and Lybrand's Contract*

1396. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 985/96 with Cooper and Lybrand for \$24 500 due to be completed by September 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?
- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

CITY NORTHERN BYPASS

*White & Associates' Contract*

1397. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to contract 51/97 with White and Associates for \$1 750 due to be completed by November 1997 for works on the City Northern Bypass project, I ask -

- (1) What date was the work actually completed?

- (2) What was the total amount paid for this contract?
- (3) Is this a variation of the amount originally tendered?
- (4) If yes, what is the variation amount and reason for the variation?

Hon E.J. CHARLTON replied:

Refer to response to Parliamentary Question, Legislative Council 1356.

#### CHILD CARE CENTRES

1421. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Family and Children's Services:

Which metropolitan areas have the greatest concentrations of child care centres?

Hon E.J. CHARLTON replied:

The following Statistical Local Areas, which are defined by the Australian Bureau of Statistics and based on Local Government boundaries, have over ten child care centres. A complete list is attached.

Stirling (Central)	24 centres
Gosnells	17 centres
Rockingham	17 centres
Swan	16 centres
Melville	15 centres
Stirling (Coastal)	15 centres
Armadale	13 centres
Canning	13 centres
Wanneroo (SW)	13 centres
Bayswater	12 centres
Cockburn	10 centres
Kalamunda	10 centres
Victoria Park	10 centres

#### BAXTER HEALTHCARE CONTRACT

1465. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Health:

Further to the answer given to question on notice 960 in relation to the Health Department's contract with the firm Baxter Healthcare worth approximately \$422.5m for the provision of provision of large volume sterile fluids, can the Minister for Health advise -

- (1) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (2) If yes, did it include a check of the contractors financial background?
- (3) Who carried out the financial background check?
- (4) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (5) Who are the directors of the company?
- (6) Are any of the company directors ministers or senior public servants?
- (7) Was a business case conducted?
- (8) Did it include a comprehensive cost benefit analysis?
- (9) If so, what did it show?
- (10) If not, why not?
- (11) What were the identified inherent risks?
- (12) What other options were considered?

Hon MAX EVANS replied:

- (1) Large volume sterile fluids have been purchased under a whole of Health contract arrangement by Western Australian public hospitals for a number of years. Baxter Healthcare has successfully participated in the above arrangement for a considerable period of time.

Baxter Healthcare is a large multinational with considerable assets and supplies a range of products to the Western Australian public hospital market.

Large volume sterile fluids are controlled under the Therapeutic Goods Act and must meet stringent requirements before they can be marketed in Australia.

The Pharmaceutical Advisory Committee (PAC), which has been operating for over twenty years, oversees, in consultation with departments of Nephrology, the establishment of the large volume sterile fluid contract. Between the PAC and Nephrology clinical staff considerable experience and knowledge of both product and industry are accessed for contractual decisions.

(2)-(3) See answer to (1) above.

(4) The registration date of the company is 26 April 1962. The company share structure is \$785,000 (total paid on shares issued) and \$5,376,302 (balance of share premium account).

(5) The company directors are Charles Joseph Bonnici and Brian Maurice Lee.

(6) The company extract obtained from the Australian Securities Commission does not state the occupations of the directors.

(7) The large volume sterile fluid contract is established in accordance with State Supply Commission policies and procedures including the preparation of a procurement plan and contract award recommendation documentation.

Baxter Healthcare have a monopoly in Western Australia for the majority of the items on the current contract. Careful consideration was given to the principal of encouraging competition and to anticipated changes in the Australian sterile fluids market.

(8) Savings in excess of \$800,000 over the period of the contract have been identified.

(9)-(10) See (8) above.

(11) The sale of large volume sterile fluids in Australia is stringently controlled with both local manufacturers and importers having to meet rigid requirements.

(12) Significant premiums would have been incurred by Health if acceptance of a shorter contract period or panel contract arrangement had been pursued.

#### HEALTH DEPARTMENT'S PHARMACEUTICAL SUPPLIERS' CONTRACT

1466. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Health:

Further to the answer given to question on notice 960 in relation to the Health Department's contract with 46 individual pharmaceutical suppliers worth approximately \$48.4m for the provision of provision of drugs, disinfectants, antiseptics etc, can the Minister for Health advise -

- (1) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (2) If yes, did it include a check of the contractors financial background?
- (3) Who carried out the financial background check?
- (4) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (5) Who are the directors of the company?
- (6) Are any of the company directors ministers or senior public servants?
- (7) Was a business case conducted?
- (8) Did it include a comprehensive cost benefit analysis?
- (9) If so, what did it show?
- (10) If not, why not?
- (11) What were the identified inherent risks?
- (12) What other options were considered?



Hon MAX EVANS replied:

- (1) Pharmaceuticals have been purchased under a whole of Health contract arrangement by Western Australian public hospitals for a number of years. Many of the companies involved in the current contract have successfully participated in the above arrangement for a considerable period of time.

The majority of companies included on the current contract are large multinationals with considerable assets and for whom the Western Australian public hospital market (estimated at 0.01% of the world market) is arguably a minor consideration.

Pharmaceutical products are controlled under the Therapeutic Goods Act and must meet stringent requirements before they can be marketed in Australia. Approximately half the pharmaceutical items on the current contract are registered under the Pharmaceutical Benefits Scheme (PBS). Continuity of supply is a consideration for a pharmaceutical to be listed under PBS.

The Pharmaceutical Advisory Committee (PAC), which has been operating for over twenty years, oversees the establishment of the Pharmaceutical contract. The PAC is principally composed of Chief Pharmacists from the teaching hospitals and has considerable experience and knowledge of both pharmaceutical products and the pharmaceutical industry.

- (2)-(3) See answer to (1) above.

- (4)-(5) The Australian Securities Commission charges a fee of \$17.00 per company for the information requested in these questions. The total cost of collecting these details for each of the 46 companies would be \$782.00. Given this cost and the fact that this is a rollover contract which has been satisfactorily operating for many years, Health does not intend to respond to these questions but would be pleased to address more specific issues should these be raised.

- (6) Further to the response to (4) and (5), even if a company extract is obtained from the Australian Securities Commission for each entity it would not show the occupations of the directors of the companies.

- (7) The pharmaceutical contract is established in accordance with State Supply Commission policies and procedures including the preparation of a procurement plan and contract award recommendation documentation.

The procurement of pharmaceuticals via a whole of Health period contract has existed in excess of 20 years. The contract is currently recalled every 2 years but is reviewed annually. An external review of pharmaceutical purchasing in Western Australia was conducted in 1992/93.

- (8) The pharmaceutical contract returns significant direct savings to Health. The contract strategy promotes competition leading to reduced prices and attracts special discount offers such as 'sole supplier and grouped items' offers.

- (9)-(10) See (8) above.

- (11) The sale of pharmaceuticals in Australia is stringently controlled with both local manufacturers and importers having to meet rigid requirements.

- (12) Recommendations from a review of pharmaceutical purchasing in Western Australia conducted in 1992 supported the current approach to the procurement of pharmaceuticals. Suggestions resulting from the review have been investigated and where appropriate incorporated in the current approach to the procurement of pharmaceuticals

#### COLONOSCOPY WAITING TIMES

1476. Hon HELEN HODGSON to the Minister for Finance representing the Minister for Health:

With regard to the answer to Legislative Assembly question on notice 3077 in respect to approximate waiting times for a colonoscopy at Fremantle Hospital and Charles Gairdner Hospital, can the Minister for Health advise -

- (1) Why were the figures not available for the same procedure at Joondalup Health Campus and Osborne Park Hospital in reply to Legislative Council question without notice 1312?
- (2) Can the Minister now supply the waiting time for a routine colonoscopy at the Joondalup Health Campus and Osborne Park Hospital?
- (3) What is the waiting time for general surgery at Joondalup Health Campus and Osborne Park Hospital?

Hon MAX EVANS replied:

- (1) Non teaching hospital clinicians have not consistently provided wait list data to hospital management in the past.  
In February 1998, the Health Department of WA instructed non-teaching hospitals to collect and submit a monthly abstract of waiting list information to the HDWA.
- (2) Mean waiting times are reported by specialty and by some selected procedures. Colonoscopy mean waiting times are reported within the General Surgery specialty only.  
One of the roles of the Central Wait List Bureau is to identify times by procedure by hospital. This is a priority of the Bureau and it is expected that this information will be available by May 1998.
- (3) Joondalup Health Campus and Osborne Park Hospital advise that their estimated mean waiting times for General Surgery are 3 to 6 months and 2.1 month respectively.

#### HEALTH PROGRAMS FUNDING

1486. Hon NORM KELLY to the Minister for Finance representing the Minister for Health:

- (1) In relation to the Minister for Health's answer to question without notice 1343, what steps is the Minister taking to maintain programs such as Early Psychosis, Post Natal Depression and Vocational Training, that are in danger of losing Commonwealth funding?
- (2) What steps is the Minister taking to ensure that Wesley Mission (currently recipients of \$31 000 from the National Mental Health Strategy) is able to continue to provide accommodation and support for people with psychiatric disabilities?

Hon MAX EVANS replied:

- (1)-(2) Through the Health Care Agreement negotiations the State is jointly seeking with other States and Territories an addition of \$1.1 billion to the Commonwealth annual contribution to public hospital funding. Part of the joint claim by States is for maintenance of the existing total level of Commonwealth funding under the National Mental Health Strategy. If States are successful, then it will be possible to maintain the programs funded under the current National Mental Health Strategy.

In negotiations so far on the Health Care Agreements, the Commonwealth has indicated a willingness to maintain its contribution to mental health funding. Members should be aware that although the Commonwealth is claiming this would be an addition to the funding already provided, in reality it would be merely a continuation of existing funding.

As members will appreciate, negotiations on the new Agreements have stalled because the Commonwealth has been unwilling to move from the vastly inadequate overall funding offer it has so far been presenting. The Prime Minister and Commonwealth Health Minister have said that, irrespective of whether States sign Agreements based on its offer, the Commonwealth will be providing funding consistent with its offer. However, until the negotiations recommence and are finalised, it is not safe to make assumptions about the funding that the State will receive.

