Legislative Assembly

Thursday, 24 March 1994

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

BLACKOUT - COWBELL USE

THE SPEAKER: Members would be aware of the problems Perth and other parts of the State are experiencing with power. Parliament has a generator attached to handle such problems; however, for some unknown reason we still do not have light at the moment. It is hoped that the problem will be overcome shortly. Additionally, the bells are not operating, so a cowbell will be used. Some extra time will be allowed for members to get to the Chamber in divisions. With the cooperation of members we will overcome these problems.

MEMBER OF PARLIAMENT - SWEARING-IN

Roberts, Mrs

The Clerk announced the return of the writ for the electorate of Glendalough.

Mrs Roberts took and subscribed the Oath of Allegiance, and signed the Roll.

The SPEAKER: On behalf of the House I congratulate Mrs Roberts on her election. I welcome her to the Chamber and I hope she enjoys her stay in this Parliament.

PETITION - WATER ALLOWANCE OF 150 KILOLITRES

MRS HENDERSON (Thornlie) [11.10 am]: I present the following petition -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned pensioners, request the Minister for Water Authority to initiate the water allowance of 150 kilolitres. With the coming of the summer months there will be a greater necessity for the use of water and we are concerned that our accounts will be substantially greater than in previous years. We find it difficult to meet present commitments and this will be a greater burden.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 204 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

Similar petitions were presented by Mr Kobelke (32 persons) and Mrs Hallahan (Deputy Leader of the Opposition) (35 persons).

[See petitions Nos 259, 264 and 267.]

PETITION - ROCKY GULLY PRIMARY SCHOOL, CLOSURE OPPOSITION

MR HOUSE (Stirling - Minister for Primary Industry) [11.11 am]: I present the following petition -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned:
>
> totally oppose the closure of the Rocky Gully Primary School;
>
> call on the Minister for Education to consult with local people, parents and schools before he makes such important and vital decisions affecting our community;

as a matter of urgency call on the Minister for Education to maintain the Rocky Gully Primary School for the benefit of local families and the community.

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

The petition bears 357 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 260.]

PETITION - COLLIE POWER STATION PROJECT, 600 MW CONSTRUCTION

MR D.L. SMITH (Mitchell) [11.12 am]: I present the following petition -

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

We the undersigned petitioners, respectfully request that the future of Collie be secured, the efficient extraction of coal and the most cost effective method of power generation be brought about so that coal is competitive against gas, by the immediate commencement on the construction of a 600 megawatt coal fired power station in Collie AND the undersigned also request that Parliament should not accede to the repeal of legislative requirements for SECWA to take a reasonable amount of underground coal from Collie until such time as the Government formally commits to the 600 megawatt station.

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

The petition bears 542 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 261.]

PETITION - BUREKUP PRIMARY SCHOOL, CLOSURE OPPOSITION

MR D.L. SMITH (Mitchell) [11.13 am]: I present the following petition -

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

We, the undersigned:

totally oppose the closure of the Burekup Primary School;

call on the Minister for Education to consult with local people, parents and schools before he makes such important and vital decisions affecting our community;

as a matter of urgency call on the Minister for Education to maintain the Burekup Primary School for the benefit of local families and the community.

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

The petition bears 89 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 262.]

PETITION - STEEL-JAW LEG HOLD TRAPS, ABOLITION

MR OMODEI (Warren - Minister for Local Government) [11.14 am]: I present the following petition -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned demand the abolition of the sale and use of steel-jaw leg hold traps. This trap is completely indiscriminate and is taking a devastating toll, trapping both target and non-target animals (including protected and native species). The trap could easily be replaced by humane and non-lethal management practices.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 19 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 263.]

PETITION - VOLUNTARY FULL TIME PREPRIMARY PROGRAM FOR FIVE YEAR OLDS

MR TAYLOR (Kalgoorlie - Leader of the Opposition) [11.16 am]: I present the following petition -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned strongly oppose the decision to defer indefinitely the extension of the voluntary full-time pre-primary program for 5 year olds. We believe that a sound developmental program gives children a head start for their compulsory years of schooling and assists in identifying and overcoming learning difficulties.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 36 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

A similar petition was presented by Mr Kobelke (24 persons).

[See petitions Nos 265 and 266.]

PETITION - POLICE, ARMADALE REGION, ADDITIONAL ALLOCATION

MRS HALLAHAN (Armadale - Deputy Leader of the Opposition) [11.17 am]: I present the following petition -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> Given recent disturbing incidents, we the undersigned call on the State Government to allocate more Police to the Armadale Region, so that appropriate police action can be taken to protect residents from disturbances, and assault, and to protect their property, their homes and motor vehicles from damage.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 327 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 268.]

BLACKOUT - HANSARD, REPORTING OPERATIONS

THE SPEAKER (Mr Clarko): Members will realise that it is important for us to cooperate in these difficult circumstances. It is important, therefore, that members not converse in the Chamber so that the member on his or her feet can be heard.

Points of Order

Mr M. BARNETT: Mr Speaker, I do not think I need to draw your attention to the fact that the lighting in this place is fairly poor. However, it may be necessary to draw your attention and the attention of all members to the fact that the absence of power in this building is causing extreme difficulty in Hansard and other places. *Hansard* is pretty important to the operations of this place. The reporters will be unable to transcribe any of the speeches that are made this morning. In addition, the tape back-up is not working. We are, apparently, expecting the Hansard staff to take shorthand notes in these conditions. That would not be tolerated anywhere else in the State and I wonder why it is being tolerated here. Mr Speaker, you in your capacity as Speaker could reasonably suggest that we withdraw from the Chamber until such time as the conditions are more tolerable.

Mr C.J. BARNETT: Mr Speaker, you will judge whether this is a point of order; it certainly is a comment. In my view the conditions are appropriate for the House to continue its business.

Dr Gallop: These are Liberal conditions. Keep everyone in the dark!

Mr C.J. BARNETT: In my view the light is adequate. With respect, Mr Speaker, this matter is in your province to decide in consultation with the Clerks, and the Government will abide by the decision you make.

Mr TAYLOR: The Leader of the House, as is his wont over the past 12 months, has once again got the wrong end of the stick. The member for Rockingham did not say that the conditions were not acceptable to the members. He quite rightly said it is very difficult for the people who are working for us; for example, the Hansard reporters. His concern is for them, not for members.

Mr BROWN: Mr Speaker, when you make your ruling I ask you to take into account, for the purposes of consideration of the staff, the provisions of the Occupational, Health Safety and Welfare Act which specifically sets down lighting requirements. I am amazed that some of the members who profess to have an understanding of poor working conditions and are concerned about working conditions are not on their feet now indicating very clearly to this House that the conditions under which the staff are required to work do not meet those requirements. Any member not on his feet saying that clearly and loudly simply does not understand the provisions of the legislation which apply to workplaces outside this Parliament.

The SPEAKER: I thank members for their comments, which have some merit. I am sure members appreciate that before I took the Chair at the appropriate time today I spoke to the Clerk and asked him whether he believed it was appropriate for the Parliament to operate. He indicated that it was subject to our discussing the matter with Mr Burrell, the Chief Hansard Reporter.

Mr Burrell advised me that Hansard could operate and we agreed that if there was a deterioration in the conditions we would discuss the matter further. I took advice from those two people because they are experienced in their jobs. It was important for the Parliament to do certain things, one of which was to admit the member for Glendalough. Members may or may not be affected by the conditions. I ask members for their cooperation and if the conditions deteriorate the matter will be reconsidered.

STANDING COMMITTEE ON UNIFORM LEGISLATION AND INTERGOVERNMENTAL AGREEMENTS

First Report Tabling

MR PENDAL (South Perth) [11.24 am]: I have pleasure in presenting the first report of the Standing Committee on Uniform Legislation and Intergovernmental Agreements relating to the establishment of a standing committee and an analysis of the recommendations of the select committee. I move -

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

In the course of the eulogies that were offered the other day to the late Speaker Hon John Hearman a point was made that he was fearless in his defence of the Parliament and its powers vis a vis the growth in Executive power, particularly in the twentieth century. It is a principle with which I think all members of this House would agree. The report which has been tabled today on behalf of what was a very hard working committee - I inherited the position of chairman as recently as February this year - seeks to address that most important issue. However, by arrangement with the Leader of the House it has been agreed to postpone my substantial remarks until later today.

[Leave granted for speech to be continued.]

Debate thus adjourned.

[Continued on p 10664.]

MINISTERIAL STATEMENT - MINISTER FOR ENERGY

Blackout

MR C.J. BARNETT (Cottesloe - Minister for Energy) [11.27 am]: All members are aware of the acute blackout affecting the metropolitan area and also the south west of Western Australia. Fluctuations in power supply started to occur at 2.30 this morning and by 7.00 am the 330 000 volt main transmission line failed. The result was a blackout throughout the Perth metropolitan area and from Geraldton in the north to Albany in the south. Some 600 000 customers of the State Energy Commission of Western Australia have been affected. I report to the House that the blackout this morning has been the worst since Cyclone Alby in the 1970s.

I will explain some of the reasons for the blackout: It has been caused by the combination of some extremely unusual events. The first is the very long, dry spell which has been experienced in Western Australia. Virtually no rain has been recorded since last November.

Point of Order

Mr M. BARNETT: Mr Speaker, you said earlier that if the conditions in the Chamber got worse you would review the situation. I point out that while members can sit here in the dark and continue with the business of the House it is intolerable in the extreme to expect the Hansard reporter to sit in the dark and take shorthand notes of what members are saying. It is absolutely ludicrous.

The SPEAKER: I indicated that I made an arrangement with the Chief Hansard Reporter to advise me if the conditions reached a stage where the staff could not operate. He has not indicated that to me. I will follow up the member's suggestion, for which I thank him. I will arrange for someone to speak to the Chief Hansard Reporter. There is a difference between writing something down and reading something.

Mr M. Barnett: Don't be stupid.

Withdrawal of Remark

The SPEAKER: I understood that the member for Rockingham said, "Don't be stupid." If he did, I ask him to withdraw it.

Mr M. BARNETT: I withdraw the statement, "Don't be stupid."

Ministerial Statement Resumed

Mr C.J. BARNETT: Because of the lack of rain there has been a high level of build up of dust and salt on the main transmission lines. That circumstance, combined with the unusual weather conditions last night, resulted in the humidity in the south west reaching an extraordinary level and it caused what is known in the industry as a flashout effect. Effectively conduction starts to occur from transmission lines and the insulation system fails. When flashovers start to occur the safety system automatically shuts down the power generation. As a result, just before seven o'clock this morning when the usual 1 500 MW of power are introduced into the system, only 150 MW were available. That collapse of the power system has caused a great deal of inconvenience to householders, businesses, and commuters travelling on the electric rail system, and has also caused a great deal of hardship in the community. Of course, it has also resulted in economic loss in the form of lost production. The delay in restoring power has been necessary due to the requirement to allow transmission lines to dry out before they are reactivated. It is progressively being restored to Perth and the south west area, and by midday should be fully restored. The experience today points to the fact that modern society, despite its high technology, can be extremely vulnerable to the vagaries of weather conditions.

Several members interjected.

The SPEAKER: Order! The member for Cockburn will come to order.

Mr C.J. BARNETT: I will request the Commissioner of the State Energy Commission to provide a full report on what has happened and to advise me what is necessary to ensure this does not happen again. Members opposite may make light of this, but it has been a most serious situation. It is one that parliamentarians should never make light of.