#### PSYCHIATRIC NURSES FOR YOUTH

1507. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Health:

- (1) Is there a shortage of children's and adolescent psychiatric nurses in Western Australia?
- (2) If yes, why were three senior adolescent psychiatric nurses at Stubbs Terrace Hospital recently offered redundancies?

Hon MAX EVANS replied:

- (1) No more so than there is a shortage of any specialist nurse within WA. The market place for specialist nurses varies from time to time however there are currently no vacancies for CAMH nurses within the metropolitan area, but there is an insufficient supply to meet the whole of WA. It is hoped that the recent development of co-ordinating a specialist training course for CAMH nurses with Edith Cowan University and the Psychological Medicine Directorate will rectify this situation.
- (2) In line with Government philosophy of maintaining a flatter management structure, it was felt the number of four senior adolescent psychiatric nurses was excessive to manage the Stubbs Terrace Unit. The reduction

in the number of management positions has allowed for an increase in specialist services in the areas of Social Work, Speech Therapy, Clinical Psychology and Occupational Therapy.

#### COLLIE DISTRICT HOSPITAL BUDGET

1526. Hon J.A. COWDELL to the Minister for Finance representing the Minister for Health:

In regard to budget allocations and expenditure at Collie District Hospital -

- (1) Can the Minister for Health confirm that the budget for the hospital in 1996/97 was \$5 495 600 according to an answer given on October 14, 1997 (question number 910)?
- (2) Can the Minister also confirm that the expenditure for the same period was \$6 119 490 according to an answer given to Geoff Gallop on October 22, 1997 (question number 2632)?
- (3) What was the budget allocation in 1997/98?
- (4) What is the expenditure, from the 1997/98 budget, to date?

Hon MAX EVANS replied:

- (1) This figure was in fact the net expenditure for 1996/97; the indicative budget for that year was \$4,936,030.
- (2) \$6,119,490 was the gross expenditure for 1996/97 (ie before revenue).
- (3) \$5,078,170.
- (4) \$4,453,740 gross expenditure (ie before revenue) YTD as at March 31st 1998.

#### EXPLORATION TENEMENT HOLDERS' EXEMPTIONS

1588. Hon GIZ WATSON to the Minister for Mines:

How many current exploration tenement holders have sought, and are exempt from, their expenditure requirements under the *Mines Act*?

Hon N.F. MOORE replied:

In the 12 months to 30 April 1998, 357 exploration licence holders have sought and been wholly or partially exempted from expenditure requirements in respect to 1121 licences.

#### HOSPITAL WAITING LISTS AND ELECTIVE SURGERY CANCELLATION

1589. Hon J.A. COWDELL to the Minister for Finance representing the Minister for Health:

- (1) How many people in -
  - (a) Rockingham;
  - (b) Kwinana;
  - (c) Mandurah; and
  - (d) Pinjarra,

have had their elective surgery cancelled so far this year?

- (2) Which hospitals were they booked into?
- (3) How many people from each of these areas remain on the waiting lists at each of the above hospitals?

Hon MAX EVANS replied:

- (1)
  - (a) 66.
  - (b) 11.
  - (c)-(d) Murray District Hospital cancelled 7 patients for elective surgery on 25.1.98, due to a power failure.
- (2) Rockingham/Kwinana Health Service.  
Murray District Hospital.
- (3) 71.  
Murray District Hospital does not maintain waiting list data.

## ALCOA OF AUSTRALIA'S GAS SUPPLY AND TRANSMISSION CONTRACT

1596. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Energy:

Further to the answer given to question on notice 635 in relation to the Energy Department's contract with the firm Alcoa of Australia for the provision of gas supply and transmission, can the Minister for Energy advise -

- (1) What is the value of this contract?
- (2) Was a business case conducted?
- (3) Did it include a comprehensive cost benefit analysis?
- (4) If so, what did it show?
- (5) If not, why not?
- (6) What were the identified inherent risks?
- (7) What other options were considered?
- (8) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (9) If yes, did it include a check of the contractors financial background?
- (10) Who carried out the financial background check?
- (11) If the contractor is a company, when was the company formed and what is its share capitalization?
- (12) Who are the directors of the company?
- (13) Are any of the company directors Ministers or senior public servants?

Hon N.F. MOORE replied:

- (1) By way of explanation, the contract referred to in the question on notice 635 originated as a delivered gas supply contract between the State Energy Commission of Western Australia (SECWA) and Alcoa of Australia. That contract was disaggregated at the end of 1994, along with the principal domestic gas supply contract between the North West Shelf Joint Venture Participants and SECWA, to a gas supply arrangement between those Participants and Alcoa, and a gas transportation contract between the gas corporation (AlintaGas) and Alcoa. With the sale completed on 25 March 1998 of the Dampier to Bunbury Natural Gas Pipeline to Epic Energy, AlintaGas has assigned that gas transportation contract to Epic Energy. Since there is now no such gas supply or transportation contract between a State entity and Alcoa, I am unable to give the specifics sought by the Honourable Member.
- (2)-(13) Refer to (1) above.

## DR DAVID GRUNDMANN

1641. Hon N.D. GRIFFITHS to the Minister for Finance representing the Minister for Health:

- (1) Has Doctor David Grundmann registered with the WA Medical Board?
- (2) On what date did he register?
- (3) What right to practice medicine in Western Australia does Doctor David Grundmann have?

Hon MAX EVANS replied:

- (1) Dr. David Grundmann is not registered with the WA Medical Board.
- (2) Not applicable.
- (3) He has no rights to practice in WA without registration with that body.

## MURRAY DISTRICT HOSPITAL STAFF

1661. Hon J.A. COWDELL to the Attorney General representing the Minister for Labour Relations:

With regard to staff currently employed at the Murray District Hospital -

- (1) Has the Minister approved the payment of a "transition payment" if the staff accept employment at the Peel Health Campus?

- (2) If not, why not?
- (3) If yes, when will the Minister give his approval?

Hon PETER FOSS replied:

- (1) Employees of the Peel Health Service are eligible to receive transitional payments if they accept job offers with the private contractor Health Solutions at the new Peel Health Campus, provided the job offer is a direct result of the transfer of public health services from the Murray Hospital to the Mandurah Hospital.
- (2) Not applicable.
- (3) The Minister for Labour Relations will consider the quantum for each transitional payment as it is submitted for approval.

LAURANCE, MR I.

*Trip to Sydney, Canberra and Melbourne*

1662. Hon KEN TRAVERS to the Minister for Sport and Recreation:

In the recently tabled Report of Interstate and Overseas Travel, reference was made to a trip taken by an I. Laurence to Sydney, Canberra and Melbourne to attend the Venue Management Association Annual Conference -

- (1) What position does I. Laurence hold in the trust?
- (2) In what city was the conference held and over what period?
- (3) Why did I. Laurence visit the other cities?
- (4) Will the Minister provide the House with I. Laurence's itinerary?
- (5) If not, why not?
- (6) Why did I. Laurence travel business class?

Hon N.F. MOORE replied:

- (1) Mr Ian Laurance is the Chairman of WA Sports Centre Trust.
- (2) The Venue Management Association Conference was held in Melbourne from 23-25 April, 1997.
- (3) Mr Laurance visited the other cities for the following reasons:
  - Sydney - to inspect the Sydney International Aquatic Centre and the Olympic facilities under construction at Homebush.
  - Canberra - to inspect the Australian Institute of Sport and more particularly the new Visitor Centre and Museum of Sport. The WA Sports Centre Trust was and subsequently has assumed responsibility for the Museum of WA Sport at Challenge Stadium.
- (4) Mr Laurance's itinerary is attached.
- (5) Not applicable.
- (6) It is the WA Sports Centre Trust's policy for the Chairman to fly Business Class, which is in line with Public Sector Guidelines.

[See tabled paper No 1662.]

HOPMAN CUP AND HEINEKEN GOLF TOURNAMENT

*Waiver of Confidentiality Clause*

1664. Hon KEN TRAVERS to the Minister for Tourism:

In relation to the Minister's answer to my question on November 18, 1997 regarding the Government's contribution to the Hopman Cup and Heineken Golf Tournament, can the Minister inform the House of the outcome of an approach to Paul McNamee Enterprises for a waiver of the confidentiality clause?

Hon N.F. MOORE replied:

Mr McNamee has agreed that the WATC can provide the following information:

For the year 1996/97, the Western Australian Tourism Commission's (WATC) net annual contribution was \$120,489.

For the year 1997/98, the WATC's net annual contribution was \$136,086. The 1997/98 figure is derived from the unaudited accounts and is subject to the completion of the audit.

#### BRAND WA ADVERTISEMENTS

1665. Hon KEN TRAVERS to the Minister for Tourism:

- (1) Are the Brand WA advertisements to be shown in USA?
- (2) If yes, when?

Hon N.F. MOORE replied:

- (1)-(2) The Brand WA advertising campaign has to date not appeared in the United States marketplace. The international television commercials produced for this campaign in 1997 were specifically designed to reach target audiences in the Western Australian tourism industry's core markets of Singapore, Indonesia, Australia and the United Kingdom. These television commercials were supported by tactical press advertisement in strategically selected newspapers. Brand WA radio advertisements and tactical press also appeared in Malaysia.

The US market, whilst not a core market for Western Australia, is considered a future market, which means it warrants close monitoring in terms of market trends and growth potential for our State. As a result, the WATC will be assessing the potential return and cost of securing business from the US market in 1998/99.

#### "BE A GOOD HOST" ADVERTISING CAMPAIGN

1668. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Family and Children's Services:

With regard to the \$350 000 'be a good host' advertising campaign -

- (1) What advertising agent(s) were involved in creating and producing the advertisements?
- (2) What was the creation/production cost of the advertisements?
- (3) What was the placement cost of the advertisements?
- (4) Over what period will the advertisements be shown?

Hon E.J. CHARLTON replied:

- (1) Vinten Browning.
- (2) \$102,297.
- (3) \$234,620.
- (4) 5 April to 6 June and 6 September to 3 October 1998.

#### MINISTER FOR FINANCE'S TRAVEL ITINERARIES

1674. Hon TOM STEPHENS to the Minister for Finance:

- (1) Will the Minister table the itineraries for his Ministerial visits to -
  - (a) Sydney on April 4 to April 8, 1996;
  - (b) Singapore, Hong Kong and Kuala Lumpur on May 31 to June 9, 1996;
  - (c) Melbourne on November 1 to November 4, 1996; and
  - (d) Melbourne on November 8 to November 11, 1996?
- (2) If not, why not?

Hon MAX EVANS replied:

- (1) (a)-(d) Yes. I seek leave to table a copy of each itinerary for the four official visits as listed [See tabled paper No 1664.]
- (2) Not applicable.

## YALGOO, MEDICAL SERVICES

1675. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Health:

- (1) What medical services are provided in the township of Yalgoo?
- (2) What emergency medical services are provided for the people living in the township and pastoral areas surrounding Yalgoo?

Hon MAX EVANS replied:

- (1) Medical services are provided in the township of Yalgoo by RFDS medical staff who visit every three weeks and hold morning clinics.
- (2) Emergency medical services are accessed through RFDS medical staff and/or through transfer to centres where appropriate medical services are available.

## MT CHARLOTTE MINING OPERATIONS

*Impact on Williamstown Residents*

1678. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

With regard to the proposed mining by KCGM of the Mount Charlotte Reward and Northern Ore body -

- (1) What measures are in place to protect the residents of Williamstown from vibrations, noise, dust, fumes and other pollutants that may be liberated during operations from the two proposed open pits?
- (2) Will the social impact of these proposed mining operations at Mount Charlotte and the Northern Ore body be assessed?
- (3) If yes, can the Minister detail how?
- (4) If not, why not?
- (5) What role will the Health Department play in determining the impact these operations may have on the Williamstown community?
- (6) If none, why?

Hon MAX EVANS replied:

- (1) The development of the two proposed open pits is currently subject to formal environmental impact assessment by the Environmental Protection Authority under the *Environmental Protection Act 1986*. Environmental impacts arising from the proposal will be evaluated by the EPA through that process and a report ultimately submitted to the Minister for the Environment.
- (2) In guidelines prepared by the EPA to assist the proponent in the preparation of its public review documentation, the EPA indicated that the relevant environmental factors for the proposal included: Pollution factors - noise; dust; flyrock; vibration; and Social surroundings - heritage and visual amenity.
- (3)-(4) Refer to (1) and (2) above.
- (5) The Health Department does not have a decision making role in the EPA process for this project. The Department of Environmental Protection will provide the Health Department with copies of the proponent's public review documentation, when available, so that it may provide advice on the project should it wish to do so.
- (6) Refer to (5).

1684. Hon GIZ WATSON to the Minister for Mines:

In relation to question without notice 240 of 1998 -

- (1) Will the Minister table a list of the 30 identified projects and the 60 related sites?
- (2) Will the Minister table a list of the tenement status and ownership of the above sites?

Hon N.F. MOORE replied:

- (1) A list of the 30 identified projects and the 60 related sites in my answer to question 240 is tabled. The list

was printed from the Department of Minerals and Energy MINDEX database. The information is available to the public.

- (2) A list showing all current tenure and active holders is tabled. The list was collated from the Department of Minerals and Energy MINDEX, TENDEX and TENGRAPH data bases. This information is also available to the public.

[See tabled papers Nos 1663.]

#### MOORE RIVER COMPANY'S OUTLINE OF DEVELOPMENT PLAN

1688. Hon GIZ WATSON to the Attorney General representing the Minister for Planning:

With regard to the recent decision by the Gingin Shire to approve the Moore River Company's Outline of Development Plan -

- (1) Is the Minister for Planning aware that the Shire of Gingin received 704 submissions, the majority of which opposed the Moore River Company's Outline Development Plan ("ODP")?
- (2) Is the Minister aware that council has made no formal response to these public submissions prior to approval of the ODP?
- (3) Are there obligations under the *Town Planning and Development Act* that a council consider public submissions prior to making a decision on the matter on which the submissions were sought?
- (4) If yes to (3) above, will the Minister direct the Gingin Shire Council to suspend its decision until it has considered and responded to these submissions?
- (5) If no to (3) above, what purpose is served in calling for public submissions on matters before the council?

Hon PETER FOSS replied:

- (1)-(3) No.
- (4) Not applicable.
- (5) There are obligations under the Shire of Gingin Town Planning Scheme No 8, which has the force of law through the provisions of the Town Planning and Development Act, which requires the Council of the Shire of Gingin to seek community views on the structure plan as part of the deliberative process.

#### CARNARVON, ORTHODONTIC SERVICES

1690. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Health:

- (1) Has a replacement orthodontist been located to service the town of Carnarvon?
- (2) If not, why not?
- (3) What practices have been put in place to ensure the people of Carnarvon have access to orthodontal treatment?

Hon MAX EVANS replied:

- (1) No.
- (2) See (3).
- (3) I understand an unsuccessful approach has been made to the Australian Society of Orthodontists (WA Branch), by the orthodontist who visited Carnarvon, to see if there was any other orthodontist interested in providing this service.

#### PSYCHIATRIC SERVICES FOR MIGRANTS

1699. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Health:

What specialised psychiatric services for migrants of non-English speaking background/cultural and linguistic diverse backgrounds is provided by the Mental Health Services through the Public Health System?

Hon MAX EVANS replied:

The Transcultural Psychiatry Unit (WA) which was established in 1994 provides a wide range of specialist programs



which are responsive to the mental health needs of non-English speaking background (NESB) clients. In addition to providing a statewide tertiary referral, the Unit also functions to provide clinical services, policy development, research and education.

Multicultural Access Unit of the HDWA coordinates access to services provided by the public health system through promotion of effective use of professional interpreters, translations, and as well as providing advice on cultural issues. In 1994, the Unit established the Multicultural Access Contact Officers Network to improve access to health services for NESB people. These health professionals are located in provider units in the metropolitan and country areas.

Migrant Health Unit of the HDWA provides health screening for refugees and immigrants under a special humanitarian program. The service focuses on communicable and sexually transmitted diseases. The MHU also provides referrals to mental health services where appropriate.

The relocation of specialist mental health professionals throughout the metropolitan area since 1994 as part of mainstream services makes these specialized services more accessible to people from NESB. These developments conform with the National Mental Health Policy of which Western Australia is a signatory.

The Mental Health Program of the Health Department of Western Australia also funds the Association for Services to Torture and Trauma Survivors (ASeTTS). ASeTTS functions as a lead non-government agency in providing a) counselling & advocacy services; b) community work & case coordination ; and c) consultancy & staff education services to refugees and migrants who are victims of torture and trauma.

Since 1994/95 four NESB programs have been funded under the National Mental Health Strategy in Swan and Rockingham/Kwinana Health Services, Graylands Hospital and with ASeTTS. Funding ceases in June 1998.

#### ETHNIC YOUTH PROGRAMS

1701. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Youth:

- (1) What funds have been allocated to deal with ethnic youth issues in 1996/97 and 1997/98?
- (2) What youth programs have been initiated in the area of ethnic youth in 1996/97 and 1997/98?

Hon MAX EVANS replied:

I am advised that:

- (1)-(2) The Office of Youth Affairs was established to develop policy and programs that address the needs of all young people. These include policies which aim to promote a positive image of youth and programs which encourage the development of young people.

While the Office of Youth Affairs has not developed any specific policies or programs for ethnic youth it has established strong links with the Office of Multicultural Interests having held one of the earliest of its youth forums at an ethnic youth camp sponsored by OMI.

The Office of Youth Affairs has also provided funding support to some ethnic groups through its Youth Grants WA program.

#### PRISONERS, ENGLISH LANGUAGE PROGRAMS

1702. Hon LJILJANNA RAVLICH to the Attorney General:

- (1) How many prison inmates have received the basic 510 hours of English language classes while in prison?
- (2) How many prison inmates have been provided with Advanced English Language programs?
- (3) How many took part in the Job Oriented Migrant English for -
  - (a) those qualified migrants to assist them in finding employment;
  - (b) new skills English courses for migrants who are unskilled; and
  - (c) those who wish to learn a new skill,

from 1993/94 to 1997/98?

Hon PETER FOSS replied:

- (1) The English Language classes referred to by the Hon Member are provided by the Department of Immigration and Multicultural Affairs and are not available to prison inmates.

- (2) See (1).
- (3) See (1). However, the Education and Vocational Training Unit of the Ministry of Justice provides accredited English Language classes to offenders who have English as second language need. The number of offenders with such needs who have undertaken English Language classes is not available.

#### FITZROY RIVER DAM

##### *Endangered Flora and Fauna Species*

1715. Hon NORM KELLY to the Minister for Finance representing the Minister for the Environment:

- (1) Can the Minister for the Environment provide a list of any threatened or endangered flora or fauna species which are present in the proposed Fitzroy River Dam area?
- (2) What steps have been taken to ensure that these species are not further endangered during the period of feasibility testing of the project?

Hon MAX EVANS replied:

- (1)-(2) CALM has yet to receive details of this proposal. If a formal proposal is received that is considered to be likely to have a significant effect on the environment if implemented, it will be subject to the formal assessment procedures established under the Environmental Protection Act 1986. The proponent would be required to undertake flora and fauna surveys and CALM would also provide information from its database. Should any populations of threatened flora or fauna exist or be located in the vicinity of any proposed dam, they will remain specially protected as currently provided for under the Wildlife Conservation Act 1950. The presence of any such species will be taken into account in any plans for the future of the area.

#### EXMOUTH DEVELOPMENT TRUST FUND

1719. Hon TOM STEPHENS to the Leader of the House representing the Minister for Regional Development:

With reference to the Exmouth Development Trust Fund -

- (1) What total funds have been received into the Exmouth Development Trust Fund since it was established?
- (2) What is the breakdown of these funds and, in particular -
- (a) what funds came from the sale of US houses;
  - (b) what funds came from interest accrued on monies held by the trust fund; and
  - (c) what other funds were paid into the trust?
- (3) On what basis was the interest that was deposited into this trust fund calculated?
- (4) What funds have been allocated from the trust fund since its inception?
- (5) For what purpose was each amount allocated?
- (6) On what dates were the allocations made?
- (7) Are there any unspent funds left in the Exmouth Development Trust Fund?
- (8) If yes, have these funds been designated for use on any specific project?
- (9) If so, would the Minister for Regional Development provide details?