MOTION - STANDING ORDERS SUSPENSION

Response to Minister for Energy's Statement on Blackout

MR THOMAS (Cockburn) [11.32 am]: I move, without notice -

> That so much of the standing orders be suspended as is necessary to enable consideration forthwith of a motion to allow me equal time to respond to the statement by the Minister for Energy.

In moving the motion to suspend standing orders in order to respond -

Point of Order

Mr C.J. BARNETT: Mr Speaker -

Several members interjected.

The SPEAKER: I formally call to order the member for Cockburn. When I ask him to sit down he must resume his seat.

Mr C.J. BARNETT: The Government is willing to listen to the argument, but we request that the Minister for Police, and Emergency Services be allowed to report to the Parliament and the people of Western Australia about what has happened today. At least have the courtesy to listen to him.

Mr THOMAS: Will you give us three minutes?

Several members interjected.

The SPEAKER: Order! It may be that the Leader of the House and the Leader of the Opposition can reach some agreement instead of going through the suspension of standing orders.

Mr Catania: Put some light on it.

The SPEAKER: The member for Balcatta will come to order. We are in a serious position. Does the Leader of the House agree to the member for Cockburn speaking for three minutes?

Mr C.J. BARNETT: I would be prepared to allow a one hour debate with the

cooperation of the Opposition. I suggest we use the matter of public interest immediately for that purpose.

Mr Taylor: We want only three minutes.

Several members interjected.

The SPEAKER: Order!

Debate Resumed

Mr THOMAS: For the second time this week it has been necessary to move to suspend standing orders when the Minister has inappropriately used the provisions for short ministerial statements. Those provisions were introduced into the standing orders so Ministers could make statements which would not warrant a response. We have today a most serious power outage in this State and, despite what the Minister may say to the contrary, it was foreseeable. The weather conditions have been clear for some weeks and, knowing the climate in this State, the situation was quite predictable. We wish to draw the attention of the Parliament to the fact that there have been significant redundancies in the maintenance area of SECWA, and it has not been possible for it to continue normal maintenance of the lines. Due to budgetary constraints there has been a ban on overtime, which has made it impossible for the normal line washing to occur. We draw the attention of the Parliament to the fact that the Minister stood in this House this week boasting that he would use the SEC's cash flow to obtain new generating capacity for the 300 MW power station in Collie. He boasted that the SEC is now so cash positive that it is able to undertake that action. We believe the Parliament should have drawn to its attention that the Government is being penny-wise and pound-foolish in cutting back its maintenance staff. That is demonstrated by what has happened today. The infrastructure of the State, particularly in the SEC, has been run down and we are faced with circumstances where normal delivery of power to householders and businesses cannot be maintained. Rather than the cash positive situation of the SEC being used to invest in a power station in the way already indicated, a proportion of those funds should be used to maintain the work force at a level which makes it possible for normal routine maintenance to be undertaken. I understand that no overtime has been worked in the SEC for the past 12 months because of budget constraints, which means the maintenance program has not been carried out. I understand there has been no live line washing, which is presumably responsible for what has occurred this morning.

Mr Strickland: That is not true.

Mr THOMAS: Then not enough has been done. In the most recent annual report of the SEC, apart from the glossy photo of the Minister at the front -

The SPEAKER: Order! I remind the member that it is essential for him to speak to the matter before the Chair and not one that may be dealt with.

Mr THOMAS: If leave is granted to suspend standing orders to allow me to respond to the statement, I will canvass the sort of matter contained in the annual report of the SEC, which has a glossy photo of helicopters spraying transmission lines, boasting that this has made it possible to reduce staff numbers. Obviously it has, but the program undertaken has not been effective because of the outages this morning. In my view it is necessary for the SEC to employ extra staff to ensure that the type of outage experienced in this State today is not repeated.

MR C.J. BARNETT (Cottesloe - Leader of the House) [11.38 am]: The Opposition has effectively had its say and expressed its point of view. The lines are progressively being restored around Perth, to my knowledge. It is quite reasonable to accept that serious situations like this are a matter of public debate and I am prepared to debate them. However, it should be done on the basis of some knowledge. We have had in Western Australia this morning the potential for a most serious situation. We see a very shallow politically opportunist attempt by the Opposition to make capital from that.

Several members interjected.

Mr C.J. BARNETT: If ever we face a real crisis in Western Australia I hope members

opposite are not in power. I hope they never have to take action in such a situation. They are totally irresponsible. Many people in the community have suffered real hardship this morning and Opposition members can only behave in the way they have.

Several members interjected.

The SPEAKER: Order! I ask the member for Victoria Park and the Leader of the Opposition not to interject while I am on my feet. The member speaking cannot be heard over their interjections and I call on members to cooperate.

Mr C.J. BARNETT: The Opposition wanted the opportunity to speak for three minutes. I suggest the member for Cockburn has now had his say.

Dr Gallop: Have you raised the issue of maintenance with SECWA management?

Mr C.J. BARNETT: I am debating the motion to suspend standing orders. The member for Victoria Park seems to want to debate this issue. If the Opposition wants to debate this issue, I will cooperate to the extent of allowing the Opposition to withdraw its motion and bring on immediately a debate on a matter of public interest about this issue. We will do that right now, and I and the Minister for Emergency Services will be pleased to debate it. However, I suggest the most important thing to do in the community now is to restore the power and for the Minister for Police and Emergency Services to ensure that the citizens of Western Australia are safe.

We are more interested in getting the service up and running; then we will debate this matter. If the Opposition thinks it is more important to sit here and debate this issue than to make decisions in the community to restore power and emergency services and to protect the citizens of this State, that is its choice, and that choice is on the public record. I restate the offer. We are prepared to have an MPI on this matter now if that is the wish of the Opposition. If it is not, I suggest we return to the normal business of the House.

Question put.

The SPEAKER: To be passed, this motion requires the concurrence of an absolute majority. There being a dissentient voice, it is necessary for the House to divide.

Division

Question put and a division taken with the following result -

---

Ayes (23)

Mr M. Barnett	Mr Grill	Mr Ripper
Mr Bridge	Mrs Hallahan	Mrs Roberts
Mr Brown	Mrs Henderson	Mr D.L. Smith
Mr Catania	Mr Hill	Mr Taylor
Mr Cunningham	Mr Kobelke	Mr Thomas
Dr Edwards	Mr McGinty	Ms Warnock
Dr Gallop	Mr Marlborough	Mr Leahy *(Teller)*
Mr Graham	Mr Riebeling	

Noes (29)

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

Question thus negatived.

MINISTERIAL STATEMENT - MINISTER FOR POLICE

Blackout, Police and Emergency Services Report

MR WIESE (Wagin - Minister for Police) [11.47 am]: I thank the House for giving me the opportunity to report briefly on the serious situation that faces the metropolitan area in Western Australia today. The police reacted immediately to the very abnormal situation that occurred this morning and officers of the Police Department were deployed around 7.00 am in all areas. Each of the regional offices has dealt with the anticipated problems by ensuring that the potentially dangerous traffic spots were monitored and manned. The Perth-Albany Highway and all major intersections were manned and traffic flows were generally maintained.

Several members interjected.

The SPEAKER: Order! Too many people are interjecting. I will not name the two members that I might name, but I ask for cooperation from members so that we can hear the Minister's statement. It is an important one.

Mr WIESE: The various regional offices deployed officers around the areas under their control to endeavour to ensure that free traffic flow was maintained. However, it has been reported to me that the general experience has been that the driving public responded magnificently and, by being courteous to one another, drivers have ensured that the traffic has flowed generally extremely well - some would say better than normal. Up to about 10.00 am only two minor accidents were reported in the metropolitan area, one in Fremantle and one in Midland. The Police Department had the motor cycle traffic officers moving around and they were able to call for help when needed, but only two traffic pointsmen were needed in the city - one at the eastern end of the Causeway - and roving patrols were able to ensure that traffic moved extremely well.

Importantly, from the Western Australian Fire Brigades Board's point of view, fire safety at the time of power failure in the metropolitan area is maintained through a contingency plan. Emergency power is provided to the brigade's communications centre by an emergency generator, and full communication has been maintained at all times. The shift officers have taken steps to ensure that adequate water supplies are maintained. As a result of a liaison arrangement with the Western Australian Water Authority, in cases of emergency the Western Australian Fire Brigade Board will have priority water supplies. The brigade is satisfied that it can function satisfactory under the present situation.

Regarding the Bush Fires Board, although some communication networks have been affected by the power blackout, the majority of the communication networks - those on solar power - have been maintained. However, all areas have continued communication by telephone and the high frequency radio network. The board has assured me that it has the ability to handle an outbreak of fire if an emergency occurs.

It gives me great pleasure to assure the House and the general public that the police and emergency services, with great help and cooperation from the public, have been able to assure the safety of the general population during the blackout.

MINISTERIAL STATEMENT - MINISTER FOR FISHERIES

Rock Lobster Management Plan, Progress Report

MR HOUSE (Stirling - Minister for Fisheries) [11.53 am]: The second week of March marked the midpoint of Western Australia's rock lobster fishing season, and I take this opportunity to provide members with a progress report on the rock lobster management plan introduced at the start of the season.

Over many years researchers at the Fisheries Department have earned an international reputation for their accuracy in predicting changes to local rock lobster fishing. So far this season the current management package provides no exception to that past. Built around the department's expertise, the management plan is producing the results predicted. The current plan addresses the long term viability of the industry by introducing conservation measures aimed at increasing breeding stocks. At the same

time, market conditions this season have been such that despite a lower catch by volume the industry has achieved a markedly higher financial return. By the end of January it was estimated that returns to fishermen had been boosted by an additional $20m compared to the same time last year because of substantially higher beach prices.

The two principal objectives of the management plan are being met: First, the management measures are causing a reduction in catch as predicted and appear to be on target to increase the number of breeding female rock lobsters to levels consistent with known historic safe levels in the fishery; and secondly, the management arrangements have properly taken into account market requirements in order to maximise returns to fishermen from an appropriate level of catch.

The latest figures, to the end of February, put the total catch at approximately 5 405 tonnes, which is approximately 16 per cent down on last year's catch and just over five per cent down on the industry's 10 year average. So far, this puts the catch on target to meet predictions of a decrease of about 1 000 tonnes over the whole of the season. By reducing pot numbers, increasing the legal minimum size to the end of January, and ensuring that females in breeding condition are returned to the water, a large number of migrating lobsters have been allowed to reach deeper water where they will grow and breed.

Continuing evidence emphasises the prudence of the conservation measures introduced at the beginning of the season. Departmental research of "puerulus" settlement - that is, the number of pre-juvenile rock lobsters returning to inshore areas - is down for the fourth consecutive year. This situation must be reversed. Without proper management we may with some certainty forecast the demise of an industry which is currently worth $250m to the Western Australian economy; this is a fact acknowledged by most fishermen.

In conclusion, the long term sustainability of the State's rock lobster fishery is at stake. For its part the Government will continue to use the Fisheries Department's acknowledged expertise and industry-wide consultation to support the majority industry view that proper management is the only way to ensure that one of Western Australia's major export earning industries remains viable for many years to come.

BLACKOUT - HANSARD REPORTING OPERATIONS

THE SPEAKER (Mr Clarko): I inform the House that further discussions have been held with the Chief Hansard Reporter and, to help Hansard operate, the Hansard reporters using pen shorthand are now doing shorter turns.

MATTER OF PUBLIC INTEREST - RETAIL TRADING HOURS, DEREGULATION

THE SPEAKER (Mr Clarko): Honourable members, I advise that today I received a letter from the member for Helena seeking to debate as a matter of public interest the wholesale deregulation of retail shopping hours. If sufficient members agree to this motion, I will allow it.