Hon N.F. MOORE replied:

- (1) Total funds received into the Exmouth Development Trust Fund are \$13,036,800.
- (2) Funds were from:
- |     |                   |   |
|-----|-------------------|---|
| (a) | Sale of US houses | \$10,791,448.   |
| (b) | Interest          | \$ 805,353.   |
| (c) | Loan repayments   | \$ 1,439,999 (repayment by MRD for earlier construction of<br>Burkett Road. \$1.4m advanced repayment includes interest). |
- (3) Interest is calculated on the weighted quarterly WA Treasury Corporate rates supplied to Treasury less 0.15% pa management fee.

- (4)-(6) Allocation of funds from Exmouth Development Trust Funds are shown in the following table categorised into the year of funding:

Allocation of Funds for Exmouth Development Trust Fund

1993/94	Administration	6,300
	Shire of Exmouth	67,000
	Bundegi Jetty	200,000
	Various Buildings	40,000
	Project Design	50,000
	Town Planning Scheme	
	Exmouth District High School - Marine Environmental	15,000
	Studies	27,450
	Norcape Carpentry and Joinery P/L - Exmouth Shire Hall	45,000
	Dept of Transport - Feasibility Study	145,000
	Exmouth Volunteer Sea Search & Rescue - Vessel	
	TOTAL	\$595,750
1994/95	Administration	4,738
	Main Roads WA - Burkett Road	1,400,000
	Shire of Exmouth	200,000
	Community Loan Fund	30,000
	Eco Tourism Study	
	TAFE Centre, Kindergarten,	278,674
	Community Centre	195,000
	Dept of Transport - Marine Basin	
	TOTAL	\$2,108,412
1995/96	Administration	1,737
	Shire of Exmouth - Heavy Industry Plan	10,000
	GDC - Exmouth Boat Harbour	100,000
	CALM - Whale Shark Study	6,475
	TOTAL	\$118,212
1996/97	Shire of Exmouth - Learmonth Airport Proposal	322,000
	Purchase Lot 320 Exmouth	75,000
	Exmouth St John Ambulance Assoc - Emergency Vehicle	30,000
	Exmouth Tourist Bureau - Promotional Video & Other	4,283
	Dept of Transport - Exmouth Boat Harbour	4,760,000
	TOTAL	\$5,191,283
1997/98	Shire of Exmouth - Learmonth Airport Fees	75,000
	TOTAL	\$75,000

- (7) Unspent funds as at May 1998 are: \$4.948m.

- (8)-(9) Funds have been designated for the following projects:

Development of Learmonth Airport	\$4.6m
Exmouth Tourist Bureau	\$0.3m

WORKSAFE PROSECUTIONS

*Challenges*

1731. Hon HELEN HODGSON to the Attorney General representing the Minister for Labour Relations:

I refer the Minister for Labour Relations to his answer dated April 28, 1998 to question without notice 1448 and ask -

- (1) How many prosecutions were commenced by WorkSafe Commissioner, Mr Bartholomaeus, between May 1994 and September 1995?
- (2) Of these, how many may be open to challenge because Commissioner Bartholomaeus was not properly appointed during this period?
- (3) What action is the Government taking to deal with challenges against prosecutions made by Commissioner Bartholomaeus between May 1994 and September 1995?

Hon PETER FOSS replied:

- (1) During this period May 1994 to September 1995 inclusive, prosecution action against 68 entities for 94 breaches of the *Occupational Safety and Health Act* were commenced. All but 7 have been finalised to date.

- (2) 6.
- (3) An appeal against the magistrate's decision of 15 April 1998 in the Karratha Court has been commenced. Legislative action to validate the actions of the Commissioner is also being considered.

## OSBORNE PARK HOSPITAL

1736. Hon E.R.J. DERMER to the Minister for Finance representing the Minister for Health:

- (1) How many nursing home beds were located at Osborne Park Hospital in the financial years -
- (a) 1993/94;
  - (b) 1994/95;
  - (c) 1995/96;
  - (d) 1996/97; and
  - (e) 1997/98?
- (2) How many will be provided in 1998/99?
- (3) What was the Budget allocation for capital works and recurrent spending at Osborne park Hospital in the financial years -
- (a) 1993/94;
  - (b) 1994/95;
  - (c) 1995/96;
  - (d) 1996/97;
  - (e) 1997/98; and
  - (f) 1998/99?
- (4) What was the actual expenditure in capital works and recurrent spending at Osborne Park Hospital in the financial years -
- (a) 1993/94;
  - (b) 1994/95;
  - (c) 1995/96;
  - (d) 1996/97; and
  - (e) 1997/98?

Hon MAX EVANS replied:

(1)-(2) Nil.

(3)

	Gross Expenditure \$000's
(a) 1993/94	20,542.3
(b) 1994/95	19,983.7
(c) 1995/96	20,867.6
(d) 1996/97	24,264.2
(e) 1997/98	25,140.4
(f) 1998/99	Nil identified for Osborne Park Hospital at this stage

(4)

	Gross Expenditure \$000's
(a) 1993/94	20,633.5
(b) 1994/95	20,032.5
(c) 1995/96	21,120.7
(d) 1996/97	24,064.3
(e) 1997/98	Not yet completed.

## OSBORNE PARK HOSPITAL AND JOONDALUP HEALTH CAMPUS

*Nursing Home Beds*

1737. Hon E.R.J. DERMER to the Minister for Finance representing the Minister for Health:

- (1) How many nursing home beds were located at Osborne Park Hospital in the financial years -

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

(2) How many will be provided at Joondalup Health Campus in 1998/99?

Hon MAX EVANS replied:

- (1) (a)-(e) Nil.
- (2) The Health Department will purchase 750 Nursing Home Type Patient bed days at Joondalup Health Campus in 1998/99.

#### OSBORNE PARK HOSPITAL AND JOONDALUP HEALTH CAMPUS

##### *Nursing Home Beds*

1738. Hon E.R.J. DERMER to the Minister for Finance representing the Minister for Health:

- (1) Of the 60 nursing home beds to be relocated to Joondalup, as outlined on page 547 of the 1998/99 State Budget -
  - (a) how many will come from Osborne Park Hospital; and
  - (b) what other hospitals will be effected, by losing nursing home beds, in this relocation?
- (2) Are pensioners and low income people eligible for nursing home beds at Joondalup Health Campus?
- (3) If yes, how many and what is the criteria under which they are deemed eligible?
- (4) As reported in *The West Australian* on January 27, has Osborne Park Hospital had any money reallocated to Joondalup Health Campus?
- (5) If yes, how much?
- (6) In what areas of the Osborne Park Hospital Budget were these cuts made?
- (7) What is the Government's justification for this reallocation?

Hon MAX EVANS replied:

- (1) (a) None.
- (b) None. The sixty nursing home beds to be relocated to Joondalup are part of the BrightWater Care Group (BCG) redevelopments from the BCG Inglewood and Subiaco sites.
- (2)-(3) Not applicable.
- (4) Yes.
- (5) Originally \$2.7 million was allocated from Osborne Park Hospital. However, the full amount was reinstated to Osborne Park Hospital to deal with patients from teaching hospital waiting lists.
- (6)-(7) Not applicable.

#### OSBORNE PARK HOSPITAL

1739. Hon E.R.J. DERMER to the Minister for Finance representing the Minister for Health:

How many patients were treated at Osborne Park Hospital in the financial years -

- (a) 1993/94;
- (b) 1994/95;
- (c) 1995/96;
- (d) 1996/97; and
- (e) 1997/98,

and estimated in the 1998/99 budget?

Hon MAX EVANS replied:

- (a) 1993-94 7698\*
- (b) 1994-95 7932\*

- (c) 1995-96 8541\*
- (d) 1996-97 9309\*
- (e) 1997-98 9000 estimate\*

\*Excludes normal neonates.

Estimated admissions 1998/99 same as 1997/98 at this stage.

#### OSBORNE PARK HOSPITAL

1741. Hon E.R.J. DERMER to the Minister for Finance representing the Minister for Health:

- (1) What medical treatment areas, such as obstetrics, geriatric medicine, surgical operation and day procedures, are performed at Osborne Park Hospital?
- (2) For each of the medical treatments or health service categories in (1) above, how many patients were treated in the financial years -
  - (a) 1993/94;
  - (b) 1994/95;
  - (c) 1995/96;
  - (d) 1996/97; and
  - (e) 1997/98,
 and how many have been budgeted for in these areas in 1998/99?
- (3) How many medical and non-medical FTEs were employed at Osborne Park Hospital in the financial years -
  - (a) 1993/94;
  - (b) 1994/95;
  - (c) 1995/96;
  - (d) 1996/97; and
  - (e) 1997/98,
 and how many are budgeted for in 1998/99 budget?
- (4) What are the medical and non-medical categories under which Osborne Park Hospital staff are employed?
- (5) How many FTEs were employed in each of these categories in the financial years -
  - (a) 1993/94;
  - (b) 1994/95;
  - (c) 1995/96;
  - (d) 1996/97; and
  - (e) 1997/98,
 and have been budgeted for in 1998/99?

Hon MAX EVANS replied:

- (1) Inpatient medical treatment areas include medical (general practice, rehabilitation and aged care), surgical, obstetrics and paediatrics.
- (2)
 

	Medical	Surgical	Obstetrics	Paediatric	TOTAL
(a) 1993/94	2144	3408	1865	281	7698
(b) 1994/95	2349	3510	1800	273	7932
(c) 1995/96	2936	3482	1791	332	8541
(d) 1996/97	3409	3705	1873	322	9309
(e) 1997/98	Not yet completed				

The purchasing allocation budget for 1998/99 will not be finalised till 30 June 1998.

- (3)
 

(a) 1993/94	370.62
(b) 1994/95	368.42
(c) 1995/96	360.36
(d) 1996/97	385.63 *
(e) 1997/98	not yet completed *

- \* Hospital commenced management of regional responsibilities such as Community Health Services and Community Mental Health Services.

The purchasing allocation budget for 1998/99 will not be finalised till 30 June 1998. Services and staffing at Osborne Park Hospital will be modified to take into account impact of the Joondalup Health Campus.

- (4) Nursing.  
Medical.  
Medical Support.  
Administration/Technical Support.  
Hotel Services.  
Maintenance.

(5)		Nursing	Medical	Med Supp	Admin/Tec	Hotel	Mtce
(a)	1993/94	180.51	16.68	33.3	42.43	79.77	17.93
(b)	1994/95	172.95	19.11	35.54	43.45	79.60	17.77
(c)	1995/96	169.13	22.46	37.72	42.59	74.36	14.10
(d)	1996/97	182.86	23.41	43.95	48.71	73.03	13.67
(e)	1997/98	Not yet known					

The purchasing allocation budget for 1998/99 will not be finalised till 30 June 1998.

#### OSBORNE PARK HOSPITAL

1742. Hon E.R.J. DERMER to the Minister for Finance representing the Minister for Health:

- (1) Will the Minister for Health confirm, as outlined on page 547 of the 1998/99 Budget, that elective surgery operations which would previously have been performed at Sir Charles Gairdner or Royal Perth Hospitals, will now be performed at Osborne Park Hospital?
- (2) If yes -
- (a) how many operations will be transferred and what is the budget allocation of these operations; and
- (b) what types of operations will be referred from the public teaching hospitals to Osborne Park Hospital?

Hon MAX EVANS replied:

- (1) Yes.
- (2) (a) The Budget allocation for operations transferring is \$2.7 Million for approximately 1850 cases.
- (b) Ear Nose and Throat, Gastroenterology, Minor Orthopaedics and General Surgery.

#### OSBORNE PARK HOSPITAL AND JOONDALUP HEALTH CAMPUS

##### *Cost per Bed per Day*

1743. Hon E.R.J. DERMER to the Minister for Finance representing the Minister for Health:

- (1) What is the average cost per bed per day at Osborne Park Hospital and Joondalup Health Campus?
- (2) Given that all Government departments report on an accrual accounting basis, what is the level of assets and liability for Osborne Park Hospital at -
- (a) June 30, 1997;
- (b) January 1, 1998; and
- (c) expected as of June 30, 1998?
- (3) Does Osborne Park Hospital own any land assets?
- (4) If yes -
- (a) where are they located and what is their size;
- (b) what is their most recent valuation; and
- (c) has their sale been considered or is their sale due to be considered?

Hon MAX EVANS replied:

- (1) For Osborne Park Hospital:

\$475 (gross).  
\$433 (net).

Acute inpatient activity at Joondalup Health Campus is purchased on a case basis, not a daily bed day basis. The daily bed day cost at Joondalup Health Campus is not relevant to the purchase of these services. The total cost of the purchase of these services is however, done at a rate that is not higher than the equivalent comparative cost to Government of delivering those services in other metropolitan non-teaching hospitals.

- (2) (a) Assets \$24.2M.  
Liabilities \$12.0M.
- (b) Not available.
- (c) Not available. Osborne Park Hospital ceased being a legal entity 01 July 1997, becoming part of the North Metropolitan Health Service under the control of the Metropolitan Health Service Board.
- (3) No. All land is in the Name of the Crown. No proposal is currently before Government to consider the disposal of land forming part of the Osborne Park Hospital Campus.
- (4) (a)-(c) Not applicable.

#### MINERAL SANDS MINING COMPANIES

##### *Royalty Holiday*

1746. Hon J.A. SCOTT to the Minister for Mines:

- (1) Which mineral sands mining companies in Western Australia have received a 'royalty holiday' from the State Government and what was the period of that 'royalty holiday'?
- (2) What is the value of these forgone royalties for each company?
- (3) How long will these companies continue to receive their 'royalty holiday' and what is the expected value of those forgone royalties?
- (4) Will the Government rule out further 'royalty holidays' for the mineral sands mining companies in the future?

Hon N.F. MOORE replied:

- (1) A deferral of half the royalty was provided to RGC Mineral Sands Ltd over the period December 1993 to December 1994.
- (2) No royalties were forgone because the deferred royalty was repaid.
- (3) No mineral sands mining company in Western Australia currently receives royalty relief.
- (4) Royalty relief may be provided to any project paying royalty under the Mining Act if the Western Australian Government's royalty relief criteria are satisfied.

#### DAYMAN, MR WAYNE

##### *Improvements Notices Issued after Death*

1748. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

- (1) At the time of the fatality of Wayne Dayman, did WorkSafe Inspectors issue any improvement notices on site?
- (2) If yes, how many notices were issued and to whom were they issued?
- (3) What was the content of each notice?
- (4) Were any of these notices successfully appealed?
- (5) If so, which ones?
- (6) On what grounds were they successfully appealed?



Hon PETER FOSS replied:

- (1) Yes
- (2) Eight improvement notices were issued:
  - 3 to Western Power;
  - 3 to Westpoint Constructions Pty Ltd; and
  - 2 to AB Tilbury Pty Ltd.
- (3) The subject matter of the notices to Western Power and Westpoint Constructions were:
  - providing a safe system of installing cables;
  - delineation of contractors' responsibilities for installing cables; and
  - providing a safe system of work for excavation.

The subject matter of the notices to AB Tilbury Pty Ltd were:

- providing a safe system of installing cables; and
  - providing a safe system of work for excavation.
- (4) Yes.
- (5) Each of the notices to Western Power and Westpoint Constructions Pty Ltd were successfully appealed.
- (6) The notices to Western Power were successfully appealed because the grounds stated in the notices were not sufficient to establish the responsibilities of Western Power under the referenced section of the *Occupational Safety and Health Act*.

The notices to Westpoint Construction Pty Ltd were successfully appealed since the subject matter of the notices was found to be the responsibility of a contractor other than Westpoint Construction Pty Ltd.

ALLEN, MR MARK

*Notices Issued after Death*

1749. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

At the time of the fatality of Mark Allen on September 6, 1996 at the Metro Bus Station in East Perth -

- (1) Did WorkSafe Inspectors issue any notices?
- (2) If yes, how many notices were issued and to whom were they issued?
- (3) What was the content of each notice?
- (4) Were any of these notices successfully appealed?
- (5) If so, which ones?
- (6) On what grounds were they successfully appealed?
- (7) How many notices, if any, were issued by the Construction Branch of WorkSafe WA at the time of the fatality?

Hon PETER FOSS replied:

- (1) Yes.
- (2) On 6 September 1996 the following notices were issued:
  - 3 prohibition notices were issued to Hi Tech Demolition Pty Ltd;
  - 11 improvement notices were issued to Hi Tech Demolition Pty Ltd; and
  - 1 improvement notice was issued to East Perth Redevelopment Authority.
- (3) The subject matter of the prohibition notices were:
  - securing the site until the investigation was complete;
  - providing a safe system of work; and
  - use of appropriate ladders.

The subject matter of the improvement notices to Hi Tech Demolition Pty Ltd were:

- 8 notices relating to falls from height;
- 1 notice relating to access and egress;

- 1 notice relating to safe system of work; and
- 1 notice relating to demolition involving glass.

The improvement notice to East Perth Redevelopment Authority was in relation to general duty of care.

- (4) Yes.
- (5) Four improvement notices to Hi Tech Demolition Pty Ltd were successfully appealed, three relating to falls from height and one relating to access and egress.

The improvement notice to the East Perth Redevelopment Authority was successfully appealed.

- (6) Two notices to Hi Tech Demolition Pty Ltd relating to falls from height were successfully appealed because insufficient detail was provided in the notices. Two other notices to Hi Tech Demolition Pty Ltd, one relating to falls from height and the other relating to access and egress were successfully appealed because the subject matter of the notice was not appropriate to the regulation cited in the notice.

The notice to East Perth Redevelopment Authority was successfully appealed because it did not state the section of the Act which was breached.

- (7) No notices were issued by the Construction Branch on the day of the fatality.

#### MINERAL ROYALTY RECEIPTS

1784. Hon TOM STEPHENS to the Minister for Mines:

- (1) What were the total mineral royalty receipts by the Government in 1996/97?
- (2) What is the estimate of the total mineral royalty receipts by the Government in 1997/98?

Hon N.F. MOORE replied:

- (1) \$347.8 million.
- (2) \$375.0 million.

#### CITY OF PERTH

##### *Value of Assets Determined in Split*

1795. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Local Government:

- (1) Did the Commissioners responsible for splitting the former City of Perth take into account the value of the council's share in the Mindarie Regional Council when determining what assets each of the four new local government authorities would receive?
- (2) What value, if any, was attached to the City of Perth's share in the Mindarie Regional Council by the Commissioners?
- (3) For each of the four new local government authorities, what was the total value of assets which they received at the time of the split?
- (4) What was the rationale used to determine the value of assets each new local government authority should receive?
- (5) Will the State Government re-examine the ownership of the Mindarie Regional Council when the City of Wanneroo is split?

Hon E.J. CHARLTON replied:

- (1)-(5) Prior to the division of the City of Perth the Council was joint owner along with the Cities of Stirling and Wanneroo of land known as Tamala Park. Part of that land was leased to the Mindarie Regional Council which consisted of the same Councils although the City of Stirling did not use the facility. Upon division of the PCC its one third share of the equity in the Regional Council was split into 4 to allow the three new Towns to join. Their entry was funded by the PCC at a cost of \$175,000 each.

No change was made to the ownership arrangements of Tamala Park in line with the recommendation of the Carr-Fardon Report on the proposed division of the PCC. Furthermore there was no need to determine this matter because it was neither within the boundaries of PCC nor the new Towns and because PCC continued in existence. This will not be the case with the City of Wanneroo which will be abolished and

its share of Tamala Park as well as the Mindarie Regional Council will be addressed by the Commissioners and determined through Governors Orders.