[At least five members rose in their places.]

The SPEAKER: In accordance with the sessional order, 30 minutes each will be allocated to the Opposition party and the Government and five minutes to Independent members for the purpose of this debate.

Point of Order

Mr HILL: Before my time commences can I ask whether the Clerks could ring a bell every five minutes.

Mr C.J. Barnett: Do you want to borrow my watch?

The SPEAKER: Order!

Mr HILL: A number of members on this side of the House want to speak on this matter. If we could have a gong every five minutes, it would be useful.

The SPEAKER: Order! That is an eminently sensible idea. When I first came to the House, there were no clocks on the side of the Chamber. The only bell that rang was when a speaker had three minutes to go. It is important for the speaking time for members to be balanced; for example, each should have four minutes or eight minutes. If the member had such a view, perhaps he might assist by passing a message in that regard to the Clerks who might then be able to tie in that allocation.

Debate Resumed

MR HILL (Helena) [11.57 am]: I move:

> That this House expresses concern that the wholesale deregulation of retail shopping hours, if supported by the State Government either by amendments to the Retail Trading Hours Act or by use of section 5 of the Act, will have a deleterious effect on small business in Western Australia. Further, this House acknowledges the disastrous impact that wholesale deregulation would have in outer metropolitan areas, country regional centres and small towns in particular, and therefore opposes the wholesale deregulation of retail shopping hours.

This is not just a matter of public interest, but one of public importance, one on which this Parliament needs to state a view, and one which involves many hundreds of thousands of businesses in Western Australia and those who service those businesses.

Notwithstanding that there is a review of the Retail Trading Hours Act currently in progress - a review of the Act, not a review of the hours - this Parliament has an obligation to express a view. There is a great deal of uncertainty in the small business sector. We need to reassure the many thousands of people involved in that sector that we acknowledge their concern and are aware of their need to have a position on this matter.

One would imagine that the Government would say that a review of the Retail Trading Hours Act is in place. Government members would say, "Let's wait until that matter is concluded until the public at large have a say and then the Parliament, and the Government, will have the opportunity to express a point of view." If that is the case, we would expect that the so-called Minister for Fair Trading would refrain from taking action under that Act while the review is in place. The Minister has not done so, and in certain circumstances he has been prepared to promote deregulation.

I refer in particular to Mandurah. This motion refers to country and regional centres because it is acknowledged this is where the impact on employment, the cost of living, the quality of life, the economic viability of small retailers and those who service them will be most severe. There will be an impact on food producers, suppliers, wholesalers, manufacturers, transport companies, sales representatives, accountants, solicitors, insurers, maintenance operators, advertising companies, sporting and other community organisations. It is ironic we should be discussing this matter in this the Year of the Family as it will clearly have a tremendous impact on the families of those groups, particularly of small retailers. This matter has been canvassed widely in other States and when considering changes to legislation one should look at what is happening in other parts of Australia so one can put the matter in perspective with some first-hand knowledge. For example, New South Wales is virtually totally deregulated, but there is a major move to return it to the political agenda. There is a groundswell of opinion in the small business sector and among consumers that this matter must be addressed and circumstances of the deregulation reversed.

In Victoria, where regional areas, in particular, had an opportunity to extend trading hours, where local shire or city councils wished to express a point of view on this matter, the strongly held view was that it could be permitted if there was deregulation. The pressure is now on local government in Victoria to reverse its decisions in the same way there was pressure recently on the City of Mandurah after Mandurah was consulted by the Minister for Fair Trading and asked to express its point of view. The Mandurah City Council consulted one group - the major retailer in that town, the Coles-Myer group - and asked for its point of view. There was no consultation with the local member, the member for Murray, who I am sure would support the Opposition on this position

because he has expressed his opposition to deregulation publicly at a meeting in Mandurah. There was no consultation with the small retailers in either Mandurah or the Murray district.

I invite the member for Murray to confirm that it is still his position after twice expressing at a public meeting in his electorate that he opposed deregulation of retail trading hours. The member for Murray has made no comment.

Mr Marshall: I will speak on it a little later.

Mr HILL: I look forward to the contribution from the member for Murray.

Mr Marshall: I had no notification from the member of this question.

Mr HILL: The question is whether the member supports deregulation or not. I understand from his comments at a public meeting in Mandurah that he does not support deregulation. It is my understanding also that the member for Scarborough does not support wholesale deregulation of retail trading hours. Only yesterday at a briefing by British Petroleum Ltd the member spoke on this matter and opposed deregulation of retail trading hours. The member for Scarborough said that BP was talking to a hostile audience. The member for Geraldton has publicly said the same thing. Does the member for Geraldton support the deregulation of retail trading hours?

Mr Bloffwitch: Of course I do not.

Mr HILL: No, he does not. I thank the member for Geraldton for making that comment. We will wait and see how he votes on this issue. The member for Avon is not present, but he should be interested in this matter because the Northam Chamber of Commerce wrote to him expressing its concern about deregulation and saying it was sure the member for Avon would support it in this matter because he normally supports the underdog.

I will be interested to see whether the member contributes to this debate. What is more, I will be interested to see whether he absents himself from the vote. This matter is of gross concern not only to small business in Western Australia but also to consumers and those who service the small business sector.

In conclusion, I quote from the Albany Retail and Small Business Association submission to the Minister, which stated -

> There is no evidence, that the stand adopted by Coles and Woolworths for de-regulation is to anybody's, or any town or suburb's, benefit. There is overwhelming evidence that de-regulation, which Coles and Woolworths both freely admit is purely to create a large market share for themselves will:-
>
> > Decimate employment - especially full-time employment;
> >
> > Result in a reduction of service to the consumer, not an increase;
> >
> > Result in an increase in prices, not a decrease;
> >
> > Result in a reduction of type of goods available;
> >
> > Result in the smaller growers, manufacturers and wholesalers having no sale outlets;
> >
> > Will adversely affect the economic viability of every small business in Australia - not only retailers;
> >
> > Will adversely affect the economic stability of every town and suburb;
> >
> > Will further erode the "family unit" and "quality of life" of all Australians;
> >
> > Will result in a monopoly which will eliminate any prospect of a "level playing field" forever.

That position reflects the views that so many organisations throughout Western Australia have provided to the Opposition.

This issue is not about improving the opportunities for the business sector but about

market share - about larger retail chains in Western Australia trying to grab larger market share. I invite members opposite to express their views and support this motion.

DR GALLOP (Victoria Park) [12.07 pm]: The member for Helena outlined the general concern on this side of the House for any proposal to bring about wholesale deregulation of trading hours in Western Australia. Those arguments are very well documented. I wish to raise an issue peculiar to my electorate. In the heart of my electorate is a major shopping centre from the Causeway through to Leach Highway which includes Victoria Park, East Victoria Park and Bentley. In recent days, local business people, through the Chamber of Commerce and with the cooperation of the now defunct council of the City of Perth, have been engaged in a major program to uplift the Albany Highway as a major centre of shopping.

Members would know that in the 1950s and 1960s the Albany Highway shopping precinct was probably the number two shopping centre in the Perth metropolitan area behind the central business district. As the new shopping centres came into place, strip shopping facilities in Victoria Park lost their position in the retail trade market in Western Australia. In recent years the local business people, with the cooperation of the City of Perth, have started to fight back. The Perth City Council has introduced some initiatives to upgrade the facilities in the city. I am concerned about the breaking up of the PCC and the creation of a body of commissioners to run that city. When the new Perth administration comes into being later this year, it may, as did the silly councillors in Mandurah recently, approach the Government seeking freedom to trade when it wishes. In other words, the new administration will act on behalf of the big business interests in the City of Perth. It is possible to provide those free trading hours under the current legislative framework.

Mr Lewis: Who put that in place?

Dr GALLOP: Will the Minister for Planning guarantee my constituents in the Albany Highway shopping precinct of Victoria Park that the commissioners of the City of Perth will in no way be able to grant deregulated trading? That is a simple question, but the Minister cannot guarantee that. Those unelected commissioners, who were appointed by the Government, will represent the central business district's wishes that they do not want deregulated trading hours for everyone; they want it for themselves. Unless the Minister for Planning can give me a guarantee on behalf of the people I represent that that will not happen, he can be assured he will be met with very strong representations from the business people in my district. I want a guarantee before this debate is over that those unelected commissioners will be told in no uncertain terms that they will not be able to grant deregulated trading hours in the CBD. Can the Attorney General give me that guarantee?

Mrs Edwardes: This Government will listen to every single concern of the people of Victoria Park.

Dr GALLOP: Members should note the words the Attorney General uses. There is no guarantee that situation will not arise. On Tuesday I presented a petition in this Parliament with 2 067 signatures representing the feeling in my district. I can assure members we will not be tricked by this exemption clause to get deregulated trading hours for Myer in the city centre.

MRS EDWARDES (Kingsley - Attorney General) [12.12 pm]: The Government does not support the motion. The Opposition's bringing on a motion on the pretext that it is supporting small business is ironical and hypocritical; the Opposition is not serious about it. It thought it was a matter of public importance on Tuesday, but withdrew the motion because it was not sure what it would debate on Tuesday or Wednesday, private members' day. I notice that Bob Pearce has been around in the past couple of days to give some tips to members opposite, who are obviously still finding their feet. The member for Victoria Park will hear the member for Geraldton speak about what the Labor Government did for small business.

Mr Hill interjected.

Mrs EDWARDES: The member for Helena should listen. In contrast to the Opposition, this Government has a real commitment to all businesses in Western Australia. Excluding the mining industry, small business accounts for 90 per cent of all business in Western Australia and of which there are more than 67 000 entities. It is a rapidly growing sector. If small business prospers, so does the Western Australian economy. This coalition Government acknowledges every single small business and the opportunities each provides. As the Minister for Women's Interests, I acknowledge the importance of small business, particularly in light of the announcements I made prior to International Women's Day.

Dr Gallop interjected.

Mrs EDWARDES: That is a furphy members opposite are running.

In the lead-up to International Women's Day the Government considered matters concerning women and the encouragement of women into the small business sector. The Government announced a series of scholarships for women to attend at the Western Australian enterprise workshop at Edith Cowan University. As part of a national program it aims to provide advice, with skills and knowledge to equip women to establish new businesses. Some of those women are just working at home on their kitchen tables at present. It is the Government's idea to provide women with the opportunity to develop ideas even further. The establishment of regional focus groups will bring together country women with local banks, insurance companies and financial institutions to discuss their small business needs. The development of a mentor service will bring together aspiring business women with those in business who can share experiences and pass on skills and knowledge. A brochure will be produced detailing the services provided by Government and non-government groups to women in business.

This is more than the Opposition did. This coalition Government has a real commitment to small business, particularly for those women who are already in business and those who have ideas, and we want to give these women the tools to develop them. We want to give any of them contemplating entering into small business the opportunity to do so. Small business has the potential to be the real source of hope for creating employment in the future. It has often been said that if every small business employed one more person there would be full employment in Western Australia, and that is why this coalition Government supports the opportunities that small business provides. This Government, unlike the not so serious Opposition, recognises the significant contribution that small businesses provide to the Western Australian economy.

I put on record the details of the review which is in operation now. The Retail Trading Hours Act was introduced in 1988. There was a statutory requirement that the Act be reviewed by the Minister after five years of operation. That period expired in September 1993 and Hon Peter Foss, Minister for Fair Trading, announced the review in November 1993. The terms of reference of that review are to examine the operation of the Retail Trading Hours Act, the operation of the retail shops advisory committee, and the need for the Act to continue to operate.