#### CITY OF WANNEROO

##### *Petition on Split*

1798. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Local Government:

Has the Minister for Local Government ever requested Mr Alan Carstairs to initiate a petition calling for the split of the City of Wanneroo?

Hon E.J. CHARLTON replied:

Under the former Local Government Act of 1960 the Minister for Local Government had no power to propose boundary change to the then Local Government Boundaries Commission. A number of approaches were made to the Minister suggesting various different divisions of the City of Wanneroo and in all cases the proponent was advised that only Councils or electors could initiate such changes. The Local Government Act 1995 allows the Minister to initiate a proposal for boundary change to the Local Government Advisory Board. This is the process which was followed and will result in the division of the City of Wanneroo effective 1 July 1998.

#### CITY OF WANNEROO

##### *Referendum on Split*

1799. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Local Government:

- (1) Did the Minister for Local Government consider holding a referendum regarding the splitting of the City of Wanneroo?
- (2) If yes, why did the Minister decide not to hold a referendum?
- (3) If not, why not?

Hon E.J. CHARLTON replied:

- (1)-(3) The possibility of a referendum is something the Minister for Local Government is always aware of.

In the case of the City of Wanneroo the proposal put to the Local Government Advisory Board was open to public submissions and public meetings were held.

Nothing would have been gained by holding an expensive referendum with a range of outcomes possible, depending on the questions and turnout.

#### CITY OF WANNEROO COMMISSIONERS

1802. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Local Government:

- (1) When did the Minister for Local Government first approach each of the five Commissioners of the City of Wanneroo to ascertain if they would be prepared to take up the position of Commissioner?
- (2) Did the Minister give the Commissioners any indication as to how long their term of appointment was likely to be for?
- (3) If so, what was the likely term indicated to each of the Commissioners?

Hon E.J. CHARLTON replied:

- (1)-(3) A number of people were approached to ascertain their availability in the event that the City of Wanneroo was to be divided. This was a prudent measure given that the Local Government Advisory Board was assessing the Minister's proposal to divide the City.

At about the same time the Minister was considering the report of the Royal Commission into the City of Wanneroo which recommended external intervention. In such an event, and as subsequently occurred, Commissioners were required when the Council was suspended.

Prospective Commissioners were advised that a period of up to 2 years could be involved with time prior to and after division of the Council, in the event that occurred.

## CITY OF JOONDALUP AND SHIRE OF WANNEROO COMMISSIONERS

1803. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Local Government:

- (1) Will the commissioners for the City of Joondalup and the Shire of Wanneroo require longer than the twelve months provided for under the *Local Government Act* to complete their duties?
- (2) If so, how does the Minister for Local Government intend to extend their appointments as commissioners?
- (3) When will councillors be elected to the City of Joondalup and the Shire of Wanneroo?

Hon E.J. CHARLTON replied:

- (1)-(3) The Minister for Local Government has signalled that the 12 months limitation on the appointment of Commissioners may be unreasonable for several reasons. In the first instance the scale of the restructure of the City of Wanneroo into 2 Councils is such that a period of longer than 12 months may be required. This is particularly so given that prior to inaugural elections ward boundaries and representation need to be proposed by the Commissioners and assessed by the Local Government Advisory Board (including public consultation). Secondly the Minister contends the Local Government Act should provide uniformity between provisions dealing with the terms of Commissioners. Currently Commissioners can administer a suspended Council for up to 2 years but a newly created Council for only 1 year.

Accordingly the Minister is considering an amendment to the Local Government Act which would allow the Commissioners of Joondalup and Wanneroo to serve a 2 year term.

In such an event the inaugural elections for the City of Joondalup and the Shire of Wanneroo would be held on or before 1 July 2000.

## LOT 560, MANAKOORA RISE, SORRENTO

1804. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Local Government:

- (1) Did any staff from the Minister for Local Government's office attend the settlement meeting between the City of Wanneroo insurers and the claimants in the Manakoora Rise dispute?
- (2) If yes, who attended the meeting?
- (3) What was the purpose of their attending the meeting?

Hon E.J. CHARLTON replied:

- (1)-(3) During the course of the Manakoora Rise dispute the Minister for Local Government met with 2 of the affected neighbours and inspected the site.

The distress caused to the neighbours was so significant that the Minister agreed to endeavour to assist an early and amicable settlement between the City of Wanneroo and the affected parties.

In order to achieve this the Minister's Chief of Staff, John Kime, made representations to both the Council and its insurers.

Any settlement was on terms negotiated between the Council, its insurers and the affected neighbours.

## FAMILY FUTURES PROGRAM

1819. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Health:

- (1) What programs were proposed to be undertaken in the Family Futures program?
- (2) What funds were -
  - (a) allocated; and
  - (b) spent,
 on this program in 1997/98?
- (3) If funds have not been spent this year, why?
- (4) What funds will be allocated to this program for 1998/99?
- (5) How much of this allocation is from funds unspent in 1997/98?
- (6) Are these funds allocated to the program from State or Commonwealth sources?

Hon MAX EVANS replied:

- (1) Family Futures is a pilot program currently being implemented in four sites; Port Hedland, Albany, Fitzroy Crossing and Swan Districts. The aim of the program is to deliver family oriented and based health programs including the establishment of a sentinel events program within the local Aboriginal community. The key element of the program is the employment of an additional 50 Aboriginal health workers to work with the families at these four sites.
- (2)
  - (a) \$3 546 100.
  - (b) \$2 367 200 (estimate).
- (3) The Family Futures program is being delivered by four Aboriginal community controlled organisations in keeping with the Government's commitment to health services for Aboriginal people being provided by Aboriginal people. During the 1997/98 financial year these organisations were in the process of recruiting and training the additional staff necessary for them to deliver the program. The shortfall in expenditure is primarily due to these organisations not having their full complement of staff, and because of the delays in the implementation of the program generally.
- (4) The Family Futures Program will receive its full allocation of \$3 546 100 in 1998/99.
- (5) The program will receive an additional \$1 200 000 as an adjustment for the funds unspent in 1997/98.
- (6) This program is funded from state sources.

## QUESTIONS WITHOUT NOTICE

### SPORTS STADIUM

#### 1619. Hon TOM STEPHENS to the Minister for Sport and Recreation:

Does the Budget contain any allocation for the development of a major new sports stadium of \$40m promised by the Minister late last year? If so, where is that allocation in the Budget? If there is no allocation, why not?

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

Over the past few years, up to \$40m was allocated in the forward estimates for a new sports stadium. The forward estimates, which are part of the current Budget, contain a small amount of approximately \$2.5m, if my memory serves me. I will provide the member with the exact figure. I cannot recall which year it is, but the aim of the exercise is to ensure that the project remains part of the forward estimates process. If the Government decides to build a new sports centre, the funds will be found to build it. Those funds will be found by rearrangements, if necessary, within the next four years of the out years of the Budget.

The Government has asked a consultant to prepare a report on a multipurpose stadium for Western Australia which could be used for soccer, rugby and athletics. The consultant's interim assessment was that athletics should not be part of that project. The details of the costings and how such a facility might operate are now being finalised. The Government has made a decision to support a convention centre with an attached exhibition centre and one of the sites may be suitable for a multipurpose stadium. In the process of calling for expressions of interest for the exhibition-convention centre, it is intended to include a multipurpose stadium on the Wellington Street site. A decision on the sports stadium will be delayed until that process has been finalised because that is identified as one of the sites where a multipurpose stadium could be built. There is a nominal allocation in the Budget. I will provide the exact amount and year for the member. If a decision is made to build a stadium, the money will be made available.

### AUSTRALIAN DOLLAR DEPRECIATION

#### 1620. Hon N.D. GRIFFITHS to the Minister for Finance:

What are the implications of the depreciation of the Australian dollar for the state Budget?

#### Hon MAX EVANS replied:

At present, we are about \$40m in front regarding royalties - I gave a figure of \$42m to the Estimates Committee last week - which figure is probably improving. Every 1 per cent of the exchange rate gives approximately \$12m benefit. About 63 per cent of the royalties are scaled off in the Commonwealth Grants Commission to the other States, so we do not receive the full benefit. Portland's smelters, which the Victorian Government is considering selling off, have

a bigger formula and make more out of the dollar value. Other than that, I cannot see any real disadvantages. Gold stays at one price, and the Australian dollar decreases. A benefit exists for those who sell now. However, for the State itself, there is a benefit in actual finance on the royalties because they are all in US dollars.

#### DOMBAKUP 24 FOREST COUPE

**1621. Hon NORM KELLY to the Minister representing the Minister for the Environment:**

- (1) Does the Minister accept that roading work done in preparation for the logging of Dombakup 24 has significantly disturbed a sensitive Aboriginal site?
- (2) In assessing possible sensitive sites in the area, did any officers of the Department of Conservation and Land Management have any verbal communications with Aboriginal representatives prior to the commencement of roading operations?
- (3) If so, with whom?
- (4) If not, why not?
- (5) Will the Minister guarantee that logging in Dombakup 24 will not commence prior to all issues relating to the disturbance of sensitive Aboriginal sites being resolved?
- (6) Will the Minister table a copy of the roading checklist for Dombakup 24?
- (7) Was roading commenced prior to the completion of the roading checklist?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) Not at this stage. The log haul road was built substantially along an existing track which, along with adjacent farm clearing and other pre-existing work, had already caused disturbance to the area. Nevertheless, CALM has stopped roadwork and is carrying out a detailed review of this matter.
- (2)-(4) No. No Aboriginal site within the proposed roading or harvesting areas was on CALM's geographic information system database and had not registered with the Department of Aboriginal Affairs. CALM publicly advertised in February, March and April 1998 its intention to carry out the roadworks and wrote to neighbours. The site was not drawn to CALM's attention prior to the road reaching its present stage of completion.
- (5) CALM is carrying out a detailed review of the matter. The area to be harvested is not an Aboriginal site.
- (6) I seek leave to table the preharvesting checklist.  
Leave granted. [See paper No 1660.]
- (7) No.