The coalition gave a pre-election commitment to conduct the review in consultation with retailers, consumers and industry groups, and written submissions were called for. The closing date for submissions for the review was 28 February 1994 and up to that time approximately 2 000 submissions had been received. A small number of submissions were received after the closing date and will also be taken into account. The Government will listen to every single comment made by people who have serious concerns, and it recognises and acknowledges those concerns. The Ministry of Fair Trading will compile the evidence presented in submissions to the review and provide Hon Peter Foss with a report by the end of April 1994.

Section 41 of the Act provides that the Minister shall cause a copy of the report to be laid before each House of the Parliament as soon as practicable after it is completed. It is not really appropriate for the Opposition to start pre-empting the results of a statutory review.

The Government has been seeking public comment and input from business groups. I give this House an assurance that the views of small business and all Western Australians

will be heeded and that the review of the report of the committee will be published as quickly as possible. I will read to members a section of the Government's small business policy which was released prior to the last election. In a section on trading hours it was stated that under a coalition Government trading hours would always be decided in consultation with the specific industry concerned. The interests of small business proprietors would be paramount.

Dr Gallop: There are no qualifications on this side. We are against it.

Mrs EDWARDES: That is just talk. The previous Government's actions show that members opposite are hypocritical.

Dr Gallop: We know how we will be voting.

Mrs EDWARDES: The member is being hypocritical because the Opposition has the runs on the board in that it supports deregulation. Remember, we opposed it in this House. The interests of small business proprietors are paramount. For that reason I will move an amendment.

Amendment to Motion

Mrs EDWARDES: I move -

To delete all words after "House" and substitute the following -

> Commends the Government and the Minister for Fair Trading for initiating a review of retail trading in Western Australia in accordance with the relevant Act.
>
> The Government acknowledges the diversity of public opinion in regard to retail trading hours and the opportunity the review provides for retailers and consumers to express their views on this matter.
>
> This House recognises the significant contribution made to the Western Australian economy by small businesses including those in the retail trading sector. Accordingly, the Government gives an assurance that the views of small business will be heeded and that the report of the review committee will be published as quickly as possible.

MR HOUSE (Stirling - Minister for Primary Industry) [12.20 pm]: I have pleasure in seconding the amendment.

Dr Gallop: I bet you don't have any pleasure.

Mr HOUSE: I do. Small business is the lifeblood of the country.

Dr Gallop: The Opposition has done more for small business in the farming area than the National Party has ever done.

The DEPUTY SPEAKER: Order! The Minister will resume his seat. We are all aware that there are still difficulties regarding power, light and other things.

Dr Gallop: The other things, namely the Government.

The DEPUTY SPEAKER: Order! The member for Victoria Park will not interject while I am on my feet. Members, we have allowed interjections because that adds to the debate, but the interjections have got to such a level that they have become a blur, and Hansard has great difficulty operating.

Mr HOUSE: I and other members of the Government do not have any problem with this issue being debated. It has rightly and properly been debated. I support the amendment because it says that we, as the Government, support the review and that is a proper process which is required by law. We have no objection to that. It is surprising that the Opposition wants to run away from a proper review. I would have thought it would welcome the opportunity to have an input into the debate and for small business to have an input into the debate. That is exactly the opportunity we will give members opposite.

Mr Hill interjected.

Mr HOUSE: Does the member not remember when petrol station trading hours were deregulated? Of course he does. He wants to go quiet now and not recognise that fact. It is an absolute right that this issue be debated in the community's interest. Let me state very clearly as someone who represents a rural area - and there are many members on both sides of the House who feel the same way - that this sort of legislation will have a dramatic effect on some country businesses. I acknowledge that. What we do now is right and proper; that is, allow those local communities to make their own decisions about what they want to do. We have done that in the past by proper debate.

Dr Gallop interjected.

Mr HOUSE: I was talking about rural areas. Nobody could give the member for Victoria Park a guarantee, because he cannot remember from one day to the next.

Dr Gallop: I represent constituents too.

Mr HOUSE: The member should just settle down and listen.

Dr Gallop: It's good to know you're here.

Mr HOUSE: I am here as often as anyone.

Point of Order

Mr GRAHAM: I seek some clarification from you, Mr Speaker. The amendment moved by the Attorney General seeks to delete all words after "House". I want to know where that fits in. The word "House" appears in the original motion on a number of occasions. After which "House" is the Attorney General seeking to delete?

Mrs Edwardes: The first one.

Deputy Speaker's Ruling

The DEPUTY SPEAKER: I have taken advice and considered the matter. My ruling is that the amendment will apply to the first occurrence of the word "House".

Point of Order

Mr TAYLOR: I raise a further point of order, but not on the same issue. I would like you, Mr Deputy Speaker to rule on the nature of this amendment. My understanding is that the standing orders provide that amendments may be moved, but not amendments that are directly contrary to the motion before the House. This amendment is a rat hole amendment. It gives a few members on the other side a chance to sneak out on this issue because it is contrary to what we are putting before the House. Is the Government in a position to move such an amendment?

The DEPUTY SPEAKER: I will take a short time to give this matter consideration. I invite the Attorney General to comment on whether the amendment constitutes a direct negative. If it is a direct negative, obviously the amendment is out of order.

Mrs EDWARDES: It is not a direct negative. The amendment helps to strengthen and address the Opposition's concerns without opposing the initiation of the review of retail trading. The amendment is in addition to, but not a direct negative of, the motion.

Mr TAYLOR: Give us an argument; you are supposed to be a lawyer.

Mrs EDWARDES: I am at a loss to understand what the Leader of the Opposition is trying to say because he wants an argument from me when he did not even argue his point of view.

How does it negate it? The onus is on the Opposition and there is no negative effect in terms of the amendment moved to the motion.

Mr GRAHAM: Mr Deputy Speaker, you invited the Attorney General to put to you an argument as to why her amendment does not constitute a direct negative. She has not done that. In her closing statement she outlined her view; that is, that the Opposition carries the responsibility to show it is a direct negative. By her admission the Attorney General has not done that.

Mr Omodei: She has.

Mr GRAHAM: That is a matter for the Deputy Speaker to decide, not the Minister for Local Government.

I do not intend to canvass the detail of the motion, because I will be speaking to it later. The two words the Attorney General is seeking to delete from the motion are "expressing concern". The motion states that this House expresses concern and refers to a range of issues. In the Attorney General's amendment those two words are replaced by the word "commends" and the amended motion would read, "commends the Government and the Minister for Fair Trading". I will not speak in detail on the amendment because I will do that later as well. Their meanings are directly opposite; how can one arrive at any other conclusion? If the Opposition's motion were carried this House would express its concern on a range of issues. If the Attorney General's amendment were successful this House would commend a series of issues.

The Attorney General, the key speaker for the Government, has failed to put forward an argument. The Attorney General has conceded the argument by her comments and has not put an argument contrary to the one I am putting. Other members may do that now that I have raised this issue. Another point I raise is that the amendment cannot be entertained under the standing orders because it is in opposition to the motion.

Mr AINSWORTH: What the member for Pilbara is saying does not constitute a point of order, but is a debate on an issue which is before the Chair. It certainly is not a point of order on the amendment before the House.

The DEPUTY SPEAKER: This matter is complex. The members who have taken a point of order have given points of view. I was trying to avoid the difficulty that would occur if I left the Chamber to determine this issue; that is, that under current circumstances someone would have to go around the building ringing the cow bell to announce that the House was about to resume. However, because of the complexity of the situation it is my intention to leave the Chair to further consider this matter.

Sitting suspended from 12.34 to 12.42 pm

Deputy Speaker's Ruling

The DEPUTY SPEAKER: I have given further consideration to the point of order raised by the Leader of the Opposition and have also taken some advice. It would be very easy to rule with respect to a direct negative if the amendment were phrased in words similar to those in the motion, with certain words having been changed. I have analysed the motion and the three paragraphs of the amendment. In fact, the amendment raises different issues and because a direct negative must be clear on the face of the motion, we do not in this case have a direct negative. I so rule.

Debate (on amendment to motion) Resumed

Mr HOUSE: The Government acknowledges the role of small business in our community and, as I was saying almost half an hour ago, small business is particularly important to rural and regional Western Australia. Indeed, the views of those people are made known regularly to members of Parliament and are taken notice of. This review process we are going through and the debate in this Chamber are an acknowledgment that small business has an opportunity to put its views to members of Parliament who will make decisions about whether they operate in future. In a number of regional and country areas of Western Australia there is a divergence of opinion and, probably that is no more evident than in the Albany region. In that region the two groups representing retailers - the Albany Chamber of Commerce and the Retail Traders Association have different points of view. The debate has been going on for a number of years.

I support regulated trading hours. There is a real need in the community for control and regulation over certain aspects of trade. I do not support other aspects of trading; for example, many areas in relation to the Liquor Act should be reviewed and the restrictive practices contained in that legislation should be further considered so that people can enjoy a glass of wine in any restaurant when having a meal. Similarly, a case could be made for other industries, but it is not the case for a range of small businesses that

operate in rural areas. They need protection by legislation. Many young people work for those businesses and they play sport in local communities at the weekend. They are the lifeblood of those sporting organisations, and country towns revolve around those activities. If those small businesses were forced to open seven days a week, many young people would be denied the opportunity to participate in the sporting events which hold country areas together.

These views will be reviewed by the Government and canvassed by members of Parliament when we consider the next step to be taken. It is right and proper to recognise the special contribution made to Western Australia's economy and livelihood by small business. This Government will do that when acknowledging the different points of view. Representatives of rural areas are cognisant of the views put to them in small country towns where there is a strong feeling that shopping hours should not be deregulated.

MR GRAHAM (Pilbara) [12.48 pm]: In the short time available to me, I hope to demolish this rather silly amendment to what was a good motion. The first paragraph of the motion commends the Government and the Minister for Fair Trading for initiating a review of retail trading. The member opposite who interjected on the key speaker said that the previous Government had started the review. Therefore, it can be seen that the first line of this rather silly amendment is wrong because the Labor Government initiated the review. Let us deal with deregulation. I live in an area in which trading hours are not regulated. There has been a degree of commonsense in the arrangement over the years but a major retailer, without consultation with the community and with the encouragement of the Premier and the Minister for Fair Trading, decided to change to 24 hour a day trading. I have had a number of conversations with members opposite in private about this, but I will not speak further about them because they were private conversations and best remain that way.

In Port Hedland and in the Pilbara, the effects of 24 hour trading are not unknown. The Port Hedland Chamber of Commerce - which is not a political ally of the Labor Party and has never been our closest friend; it is the supporter of members opposite - conducted a survey of the businesses in Port Hedland to find out not what might happen, but what has happened as a result of this Government's encouraging major retailers to trade for 24 hours. Members opposite should not go on with that clap trap about free enterprise and choice, because it is nonsense. Once a major retail chain commences 24 hour trading, it uses the Federal industrial relations system to put a junior on casual rates, and that replaces the work force in small businesses. It is a simple equation: One junior on at Coles equals 30 or 40 people off in small businesses. That is the simple equation that members opposite must confront, because it will happen in their electorates. The Chamber of Commerce states that the impact of 24 hour trading has been $5.2m in investment cancelled, 100 jobs lost and 90 people unemployed. That is a net loss to Port Hedland of 190 people, plus their families.

Members opposite should not give me this garbage that they and their Minister will listen, because they damn well will not. The Minister was invited to Port Hedland and would not come. The Premier was invited to Port Hedland and cancelled it when he found out that the Chamber of Commerce and the Mayor of Port Hedland were not prepared to talk to him in a sensible way about retail trading. The Minister has decimated small businesses in Port Hedland by encouraging them to have 24 hour trading. Members opposite claim to support small business. Try to sell a small business in Port Hedland! People who have spent 25 years putting together small businesses cannot get two bob for them. Eighteen months ago, the local butcher employed three butchers and an apprentice, and they all worked full time. That man now works there by himself, his wife works part time, he has done his life savings, and he will be out of business by June. Members opposite should not come in here with this garbage that they support small business. Members opposite have put that man and another 190 people out of business and have cancelled $5.2m worth of investment in Port Hedland.

Hon Phil Lockyer said on radio in the north west today that as a result of the disaster in the north west, he will cross the floor to oppose any legislation that comes into this place

to extend trading hours. At least one member of the Liberal Party is prepared to do publicly what he says privately. The member for Geraldton and other members opposite have been running around and saying, "I hate it, I hate it, but I cannot help it." Vote against it! Let us see how the landlord votes. Let us see whether he declares an interest. Mr Deputy Speaker, let us see where you front up.

Mr Taylor: Who is the landlord?

Mr GRAHAM: The Minister for Planning - the shopping centre owner and the strong supporter of commercial tenancy legislation.

Mr Lewis interjected.

Mr GRAHAM: No, it is not, but it is a crime to use that position to punish small business people. That is what members opposite are doing and that is what this Government is doing with its absolute support of major retailers and its shifty footwork to try to introduce 24 hour trading into this State.

MR BLOFFWITCH (Geraldton) [12.55 pm]: Members opposite are absolute hypocrites. I have never heard anything more hypocritical than the comments by the mob opposite that they wholeheartedly support the existing regulations on trading hours. Where were members opposite when the member for Thornlie, the then responsible Minister, introduced exemptions? Where were they when 385 service stations voted to stay with the system, and that Minister said that she would beat the system and allow exemptions? Where were those brave members opposite when the previous Minister made that announcement? Members opposite were bluffed by the caucus decision. Not one member opposite had the stomach to do anything about it.

The actions of this Government are different. Small business has some fear of extended trading hours because of the inequities in the system of law in this country. When we adopted the Federal Trade Practices Act, based on the American anti-trust laws, we ensured that they applied to consumers in this country; but when we were set to allow small business the same privileges we baulked because the big multi-nationals toed the line. What happened when former Premier Dowding received the report of the Kelly inquiry into regulated trading hours? The report did not ask for an inquiry five years later. Whoever said that was the case had it wrong. It suggested that within five years we would totally deregulate the system. There was such a clamour from the small business world it was decided that the system would not be deregulated within five years. To keep the big boys happy, a decision was made to conduct another review in five years.

At the moment we are considering a review of the legislation that allowed the Minister to give Mingenew permission to deregulate. The Mingenew retailers are happy. The Minister also gave permission to Mandurah to do the same; that was brought about by the previous Government. That Government gave the Minister power to deregulate trading hours and now members opposite are telling us it is all our fault. All our Minister has done, at the request of a council, is give authority to deregulate. At meetings of the small business sector in Geraldton I said that it will not be the Minister who deregulates trading hours; it will be the council.

Dr Gallop: Do you think that it is proper for the unelected commissioners of the new City of Perth to have power to request that?

Mr BLOFFWITCH: I do not think it is proper that any council has the authority to tell the retail trading sector that - whether that applies to one man or the entire council. I do not agree. I will be doing something about it.

Mr Leahy interjected.

Mr BLOFFWITCH: The member should listen. I have two minutes remaining to finish my speech. I listed to the member. He should listen to me.

An Opposition member: Read the motion.

Mr BLOFFWITCH: I have read it. I commend the Minister for Health for his actions. The member should read the amendment; it agrees with what I say. The Minister for Health has done what he was asked to do. When councils asked him to deregulate

trading hours, he did. Has he deregulated any area where the council did not ask him to? No, but that is the hypocritical argument members opposite attempted to put.

Dr Gallop: Does the Minister for Fair Trading want to deregulate trading hours throughout Western Australia?

Mr BLOFFWITCH: He may do; I do not know. I do know that strong feelings are evident within the Liberal Party that the regulations on trading hours will stay. Eventually, as with the Labor Party, the decisions on those matters will be made in the party room. When members opposite were in Government and were asked to support and help the industry regarding trading hours, they turning their backs on these people. That is the style of members opposite when dealing with small business. I am fairly confident that the amendments to the Fair Trading Act will prevent the situation arising of shop owners loading the costs of rental and other expenses onto small business while leaving the big retailers free. That will stop businesses being discriminated against through prices and sales volume.

Mr Catania: That is the wrong Act. You do not know what you are talking about.

Mr BLOFFWITCH: I understand the situation. The member for Balcatta does not know a thing about this; he did not do anything for small business when he was in Government!

The DEPUTY SPEAKER: We are approaching the normal time at which the Speaker leaves the Chair for the lunch suspension. In view of the disruptions we have had, I will stay in the Chair and allow debate to continue. We will return from lunch at 2.15 pm rather than 2.00 pm. This may inconvenience some members, but we are well under way with this debate and I would prefer that it continue.

Members: Hear, hear!

MR SHAVE (Melville) [1.03 pm]: The problem which has arisen with the Retail Trading Hours Act is a classic example of the effects of bad legislation. It has allowed a situation in which a Minister can ask a local council to make a decision on a matter relating to trading hours. In many cases people on those local councils do not run their own small businesses. Although the intent of the original legislation may have been to give flexibility, it is flawed. The liquor industry is a good example: The hotels, bottle shops and restaurants all want extended hours in different areas, and it is an unsatisfactory situation when the stroke of a pen, as indicated by the member for Pilbara, can decimate a small business overnight. A person may have $300 000 invested in the business and his house may be mortgaged, and he can lose the lot overnight.

As the member for Geraldton indicated, strong feelings exist in the Liberal Party regarding the deregulation of trading hours. Undoubtedly, as the member said, any proposal to totally deregulate trading hours in Western Australia would not be supported by the Liberal Party. I understand that Hon Phil Lockyer -

Mr Hill: You should speak to the motion.

Mr SHAVE: I am speaking to the amendment. Hon Phil Lockyer is not the only Liberal upper House member who would oppose the total deregulation of trading hours. It is a complex issue. I commend the Minister for the review, and I do not support the original legislation which puts the Minister in a very difficult situation. It may very well be that the Minister supports total deregulation of trading hours - I do not know. However, a large number of members of the Liberal Party represent the small business sector, and when the vote is taken in the party room - if it ever reaches that stage, which I severely doubt - we will not have total deregulation of trading hours in Western Australia. Such decisions should not be left to local councils. We had a problem with that in Mandurah due to a lack of consultation. People generally believe that increased trading hours will provide increase access to the shops for the public. That does not always happen. Many small shopping centres rely on after hours trade, and are sometimes near retirement villages; that is the case in my electorate. Deregulated trading hours would send such shopping centres out of business. This would disadvantage elderly citizens who need access to such shops. Before a decision is made we should wait until the review has taken place, as I am sure that a sensible outcome would result from that.

I would like to see that section of the Act which gives the Minister the opportunity to ask councils to make a decision to be removed. I do not believe the councils, in many instances, are well informed of what the people want. When we deregulate trading hours in one area, it puts pressure on the area next door. The system balloons and then there is a problem. I suggest that all people should wait until the review takes place, and I am sure a sensible outcome will occur.

MR MARSHALL (Murray) [1.06 pm]: I support this amendment. It is a summary of what happened in Mandurah. The word "deregulation" was misinterpreted by all retailers there. I am against deregulation. A paragraph in this amendment encapsulates everyone's view; that is, to provide for retail consumers the right to express their views on the matter. That is exactly what has happened in Mandurah. The local council wanted the Minister to introduce deregulation, but it misinterpreted the word "deregulation". The bodies involved thought they would get extended trading hours. Unfortunately the matter was not canvassed correctly. Four bodies were asked to report, but those four bodies did not represent the entire members of the community who retail and who work very hard to make a living in Mandurah. After two public meetings, the Minister was asked to rescind the deregulation arrangements and he responded to that demand.

Mr Hill: He has not.

Mr MARSHALL: It will occur the week after Easter. It took the previous Government 10 years to get a power station going. It has taken 50 years to try to deal with infill sewerage projects. We are operating fairly well by comparison. As I said, the word "deregulation" has been misunderstood. The member for Helena was in Mandurah not listening to the community but trying to make a political speech about the recent election campaign, and he made a fool of himself. A working party will review the matter of extended trading hours in three months' time. In doing so, all of the players, including consumers, will be asked to contribute. When that occurs we will have an evaluation of what retail traders really need.

MR CATANIA (Balcatta) [1.09 pm]: I am totally opposed to this amendment and a review of trading hours. During my five years in this place I have constantly heard members on the other side of the House say that members of the Opposition do not understand small business. Government members have said that they know and will favour small business. The very fact that the Government is contemplating a review of trading hours is causing huge trauma among small businesses in Western Australia. Why is the Government allowing trading hours to be reviewed? Why is the Government bringing it forward to be discussed?

Mr Omodei: It was in your legislation.

Mr CATANIA: That could have been put to rest very easily. We all know very well that the Minister wants to deregulate trading hours. The Leader of this House is in favour of deregulation. Many members on the Government side of the House want deregulation. We have just heard various Government members say that they favour deregulation. That worries small business. Some people who had a propensity to sell their businesses have reduced the sale price just to get out. The superannuation that was built up in the goodwill of the businesses has fallen by the wayside because the small business people fear that this Government is in favour of deregulation. No Government member has said anything to the contrary.

Small business people are not dreaming this up. We are getting so many letters from small business people because they are worried about this Government. Unemployment has increased; small business will not employ more people. Small businessmen will not invest because they fear that their superannuation, which has been built into their businesses for 20 years, will be washed down the drain with deregulation. None of the Government front bench - the Premier, the Leader of the House or any Minister - has said anything to the contrary. A couple of Government members who are small business people have said they are opposed to deregulation. The member for Melville is opposed to deregulation but he did not say, as Hon Phil Lockyer has said, that he would cross the floor. We should ask the member for Melville that question. If the Government says it

supports small business - and the Act requires a review - why did the Government not put the matter to rest and say it was not interested in a review? The Government fuelled the debate and allowed local councils to be the scapegoats. Government members should be ashamed of themselves because many people in small business have lost a lot of money and many people have lost jobs.

MR TAYLOR (Kalgoorlie - Leader of the Opposition) [1.13 pm]: Government members who have spoken out against deregulation of small business in Western Australia need not think that they have got off the hook. They have put themselves higher and tighter on the hook with deregulation. The member for Murray, the member for Scarborough and the member for Geraldton have opposed deregulation in their own electorates. In this House today they will be voting to support the continuation of the deregulation process started by the Minister for Fair Trading. Members opposite can shake their heads, but when this debate is concluded the list of how they voted will be available. That is the message that will go back to their electorates and business.

That is fair warning on this issue. Members opposite know the consequences. When the previous member spoke, Government members sat there and said, "We had to have the review; it was law." Now another test is coming up in the next week or two when the Opposition brings a Bill into the House to stop the review process initiated by the Minister. As the member pointed out, small businesses throughout Western Australia are finding the value of their businesses collapsing overnight. People are losing their jobs overnight. The member for Pilbara made clear the consequences in his electorate, yet the Minister will not even extend the review to the Pilbara area or the area north of the 26th parallel.