#### SMOKE PALL OVER PERTH

**1622. Hon J.A. SCOTT to the Minister representing the Minister for the Environment:**

- (1) Is the Minister aware that the regional director for Western Australia's Bureau of Meteorology has refuted the Department of Conservation and Land Management's claims that the heavy smoke pall over Perth on 25 May resulted from the weather bureau being unable to predict the late wind change?
- (2) Is he aware that no such late wind change occurred?
- (3) Why did CALM mislead the public about this matter? Was it to deflect criticism of its fire management program?
- (4) Who was responsible for providing the false information and will that person be reprimanded?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) Yes. I am advised that the heavy smoke pall over Perth was the result of several fires that flared out of control during the afternoon and evening of 25 May 1998. One of these was a CALM burn in the Boonanarring Nature Reserve which went out of control and had to be confined to an enlarged area of the

reserve bounded by fire breaks. The original small buffer burn was planned to be burnt under north easterly winds which would have allowed the smoke to be blown over the coast north of Perth. A test fire lit at the burn site showed that the winds were consistently from a north easterly direction and it was decided to proceed with the burn on the basis that the burn would have been completed in less than two hours. The winds at the burn remained north easterly throughout the afternoon. However, the smoke first entered Perth east of the Gnangara plantation that afternoon. That evening CALM's manager of fire protection indicated to a reporter from *The West Australian* that there must have been a wind change to the north west for the smoke to have changed direction from the site of the fire to the Perth metropolitan area. The Bureau of Meteorology's records indicate that winds in Perth were essentially northerly for most of the afternoon and evening.

- (2) The wind forecast provided to CALM for 25 May was for north east-north winds. The winds observed by the CALM fire officer at the fire were consistently from the north east, which is consistent with the bureau's forecast.
- (3) The information provided to *The West Australian* was based on the information available to CALM's manager of CALMfire at the time he was contacted by the media. His advice from the field was that the smoke trajectory between the fire and Perth had changed from the north east to slightly north west. At the time, he was unaware of the presence of other fires in the area north of Perth which contributed to the smoke haze that affected Perth that evening. CALM's fire manager was providing information to the newspaper reporter on the process concerning the smoke management of prescribed burns. He was not attempting to deflect criticism of the fire management program.
- (4) Rick Sneeuwjagt, manager of CALMfire, was the officer responsible for providing information to the media. This was based on the information available at the time of the media inquiry.

#### ROCKINGHAM-KWINANA HOSPITAL

##### *Administrative Staff*

#### **1623. Hon CHERYL DAVENPORT to the Minister representing the Minister for Health:**

- (1) Is it true that the number of administrative staff currently employed by the Rockingham-Kwinana Hospital has doubled in recent times?
- (2) If so, why?
- (3) By how many has the number of administrative staff increased in the past five years?
- (4) Are senior staff nurses - those still in uniform - working as full time administrative staff in some wards?

#### **Hon MAX EVANS replied:**

- (1) No.
- (2) Not applicable.
- (3) In 1992-93, the number of administrative staff was 24 full time equivalents, and in 1997-98, the figure was 36 FTEs. This was an increase of 12 FTEs.
- (4) Clinical nurse managers in all hospitals work in patient care areas to provide both management functions and clinical care to patients.

#### AUSTRALIND BYPASS MEDIAN STRIP ACCESS

#### **1624. Hon BOB THOMAS to the Minister for Transport:**

Regarding the access across the median strip of the Australind bypass -

- (1) Was an appeal made to the Minister following objections from Main Roads to this access?
- (2) If yes, when was the appeal made?
- (3) When did the Minister deal with the appeal?
- (4) What was the Minister's decision?

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

I thank the member for some notice of this question.

- (1)-(4) There was no formal appeal, but, as previously indicated, I was approached on the matter late last year. As I have said on several occasions in this place, I fully support the access. Anybody with the slightest degree of commonsense, or someone who is not playing petty politics, would agree that the access, as approved by Main Roads, is appropriate and safe. I keep getting asked, "When the hell are you putting it in?"

**YANCHEP***Road Reserves to Mitchell Freeway***1625. Hon RAY HALLIGAN to the Minister for Transport:**

- (1) Have any road reserves been put aside for any future road linking Yanchep with the end of the Mitchell Freeway?
- (2) If so, has provision been made for a rail reserve?
- (3) If not, why not?

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

I thank the member for some notice of this question.

- (1) Yes.
- (2) The intention is to provide for a rail and road reservation through to Yanchep. Except for some 11 kilometres between Burns Beach Road and Romeo Road, the reservation already exists.
- (3) Not applicable.

**OLD SWAN BREWERY***Zoning***1626. Hon HELEN HODGSON to the Leader of the House representing the Minister for Planning:**

- (1) What is the zoning of the old Swan Brewery site on Mounts Bay Rd?
- (2) For what period has the zoning been in place?
- (3) Are residential tenancies permitted under the current zoning allocated to the site?

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

- (1) The site is reserved for public purposes, public uses, in the metropolitan region scheme, and, hence, also in the City of Perth town planning scheme.
- (2) The site was rezoned from urban and parks and recreation to public purposes, special uses, by amendment 692/33A, which was effective from 31 October 1987.
- (3) As the land is reserved in the MRS, any development on the site requires the approval of the Western Australian Planning Commission, which, pursuant to clause 30 of the MRS, will take into account the views of the City of Perth and other relevant authorities; the purpose for which the land is reserved under the MRS; orderly and proper planning; and the preservation of amenities of the locality. The existing approval does not allow for residential uses. Such use would require further approval of the Western Australian Planning Commission.

**REGIONAL FOREST AGREEMENT***Plans and Maps***1627. Hon CHRISTINE SHARP to the Minister representing the Minister for the Environment:**

The Department of Conservation and Land Management has commenced its road show for the regional forest agreement process, but the national estate identification and assessment in the south west forest region report has not been released. Also the Government commissioned a report for the RFA on tourism and recreation, carried out by the Department of Resources Development, and a social impact report through the Ministry of Premier and Cabinet. Both these reports also have not been released. Further, the mapping carried out for the three RFA alternatives has not been released.



- (1) Why have these reports and maps not been released?
- (2) When will they be released?
- (3) Will these reports be available to the public in considering their responses to the RFA discussion paper?
- (4) As the lack of access to these documents means the public will have difficulty responding to the RFA, will the Government consider extending the public comment period until three months after all the documents have been released?

**Hon MAX EVANS replied:**

- (1) The final national estate report has not been printed, but copies of all maps contained in the report are available to the public at the RFA open days. Consultants' reports on national estate cultural values - namely, aesthetic, social and indigenous - have been available to the public for several weeks. The economic profile report for the tourism and recreation industries is being finalised for printing. The content of the report is being discussed with south west tourism organisations in Bunbury today, Tuesday, 9 June. The report was summarised in the comprehensive regional assessment, or CRA, report. The social assessment report on post impact studies has been finalised for printing. A summary of this report was also included in the CRA report.
- (2) The printing of the national estate report is being arranged by the Commonwealth Government, and I am advised it should be available within two weeks. The tourism and recreation economic profile report and the social assessment post impact studies reports should be available within one week.
- (3) Yes.
- (4) No. The content of these reports has already been summarised in the CRA report. The national estate values maps and consultants' reports have been available throughout the public consultation period.

**CAUSEWAY**

*Lane Change and Bus Passenger Transfer Facility*

**1628. Hon TOM STEPHENS to the Minister for Transport:**

I am sorry if the Minister has not been able to find an answer to the question, but I am happy to ask it without notice. I refer to the Government's plan to reduce the number of lanes on the Causeway from six to four, and to build a bus passenger transfer facility at the eastern end of the Causeway.

- (1) Why has the Minister failed to consult local businesses about these changes?
- (2) Does he accept that local businesses will be adversely affected by these changes?
- (3) Will he agree to put these changes on hold until a proper and thorough consultation with the local authority and businesses takes place?

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

- (1)-(3) I received no notice of this question. I had a call on the weekend from the media on the issue. I reject the claim that I failed to communicate with those people. The plan for the changes to the bus route and associated infrastructure was announced at the time of the announcement of the Graham Farmer Freeway. There will be consultation with those people when the detail of the implementation of that plan takes place. I have made that public.

**ANTI-CORRUPTION COMMISSION**

*Authorities Subject to Section 14 of ACC Act*

**1629. Hon MARK NEVILL to the Leader of the House representing the Premier:**

Some notice of this question has been given.

- (1) Does the Anti-Corruption Commission have a list of authorities subject to section 14 of its Act which are obliged to provide an annual report and return to summarise matters referred to it?
- (2) If so, will the Minister provide a copy?

- (3) How many authorities required to provide a copy of their annual reports failed to do so in the stipulated time in the last financial year?
- (4) What are the names of those authorities?

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

- (1) Yes.
- (2) I table attachment 1.
- (3) 214.
- (4) I table attachment 2.

[See paper No 1661.]

#### WHITECREST LIMESTONE MINE

**1630. Hon GIZ WATSON to the Minister representing the Minister for the Environment:**

In respect of the consultative environmental review prepared by the consultants Halpern Glick and Maunsell for Whitecrest regarding its proposed limestone mine on the North West Cape, I ask -

- (1) Is the Minister aware that the report claimed there were no significant cave fauna in the area to be affected by the mine?
- (2) Did the Environmental Protection Authority base its report and recommendation on the information contained in this report?
- (3) Is the Minister aware that samples collected from the proposed mine site contained species of the genus *Bamazoma*, a rare genus of troglobyte?
- (4) Is the Minister obliged to protect rare and endangered fauna?
- (5) Will the Minister alter the ministerial conditions applying to this project to ensure protection of this rare genus of troglobyte?
- (6) If not, why not?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) The Minister is aware that the public environmental review - not consultative environmental review as stated by Hon Giz Watson in her question - stated that there were no significant cave fauna in the area to be affected by the mine.
- (2) The EPA based its report and recommendations on the information contained in the public environmental review, the public and government agency submissions, the proponent's responses to submissions, references listed in the EPA's report, and advice it sought from people with specialist knowledge of the Cape Range. It also considered the results of further subterranean fauna sampling which was undertaken by the proponent subsequent to the preparation of the PER.
- (3) The Minister is aware that samples from the proposed minesite included individuals of a species of the genus *Bamazoma*.
- (4) The Minister is obliged to consider and put in place the appropriate level of protection for rare and endangered fauna.
- (5) It is not necessary to alter the ministerial conditions for this proposal in order to protect this genus of subterranean fauna. The current Ministerial Statement for the Exmouth Limestone Mine - Statement 461 - includes the condition that -
  - (a) prior to mining in any area, adequate stratified sampling for subterranean fauna to be undertaken to determine the array of subterranean fauna species inhabiting that area;
  - (b) further stratified sampling for subterranean fauna to be carried out by the proponent in other areas to assist in the determination of any potential uniqueness of subterranean fauna species located within the areas proposed for mining; and

- (c) mining to only proceed in areas where the Environmental Protection Authority, after receiving a report from the proponent and advice from the Department of Environmental Protection and the Department of Conservation and Land Management, is satisfied that there is no significant risk of any species of subterranean fauna becoming extinct as a result of that mining.
- (6) See (5).