The Attorney General mentioned women. The consequences of this proposal will affect women. When I stood in this Parliament in 1992 for Western Mining on the issue of deregulation of working hours at Kambalda, members opposite castigated us. Now they are seeing the consequences to small business of the deregulation of hours; that is, the enormous social cost. People are being required to work seven days straight. People are being required to work up to 16 hours a day. As well, people in my electorate are being required to work 13 days straight on 12 hour shifts. Apart from the personal consequences, the social consequences are disastrous.

I understand the Government's position on this matter, because it wants to bring Lee Kuan Yew from Singapore to advise it on law and order. He has a similar approach to business in Singapore. The Opposition will not cop any further deregulation of trading hours in this State. We will not allow the Government to impose upon the people of Western Australia and small business people the enormous adverse social consequences that destroy families and businesses. The Minister believes that the way to push forward is to destroy people's lives. The next thing he will have is kids climbing down chimneys again. That would bring about lower labour costs and make life better for his mates in business. He is destroying businesses and destroying family life. The members whom I have listed are on fair warning that the consequences of supporting the Government's amendment in an electoral sense will be disastrous. The Opposition will test them again. It intends to introduce legislation to bring the review to an end. We will see how they vote then.

Division

Amendment (words to be deleted) put and a division taken with the following result -

---

Ayes (24)

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

Noes (20)

Mr M. Barnett	Mrs Hallahan	Mrs Roberts
Mr Brown	Mr Hill	Mr D.L. Smith
Mr Catania	Mr Kobelke	Mr Taylor
Mr Cunningham	Mr Marlborough	Mr Thomas
Dr Edwards	Mr McGinty	Ms Warnock
Dr Gallop	Mr Riebeling	Mr Leahy *(Teller)*
Mr Graham	Mr Ripper	

Amendment thus passed.

Division

Amendment (words to be substituted) put and a division taken with the following result -

---

Ayes (24)

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

Noes (20)

Mr M. Barnett	Mrs Hallahan	Mrs Roberts
Mr Brown	Mr Hill	Mr D.L. Smith
Mr Catania	Mr Kobelke	Mr Taylor
Mr Cunningham	Mr Marlborough	Mr Thomas
Dr Edwards	Mr McGinty	Ms Warnock
Dr Gallop	Mr Riebeling	Mr Leahy *(Teller)*
Mr Graham	Mr Ripper	

Question thus passed.

Motion, as Amended

Division

Question put and a division taken with the following result -

---

Ayes (24)

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

Noes (20)

Mr M. Barnett	Mrs Hallahan	Mrs Roberts
Mr Brown	Mr Hill	Mr D.L. Smith
Mr Catania	Mr Kobelke	Mr Taylor
Mr Cunningham	Mr Marlborough	Mr Thomas
Dr Edwards	Mr McGinty	Ms Warnock
Dr Gallop	Mr Riebeling	Mr Leahy *(Teller)*
Mr Graham	Mr Ripper	

Question thus passed.

Sitting suspended from 1.30 to 2.20 pm

[Questions without notice taken.]

SELECT COMMITTEE ON HERITAGE LAWS

Member for Pilbara, Discharged; Member for Thornlie, Appointment

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

> That the member for Pilbara be discharged from the Select Committee on Heritage Laws and the member for Thornlie be appointed in his place.

SELECT COMMITTEE ON SCIENCE AND TECHNOLOGY

Leader of the Opposition, Discharged; Member for Belmont, Appointment

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

> That the Leader of the Opposition be discharged from the Select Committee on Science and Technology and the member for Belmont be appointed in his place.

SECONDARY EDUCATION AUTHORITY AMENDMENT BILL

Second Reading

MR TUBBY (Roleystone - Parliamentary Secretary) [2.52 pm]: I move -

> That the Bill be now read a second time.

The Secondary Education Authority Amendment Bill is a straightforward piece of legislation which deals with the composition of the Secondary Education Authority and its statutory committee, the tertiary entrance subject committee. The Bill provides for membership of the authority to be reduced from 28 persons to 14 persons, and for the membership of the tertiary entrance subject committee to be reduced from a maximum of 18 members to 11 members.

A review of the operation of the Secondary Education Authority carried out in 1990 by Dr P. Tannock and Mr M. Helm concluded that a significant reduction in composition of the authority was required. It was seen as being too large and too unwieldy. In the review of education and training by Dr R. Vickery, Mr I. Williams and Professor G. Stanley, published in July 1993, a similar comment was made as follows -

> In representations to the review committee, the membership of the authority, currently 28, was regarded almost unanimously as too large.

At its meeting on 11 August 1993, the Secondary Education Authority approved a reduction in the number of members on the authority and supported the principles outlined in the Vickery report as the basis for membership of the new authority. The membership structure proposed for the authority and the tertiary entrance subject committee in this Bill are in line with the recommendations or the spirit intended by the Vickery review. The report recommended an authority of 13 members with the director of the authority to be included as a non-voting member, making a total of 14 members. The Vickery report recommended a tertiary entrance subject committee of 10 members, which was a reduction from the current 18 proportional to the reduction in authority membership - 28 to 14.

This Bill proposes an 11 member tertiary entrance subject committee, the additional member being a second member from the Department of Training to reflect the increasing importance of the technical and further education sector in further education for young people beyond schooling. The Bill also establishes the authority and the tertiary entrance subject committee without deputy members in line with the suggestion of the Vickery report. The system of deputies has contributed to lack of continuity in authority and tertiary entrance subject committee meetings.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Ripper.

ADOPTION BILL (No 2)

Second Reading

Debate resumed from 23 March.

DR CONSTABLE (Floreat) [2.55 pm]: I am pleased to be able to make a few remarks on this important legislation. I support the thrust of the Government's Bill, although I have one or two points which require clarification and explanation by the Minister.

It is nearly 100 years since the first adoption legislation was passed in Australia, and that was in Western Australia in 1896. It is a sad fact that in recent years this subject has received a great deal of comment, yet it has taken so long for the promised changes to the legislation to eventuate. The previous Government initiated a lot of action in the 1980s with reviews and so on, yet that Government's legislation languished on the Notice Paper for some time. Meanwhile the stakeholders in this area - namely, the relinquishing mothers, the adoptive parents and the adoptees - went through a period of great stress waiting for these changes. Few of us would forget the dying hours in this place of the last Government, as the relinquishing mothers and other interested people sat in the Public Gallery watching the legislation languish and die. A few speeches were made, but we all knew that the legislation would not be passed.

I welcome this legislation and hope that it is passed in the next couple of weeks so those people can get on with their lives with a new direction in this area. It is a pity that it has taken a whole year of the new Government for the Bill to reach this stage; however, I am pleased that it is now here.

It has been said in a number of speeches that a number of people are very concerned about this area. First, we have the notion of the adoption triangle; that is, the relinquishing parents, particularly the mothers, the adoptees and the adoptive parents. It should also be noted that potentially many more people are involved in these matters. For example, parents of the relinquishing mother and possibly unknown siblings of adoptees can be involved. Therefore, many people's lives are affected by this legislation. I hope this legislation will give those centrally affected by the measure some peace of mind after many years of waiting. The legislation reflects the entire panorama of human feelings and responses and, as such, must have been very difficult to draft. I worry when looking at the number of times the expressions in the Bill are value laden in relation to that panorama of emotions. However, I recognise it is difficult to draft the Bill when taking into account the feelings and needs of so many different competing interests. It goes to the core of human endeavour - that is, parents, parenting and children. It is a very important piece of legislation that sees a new direction for how we view the family and a number of other aspects of our community.

Let us take a brief look at where relinquishing mothers stand in this. Many of us are aware of the research that has been done over the years on the effect on a mother of relinquishing a child. There would be very few who did not feel a great sense of loss giving up a child. Research has shown that for many this is a little bit like a child dying, but not entirely because the reality is the child is alive somewhere, though given up by the parent. The sense of grief and loss is something mothers carry with them throughout their lives. Until quite recently relinquishing a child happened in an atmosphere shrouded in secrecy. The typical picture 30 or 40 years ago when a mother gave up a child was that it was secretive and silent. The mother was expected to forget about it and was told things like, "Get on with your life; make a fresh start." Research and counsellors tell us that many of those mothers, probably all, carry with them a great sense of grief and loss for many years. When they come for counselling 20 or 30 years after they have given up a child, they realise that those feelings of guilt, perhaps, but certainly the loss and grief, are normal feelings that they have been asked by members of their family and by the community to suppress. For those people this legislation gives a sense of hope which, for many, they have not had before. Many thousands of women have given up babies under very difficult social and economic conditions in the past and perhaps felt forced to do so. Because in recent years that has not been the case, we have seen fewer and fewer children put up for adoption. But 30 years ago and longer there

was no counselling, no family support, and often young women were sent away from home to a strange environment to have their babies adopted. All this was said to be in the best interests of the child and perhaps in many cases that was so, but these women did not have the alternatives and some of the choices that the community now sees as acceptable. There was stigma and secrecy surrounding that relinquishing of the child and enormous emotional upheaval and shock. Perhaps in thinking about services now we should be making sure that in this legislation counselling services are very much available for those who have long since given up their children. Women no longer have to suffer in silence in that way, and the changes in community attitudes should be welcomed by all of us.

What about the adoptive parents? Those parents unable perhaps to have children of their own due to infertility or other reasons, have sought to adopt children over the years and provided many wonderful homes. It is interesting to look at the responses of those people. They too in a sense have suffered loss and grief, and for many a loss of self-esteem, because they have been not been able to produce their own children. To be able to adopt children has filled that gap in their lives. But then they have other fears that in some senses are similar to those of relinquishing mothers - fear of losing their adoptive child to the birth parent through changes in the legislation, or they may fear that their child will reject them if they find their birth parent. Those parents too, while this discussion in the community has been going on, have had to deal with those same feelings, but from a different angle. Those people can feel a little comforted by some of the research that has been done to show that no matter what, the strongest relationship for the adopted person is with their adoptive parents. Even when, in many cases, there has been a reuniting of adoptive child and birth parent, particularly the mother, there is no loss of esteem or love between the adoptive parents and their child.

Let us take a moment also to look at those children who have been adopted and perhaps in adulthood are faced with the desire to find their birth parent and also to know a little more about their own background. They too have certain fears, perhaps of hurting their adoptive parents. So the complications and relationships among these people should be treated with a great deal of sensitivity. It will always be very difficult to balance the different needs and desires of all the people involved in adoption. Although each group has very special needs they do not necessarily share the same view of adoption or the same needs. This Bill goes a long way to supporting the needs and desires of all those involved. I repeat what I said earlier: I do not think that has been a particularly easy task for the people drafting the Bill, although balancing those different needs has to a large degree been coped with in this Bill.

Some relinquishing mothers may want to maintain their privacy. They may not need or want to know anything about the child they relinquished, yet that child may want to know about them. In protecting the needs of both, one must make sure that has been dealt with here. Mothers may want to know about their child, and probably most will. They want to know the simplest facts about their child that most of us have been able to take for granted - what they look like, where they were educated, what they do now, and so on. Similarly those who have been adopted may have a very strong desire to make contact and have information, and others may not. The adoptive parent may wish to help their adoptive child in finding out that information, while others may be very aware and afraid of consequences. This Bill recognises that all those responses are legitimate; they must be taken account of.

I will draw attention to two or three aspects of the Bill which I would like the Minister to clarify and perhaps set my mind at rest at a later stage. Counselling is dealt with in clause 16 and is available on request to relinquishing mothers. "On request" is very important. For those parents seeking to adopt a child, counselling and scrutiny is mandatory. I would, of course, support that, but I wonder if we should not be going a little further for the parent, for mothers who are relinquishing their babies, so that counselling is available as a matter of course. All mothers should have that option available to them. Counselling should be seen as a crucial part of the adoption process for relinquishing mothers.

Mr Nicholls: Are you saying it should be mandatory?

Dr CONSTABLE: It should be available to all mothers as part of the process, so, if "mandatory" is the word we must must use, yes. I am also concerned about the consent period. I am in two minds, and we will probably have to live with what is here, but I draw attention to clause 18. I am concerned from the relinquishing mother's point of view and the parents' point of view, that the 28 day period is not long enough. Some women having just had a baby are still recovering from the physical stress of that, and are faced with trauma and stress in considering relinquishing a child. Some of those women might be suffering added stress and feelings of depression because of the dilemma they are facing in making that decision. That is a very important point to make. On the other hand, I recognise that it is in the interests of the child to be placed with its adoptive parents as early as possible. There is no need to go into any details on the research done on child bonding. In balancing those two competing interests that is being taken into account. There should also be some leeway in the counselling process for relinquishing mothers.

I would like to hear the Minister's comments about clause 24 which deals with the situation where consent can be dispensed with by the courts being brought into the picture when we are bypassing consent of the parent in exceptional circumstances. The clause is tight enough, but some situations may arise when a child would be better off placed in foster care, rather than being adopted out. We must be very cautious and I hope in practice that is exactly what will happen. It is a very drastic step for a court to by-pass that consent, or for the Director General of the Department for Community Development to initiate court proceedings. I am sure the very few of those cases that arise will be dealt with sensitively and with great care.

Clause 97 and section 9 of schedule 3 provide for information vetoes. As I understand it, adoptees, birth parents and adoptive parents can lodge a veto denying existing birth or adopting parents access to court records or the birth register.

Mr Nicholls: It denies access to the identifying information held on the official record within DCD.

Dr CONSTABLE: I understand that. I am not saying we should not have it, but I understand this clause is of concern to birth parents who may still be denied access to information at a later time. However, perhaps some automatic mechanism could be in place where, after a five year period, an opportunity is provided for the person seeking information to have another attempt. With the passage of time the person imposing the information veto may change her mind. Unless she is asked again, those people seeking the information will not know whether she has changed her mind. Although I respect the right of any party to the adoption to have the right of contact veto, the veto on information should not be permanent.

Having said that, I commend the Minister for introducing this legislation and I will certainly be supporting the general thrust of it.

MS WARNOCK (Perth) [3.13 pm]: I am very pleased to join my colleagues on this side of the House in making some comments in support of the Bill. However, there are some issues we would like the Minister to consider at a later stage of discussion in this House. First, I congratulate some people who I notice are in the House today; indeed I have noticed them in the House often before. I am very familiar with some of those people who have been watching the debate with great interest. They have been around this issue for a very long time and have put in an immense amount of work, effort, hope and desire for this kind of legislation to be introduced into this House. It is for them and for people like them - the people who work with them and the people they represent - that I am particularly pleased to see that this legislation has at last made it into the House and is likely to be passed.

Mr Bloffwitch interjected.

Ms WARNOCK: It almost succeeded with the Labor Government last time. In addition, a private member's Bill was introduced by a Labor Party member.

Mr Bloffwitch interjected.

Ms WARNOCK: The member opposite may seek to blame someone, but I do not blame anybody. I am simply saying that I understand the feelings of the people in the gallery, how important the Bill is to them and how very hard they have worked to see that the Bill was introduced. At last I am pleased to be able to congratulate them. One of the reasons it has taken so long is that it is such a delicate and sensitive subject. So many parties must be taken into account. It is not something that can be done by any Government in 35 minutes.

Mr Bloffwitch: That is why we spent 12 months examining it.

Ms WARNOCK: That is why, during its term, the Labor Government spent considerable time examining it. I am pleased to see this Bill in the House at last, particularly for those people who will be so deeply affected by it and who, for a very long time, have wanted changes to be made to the adoption legislation in this State. It is certainly good to know the Bill will pass during this session and, we hope, solve some of the many complex problems that have been well aired over the years. This matter has been investigated by select committees and various other groups of people in this State who have a stake in this subject. As is well known, the process began under the previous Labor Government. A good Bill was almost dealt with just before the end of the last session before the 1993 election. Since then, as I mentioned earlier, a private member's Bill has been drafted and now this Government Bill is before us.

It is certainly important for all parties involved in the adoption triangle as it is called - the adoptees, the birth parents and the adoptive parents - that the matter be handled very sensitively and that we get it right. We look forward to the discussions which will come at a later stage of the debate when we will make what we believe are some very important points. Those members on this side of the House who have spoken have made it clear that they support much of what is in this Bill; other speakers will say the same. The lobbyists who have spoken to me over the years also support it. In a previous career in radio I was lobbied by people who sought to make changes they thought were important and who, very properly, sought to spread information about the subject in the community. However, I believe some matters in the Bill need a slightly different emphasis. The Opposition most earnestly hopes the Government will be prepared to listen to us and to other people who have a point of view on this subject.

I will address the information and contact vetoes, which were mentioned by the previous speaker, and the attitude to Aboriginal adoptions. As with many people here in this House and many people listening to the debate, my views on this matter have been formed by personal experience, knowledge and partly by research on the subject. I have a friend in her late 40s who was adopted out, as the saying goes, at a time in our history when there was a great deal of shame in ex-nuptial births. She represents one arm of that adoption triangle. I have another friend who became pregnant "out of wedlock" and gave up that child under pressure in the 1960s. She represents another arm of that triangle. I have another friend who adopted a child when she and her husband believed they were not able to have any children of their own. They represent the third arm of that triangle. I also have a number of Aboriginal friends who were forcibly removed from their parents as part of Government policy some time ago concerning "part Aborigines". That was a very shameful part of our history with which we are all familiar and which has caused considerable pain to many people in this country. We are all very familiar I am sure with such television shows as "The Leaving of Liverpool". I have with me a book called "The Lost Children" which is about 13 Aboriginal people who were taken away from their natural families. The book was edited by Coral Edwards and Peter Read. Part of the introduction by Western Australian writer Sally Morgan refers to the sadness, confusion, lack of identity and breakdown of family ties and culture. It states -

> The story of my own family is not unique. It is echoed thousands of times over the length and breadth of Australia. It is important for us to discuss and detail such things; to reclaim the past, our families, ourselves; to have something to be; a framework within which we can exist, learn, be proud.

As has been outlined by many of my colleagues, there is often a desperate need for the knowledge of one's background, family heritage and culture. Apart from the practical need to know - we all need to know where we belong - we all want to know who we are. We ask ourselves questions in our teens such as, "Who am I?" Those questions will haunt us at some time in our lives. For those who do not know who they are and from where they came such questions are even more vital. It is for these reasons that the information veto provided in the Bill is unsatisfactory. The Opposition understands that we all have a right to privacy. Every member on this side of the House understands that there are some things in people's lives that they want to keep private. However, the Opposition also firmly believes in the right to know - the right to have a proper sense of who we all are and where we belong. As far as we can determine from our reading of the Bill, under the Government's plan future adoptions will be no problem. There will be a negotiated settlement, as I believe it is to be called, between the birth parents and the adoptive parents, except in the most difficult and exceptional circumstances - for example, with an abandoned child. However, there is a problem in the Bill when we speak of past adoptions.

The fact that people can still put a lifetime veto on information seems to deny that important right to know - the right to fill in the gaps in our own story and to give ourselves an identity. In the case of the adoptee, it is the right to a proper family background, and in the case of the relinquishing parents, it is the right to know that extremely vital information: What has happened to that child with whom they parted company so long ago, and whether the child is healthy or happy, or is still alive. That is an extraordinarily important right. For that reason I am sure some interesting discussions will occur during the later stages of this Bill when we talk about the complexity of rights which are involved and the conflicts that are likely to arise over them.

I am aware that some people may wish to be protected from certain knowledge from their past. However, in the case of adoption, by protecting oneself one is denying someone else's right. We must bear that in mind. That is the case with a flat contact veto. I can understand people's fear of suddenly being surprised by something from their past; however, other people's rights are also being denied by that veto. There is a better way to handle it. Perhaps we should have a veto for a period which can then be renegotiated. A flat lifetime veto is likely to cause too many tragedies for too many people. We are all aware of those tragedies. Every member would be able to give anecdotes about such tragedies in his or her own life or in the lives of other people. One of the most moving calls I had on radio was from an adoptee, a man named Jack who was 60 years old. He had lost track of his background and had been trying for many years to get information from which he was barred by law by countries around the world. He realised that his mother may have been dead because she would have been around 80 years of age, and that had become a major tragedy in the last part of his life. We must seriously discuss this issue. It is a matter about which members on this side of the House will have something to say.

I also briefly mention Aboriginal adoption. A great deal has been written about it in recent times. There was a time when the issue was handled insensitively. There was an idea that Australia as a society was doing what was in the best interests of Aboriginal people. At one time many sincere people may have been seeking to do things in the best interests of others; however, so much research has been conducted into the area and we now know so much more about the culture of Aboriginal people and how different it is from the European idea of the family. The previous adoption process was disorienting to Aboriginal people and was one of the reasons Aboriginal society has been so damaged in this country since European settlement. Chapter nine of the adoption review committee report of 1991, entitled "A new approach to adoption" refers to the adoption of Aboriginal children and states in part -

> The first and most important principle governing Aboriginal fostering and adoption policy should be the maintenance of the Aboriginal child within his or her family and community environment.

The report further states that two points were made very strongly -

> The first was that the Aboriginal Child Placement Principle should be incorporated into adoption legislation; and the second was that Aboriginal tribal marriages and long term de facto relationships should be recognised in law for adoption purposes.

A further recommendation in the report was to -

> Recognise that Aboriginal persons should not be further displaced from their culture by being adopted into other Australian families.
>
> All Aboriginal arrangements should be shaped by Aboriginal practice (following on use of Maori experience) not white middle class concepts of families.

That was a thorough review of the issues, like many other pieces of research on this subject in recent years, and we should take note of it. As others on this side of the House have said, there are many things in the Government's Bill of which we are supportive. We will support the Bill. However, the fact that the Government has decided not to include the Aboriginal child placement principle in the Bill is regrettable and is a matter we should discuss at a later date. The Opposition believes it is an important principle. It should be included in legislation rather than being just a question of departmental practice, ministerial decision or whatever else it may be. It is a grave omission from the legislation and the Opposition will take up the matter at another stage of the Bill. Many other members will have something to say on this Bill, but I am pleased to be part of a Parliament in which there is an important piece of legislation and look forward to at last seeing this legislation through the House and put into practice.

MR D.L. SMITH (Mitchell) [3.28 pm]: Like the member for Perth, I am pleased to see this legislation before the Parliament. However, this legislation is far from perfect. It does not adequately meet all the needs of relinquishing parents, adopted children or adoptive parents. However, it has been 10 years in the making and long enough is long enough. We must get this legislation through the Parliament and, to the extent that there are deficiencies in the legislation after that occurs, we can all continue to work for further reform in those areas.

It is a pity that all of the recommendations of the inquiry were not implemented in this legislation. Had we implemented all of the recommendations, the legislation would have placed us at the forefront of adoption law reform in Australia and perhaps in the world. As it is, I think we are in the ruck. We are in the middle of being progressive enough to realise what the real interests of all the parties are, but in terms of legislative reforms that we are prepared to put in place in this legislation, we have gone only part of the way.