#### NORTHBRIDGE TUNNEL, DAMAGE TO PROPERTIES

##### **1631. Hon LJILJANNA RAVLICH to the Minister for Transport:**

- (1) Has the Minister received an assessment of the damage caused to various properties affected by works associated with the Northbridge tunnel project?
- (2) Has the Minister sought advice on the potential liability of the State for these damages?
- (3) If not, will the Minister seek that advice?

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

- (1) No, I have not received any advice on that issue.
- (2)-(3) Not applicable.

Hon Ljiljanna Ravlich: Have you had an assessment?

Hon E.J. CHARLTON: I said I have not. I have indicated to people who have very genuine concerns that I have asked Main Roads to give me a report on the situation. I intend to speak to those people individually.

#### NORTHBRIDGE TUNNEL, DAMAGE TO PROPERTIES

##### **1632. Hon LJILJANNA RAVLICH to the Minister for Transport:**

As a supplementary, how many people have expressed concern?

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

I do not have any numbers. My office has been negotiating with a contact from a group of people to discuss the issue with them.

#### GIANOLI, MR PETER

##### *Athletica Appointment*

##### **1633. Hon KEN TRAVERS to the Minister for Sport and Recreation:**

- (1) Will the Minister confirm that Mr Peter Gianoli, a director and secretary of a company called Aerobics Australia which staged the ill-fated Aerobica Championship, has been appointed to the board of Athletica?
- (2) If yes, will the Minister inform the House who nominated and appointed Mr Gianoli to the board?

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

- (1) When the member uses the expression "ill-fated", I must point out the Aerobica Championship was not ill-fated. Had he attended he would have found it an excellent production and several days of entertainment for people who had not seen such things before.

Hon Tom Stephens: Were you there?

Hon N.F. MOORE: I was.

Hon Tom Stephens: That is why it was ill-fated.

Hon N.F. MOORE: The fact that the championship did not make a profit does not mean it was ill-fated. The fact that the Opposition put this country into significant debt would not mean that its members would describe themselves as ill-fated, although we all are as a result of it.

Several members interjected.

The PRESIDENT: Order! Just because a member has asked a question, it does not give him a licence to interject.

Hon N.F. MOORE: I reject the adjective "ill-fated" in question (1), to which the answer is yes.

- (2) Mr Gianoli was recommended to me for appointment to the Athletica board by the chairman of the board and this recommendation was supported.

The PRESIDENT: Order! I missed hearing the word "ill-fated". If it was used, it was certainly in breach of Standing Order No 140. Not only that word but any words that offer inference, imputations, unnecessary epithets, ironical expressions and so on are out of order. It was because the Leader of the House raised it that I confirm that is the case. It has occurred a couple of times this afternoon with other words that breach Standing Order No 140. I ask members to look at Standing Order No 140, otherwise their questions will be out of order.

#### ORD RIVER PROJECT FEASIBILITY STUDY

**1634. Hon GREG SMITH to the Minister representing the Minister for Primary Industry:**

With the recent announcement by the State Government that Wesfarmers Limited has been selected to undertake a feasibility study for the development of stage 2 of the Ord River project, can the Minister indicate -

- (1) When the feasibility study is due to be completed?
- (2) What government authority will be responsible for overseeing the project?
- (3) What proportion of the project will fall within the Northern Territory?
- (4) What scope, if any, is there for the development of produce other than sugar, within the consortium proposal?

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

I thank the member for some notice of this question.

- (1) The completion date for the feasibility study is currently being negotiated with the proponents.
- (2) A joint authority is presently the subject of discussion between the Governments of Western Australia and the Northern Territory.
- (3) Approximately 50 per cent.
- (4) The consortium proposal will be finalised on completion of the feasibility study.

#### CARINE SENIOR HIGH SCHOOL

**1635. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Education:**

I refer to the Minister's answer to question on notice 1590 in which he stated that Carine Senior High School has sufficient permanent facilities to accommodate approximately 1 300 students -

- (1) How have toilet and other general service facilities at Carine Senior High School been enhanced in order to accommodate the 1 424 students enrolled as of February this year?
- (2) What was the cost of this enhancement?
- (3) Will the Minister confirm that the provision of toilet and other general service facilities for the students currently enrolled at Carine Senior High School is consistent with the requirements of all appropriate health regulations?

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

I thank the member for some notice of this question.

- (1)-(3) I have been able to ascertain that in addition to the permanent facilities which have a capacity of approximately 1 300 students, there are six demountable classrooms at the school. In order to provide the member with a more comprehensive response to the question, I ask that it be placed on notice.

#### COLLIE HOSPITAL

*Acting Director of Nursing and Clinical Services*

**1636. Hon J.A. COWDELL to the Minister representing the Minister for Health:**

- (1) Did the Wellington Health Service or the Collie Hospital commission an independent report into the breakdown of professional cooperation between the General Manager of the Collie Hospital and the Acting Director of Nursing and Clinical Services?

- (2) Has this report now been completed and submitted at a cost of \$3 000 to either the Wellington Health Service or the Collie Hospital?
- (3) What recommendations are contained in this report?
- (4) Will these recommendations be implemented?
- (5) Has the Acting Director of Nursing and Clinical Services been suspended from this position and transferred to special projects?
- (6) Is this in line with the recommendations of the Barrera report?
- (7) What special projects is the former Director of Nursing responsible for?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

(1)-(2) Yes.

(3) The recommendations of the report are quoted as follows -

The general manager and acting director of nursing/clinical services be invited to participate in a mediated session to develop a better level of professional communication and cooperation. I believe that this is a matter of urgency.

The alternative to re-establishing effective cooperation would be to remove one or both of the parties from the hospital immediately. I believe that this would be very damaging to the hospital and the services provided by the hospital since it would be viewed as a failure of management by most of the staff and further erode confidence and morale.

I have also recommended, as a longer term strategy that the hospital management develop a communication and consultation strategy. I believe that poor communication between staff and management and a perception by many staff members that they are not being consulted is one of the major causes of the current state of mistrust and division which has developed. I have also recommended that both parties be given a copy of my report, as a part of the commitment to an open and impartial process.

I should point out to you that I encountered a certain degree of scepticism and even hostility towards my involvement in this investigation while talking to hospital staff. Their feeling was that the management should be able to sort this problem out and, in a time of scarce resources, bringing in a consultant was a waste of money. It was suggested to me that I was a friend or associate of one of the two main people involved.

(4) Not at all.

(5)-(6) No.

(7) The special projects manager, Wellington Health Service (former Acting DON/CS) is currently working on three major projects: base review, Hillview Residence, Collie; reconfiguration of surgical services, Harvey; and annual reporting of human resource matters for all of Wellington Health Service sites - Collie, Donnybrook, Harvey and Yarloop.

**ROADS**

*Bringing the Pieces Together Document - Corrections*

**1637. Hon TOM STEPHENS to the Minister for Transport:**

Does the Minister agree with the statements by senior Department of Transport officers that the "Bringing the Pieces Together" document containing road funding figures is wrong because it was prepared hurriedly and that the document is currently being corrected by the department? How can the Minister justify wasting \$400 000 of taxpayers' money producing such inaccurate documents?

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

Mr President, it is an amazing thing for me to sit and listen to some uninformed members of Parliament making irrational statements alleging that something was hurriedly put together. The one thing I would have thought that members opposite would agree on is that in putting projects together it has always been my ambition - ever since coming to this place and long before I became Minister for Transport - to see components of the network completed.

Members opposite, including Hon Tom Stephens, would know that there are some unbelievable impediments in piecing together the missing links, particularly in the metropolitan area and other major road infrastructures around country Western Australia that we have had to deal with over many years.

Hon Tom Stephens: Are the figures right or wrong?

Hon E.J. CHARLTON: I, together with my colleagues in this Government, have worked hard over a long period in consultation with the communities in all those regions.

Hon Bob Thomas: The document is wrong, is it not?

The PRESIDENT: Order! Would the Council come to order.

Hon E.J. CHARLTON: These projects will be implemented. This question demonstrates the insincerity of the Opposition. What members opposite want to do is play politics rather than see the projects delivered to the community.

Hon Tom Stephens: Will the Minister find time to answer my question?

Hon E.J. CHARLTON: The Leader of the Opposition commenced his question by asking me about the jigsaw that was hurriedly put together. I am answering his question. He should know that it was not hurriedly put together. I have discussed many of these issues with him, including his interest in Aboriginal communities which have had \$10m spent directly on roads for them. As for getting it wrong, I cannot believe that a group of people who sat there for 10 years when they were in government and ripped off motorists in this State to redirect the money elsewhere, now have the gall to talk about pieces of infrastructure not being properly delivered to the people of Western Australia.

Hon Bob Thomas: Are you going to answer the question?

Hon E.J. CHARLTON: Before any more silly questions are asked, I ask that members opposite remember this: Every road user who owns a vehicle in Western Australia is paying for these roads. It is people who use the roads that are paying and what members opposite forget is that people who do not own a car do not make any contribution but also receive the benefits.

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