As members will recall, my involvement in this legislation goes back to 1983 in my first years as a member of Parliament when I was appointed to the select committee under the chairmanship of the member for Rockingham, the former Speaker, Mike Barnett, to look at some interim reforms which were being introduced by the then Government. In its report tabled in October 1984, that committee made various recommendations relating to the then legislation and then said -

> It is further recommended that the Adoption Act 1896-1977 (WA) be the subject of a further inquiry with a view to establishing an act based on a child centred adoption philosophy. The interests of both the relinquishing mother and the adoptive parents should be important secondary considerations, and the recommendations of the Victorian Committee should be given due weight.
>
> A further review of the Act should have regard to the following considerations, which are strictly outside this Committee's terms of reference, but have been raised in submissions received in relation to the Bill.

It then discussed alternatives to closed adoption, access to birth certificates, the reinvolvement of the natural mother, the taking of consent from the natural mother and the consent of the natural father. I was pleased when I became Minister for Community Services some time later to continue the work that had been instigated by my predecessor and to encourage the committee to complete its work and to produce the recommendations which were the basis of the original Bill which the then Labor Party

Government sought to introduce in 1992. I commented in my speech when the matter was debated briefly in December 1992 that I was fearful that I would not be re-elected in the 1993 election and that I would not have the comfort of being able to leave the Parliament with the knowledge that we had accomplished the necessary reform on adoption. The fickleness of voters being what it is, I was re-elected, but here it is, 15 months later, and we are still at the second reading stage of this Bill.

Mrs van de Klashorst: And it has taken this Government to introduce the legislation.

Mr D.L. SMITH: I said at the time that it was the fault of the then Opposition that the matter did not go through in 1992 because the Leader of the Opposition at that time wanted a full committee debate. I said at that time in December 1992 that I did not blame the Opposition alone. Let us be clear about that. I think it was the fault of the collective Parliament and I believe still that it is the fault of the collective Parliament. I think we as parliamentarians too often forget the importance of legislation. We concentrate too often on the politics of the Parliament and not enough on its real role which is to change the law to benefit the community. When we talk about adoption law reform, we are talking about changing the law in ways in which it impacts upon people and which really goes to the heart and soul of people. Nothing is more important than giving birth to a child and continuing to have an interest in and love for that child, and all of the hardship and heartbreak involved in the adoption triangle is something to which we, as a Parliament, did not devote enough time in resolving those issues.

Speakers have said that the issues are difficult. They are. However, there is nothing so difficult that good men and women could not sit down and do their best by the community by resolving this matter in less than 10 years. It is heartbreaking to them as I am sure it is heartbreaking to all of the people involved in the adoption triangle that it has taken this Parliament 10 years to implement the recommendations made to this Parliament in October 1994.

Like the member for Perth, I want to pay tribute to all of the people who have been involved in maintaining the rage, the interest and the enthusiasm over those 10 years. One of the people I would like to remark on is Jackie Watkins, the former member for Wanneroo. Jackie, in my view, did a great deal for relinquishing mothers, both by her public role in acknowledging that she was a relinquishing mother and more importantly in the private role she played in talking to members of Parliament about her personal experiences. For instance, I remember that she refused to go onto the 1983 committee because she thought it would be too close to the bone in terms of her having to sit and hear people retell their stories, which she knew only too well. She felt she could not sustain her composure during those committee hearings. She insisted thereafter that we keep the issue before us and served on the committee of inquiry. I know she had trouble attending some of the meetings of the committee. Nonetheless, she maintained her enthusiasm for the issue and made sure that the Parliament did not put the matter too far beyond its purview.

Beyond that, of course, numerous people, especially the relinquishing mothers' association, Jigsaw WA Inc Adoption, and others, some of whom are unfortunately not still with us, came along to the initial select committee hearings and gave us their personal histories and a proper perspective of what the issues were to ensure that we kept the need for further reform paramount before us. However, adoption is not just about the relinquishing parents; it is also about the adoptive parents and, as I have said before, the paramount consideration must be the interests of the child the subject of the adoption. The real thrust of what we were about was not just a question of providing access to past information. To some extent, there has been a focus on that as being the principal issue of reform. In my view, that has never been the principal issue, although it is an extremely important issue. I do not want to understate that in any way. However, the paramount concern has been the nature of adoption itself. There are circumstances when people have to relinquish children. However, the circumstances and the legal opportunities that surround that relinquishing should be such that we can have the most open forms of relinquishment that ensure there is no cutting off but simply the movement of a child from one loving parent to others in circumstances where all of the persons who

are interested in the child continue to share information and share decision making in the upbringing of the child.

I honestly hope that we do not get the single-minded attitude that the reforms are simply about access to information. The real essence of the reform must be centred on the nature of future adoptions and making sure that they are as open as the parties involved in the adoption wish them to be and that there is no hardship, oppression or heartbreak as there has been in the past because the relinquishing parent was confronted with the circumstances of relinquishment and the limited opportunities there were for the formal adoption that then took place. It has been of concern to me for quite some time, including the period I was Minister, that many of the constraints, conditions and requirements we placed on prospective adoptive parents were aimed at restricting the numbers on the waiting list rather than concentrating on the interests of the child. The absolute essence of open adoptions, that properly take into account the interests of the relinquishing parents, is to make sure we are so open in the requirements we set for the adoptive parents that the relinquishing parents can always be confident, whatever their requirements with regard to racial or ethnic origin, social background, nature of contractual arrangements and information sharing, and involvement in critical decisions affecting the welfare of the child, that they can be as open as anyone can contemplate. I honestly believe if we are serious about the interests of the child being the paramount consideration, the person most likely to have the interests of that child paramount in her concern is the relinquishing mother. We should not set artificial constraints on the openness of contractual arrangements so that she cannot choose the people to be adoptive parents, and discuss exactly who the parents should be. Questions of age and other matters in respect of those parents are decisions which should primarily be decided by the relinquishing mother, and not by some artificial bureaucracy trying to set its own restraints on what should occur.

The other area of concern in relation to adoptive parents is overseas adoption. It is an extremely difficult issue. Not only are there all the normal problems associated with relinquishment but also it is occurring in another country and includes the problems of adapting to the customs and modes of the country of adoption. Again, we must bear in mind that the primary interest should be that of the child, it is hoped as determined by the wishes and desires of the relinquishing parents. Nonetheless, we should not simply be adopting a point of view that children of different ethnic or racial backgrounds have difficulties which absolutely require a bar to overseas adoption. There will be circumstances and situations in which it is in the interests of the child, and conforms to the wishes of the relinquishing parents, for there to be cross-country relinquishment and children adopted in other countries being brought up in Australia. We need to ensure that the legislation is tailored to the interests of the child and the relinquishing parents and, whatever the arrangements are, that proper supervision occurs to ensure the wishes of the relinquishing parents are met and the interests of the child are protected in whatever circumstances arise.

As I have said, I will not speak too long because my real aim is to get the legislation through. It is not ideal legislation; it is deficient in the way in which the amendments on the Notice Paper indicate. Even if the Minister is not able to accept any or all of those amendments, I hope he will take them away; continue to liaise with the various associations involved in the adoption triangle; continue to monitor the implementation of this legislation; and reform it as required. One of the great worries I have about parliamentarians is that we tend to put runs on the board; that is, say we have achieved a certain reform and then go away from the subject to another flavour of the month. This issue is far too important to be set aside under any circumstances. Problems will arise in the implementation of this legislation. The amendments required to overcome those problems should be introduced as soon as possible. The legislation does not go far enough in what it provides, especially for relinquishing parents and the adopted child. I am certain that once the legislation is through, many people in the adoption community will make recommendations for further change. Even if the Minister cannot accept the amendments on the Notice Paper, he should not close his ears but should continue to

attend meetings of the various associations, and allow the individuals affected by adoption arrangements to meet him at his electoral or ministerial office and explain the way in which the legislation is deficient. The Minister should be open-minded enough not to let his personal preferences and views cloud the comments of those people. In my experience they will talk to him in absolute good faith about matters which go to the very essence of their being and soul. They deserve to be listened to, and they deserve further reform of this legislation as and when it is required.

Nonetheless, I congratulate the Minister on having taken it this far. I apologise to everybody affected by the delay for the fact that it has taken 10 years. I am ashamed as a parliamentarian that that has been the case, and I will be even more ashamed if we do not continue the reform and continue to listen to the relinquishing parents on the effects of this legislation and the other changes required.

DR EDWARDS (Maylands) [3.47 pm]: I, too, wish to make a few remarks on the Adoption Bill (No 2) 1993. Like many of my colleagues, I am grateful that this Bill is finally in the House. It has been a very long and arduous process. Adoption has become quite a strange practice, in that it has been one in which we as a society have handed to strangers babies and young children for them to take care of as their own. In the past it was used as a solution to illegitimate births, and a very value loaded solution for children from poor homes, homeless children, and those seen not to have the so-called privileges of wealth and other values. Fortunately, in the past 20 years there has been a recognition of what truly happens in this area; a recognition that mothers bond to their children even if they are removed at birth, and that those children have rights. The children also have needs and wants and, in particular, they often want to be with their parents. Sometimes in society we can be shocked to the extent that a child who has been mistreated wants to be with its parents. The feeling a child has to know about his parents and be with them is absolutely significant and the needs of the child must be considered, as they are in this Bill. I am very grateful that in the past 20 years major changes have taken place in our society so that we can revisit the whole question of adoption. We certainly need to do so. Fortunately, the stigma associated with illegitimate births has all but disappeared, and the Government provides financial support for young or single women who are pregnant. Birth practices have improved. I have been told by older women that when they gave birth the sheets were held up so that they did not see the child. They were encouraged to imagine that it had not happened. Fortunately the whole nature of birth has changed and that no longer happens. We have had a move away from women being persuaded to give up their children. As well, we have moved away from deceptions of the past. There is a very moving part in the New South Wales Law Reform Review on Adoption. It talks about women who were drugged after giving birth and woke up in a different hospital, not knowing where the baby had gone, and never seeing the baby. As the saying goes, blood is thicker than water, and this Bill goes some way toward addressing that situation.

I now turn to specific matters in the Bill to do with the contact and information vetoes. I comment in the context of what will happen with adoptions in future. It is obvious that future adoptions will be different from past adoptions. That is something with which we all agree. Future adoptions will occur with great care, we hope, and with greatly increased openness. The Bill talks about an adoption plan, with which we agree. As with the previous Bill, this Bill contains a schedule that spells out the rights and responsibilities of all parties involved at all stages of the adoptee's development. Again, this is an excellent view that reflects the society to which we have evolved. However, some of those rights are potentially denied to those who have been either relinquishing parents, or children who have been adopted, by some of the provisions as they appear in the Bill.

Considering the Bill, and the background information, and talking to people, I have become more and more concerned about the welfare of women who have relinquished children in the past. For instance, in a submission in New South Wales one woman said she felt her baby had been stolen; that she would never have given it up by choice. She felt that "like vultures" they swooped. She was told to go home and forget about the baby, but in her heart she did not give the baby away. It was with her all the time, in her

thoughts and particularly in her heart at times like the anniversary of the child's birth or family events such as Christmas, when most people get together. Another woman commented that for 18 years she had no knowledge of the son that she had given birth to. Contrary to the assurances of the social workers at the time, she did not forget. If anything her emotional pain grew. She said that for her, part of the problem was that she was told everything had to be a secret. She felt that she could not get on with her life because of the effect of the secret.

All of this information has been spelt out in a more academic way in a study contained in the New South Wales Law Reform Review. It was proved scientifically that what we know now is commonsense; that is, the effects of relinquishing a child on the mother may be negative and extremely long lasting. For many women in this situation that big sense of loss can remain well after 30 years. After a whole generation, it will not have diminished. In some cases it will have increased. It has been shown that sometimes relinquishing mothers have had problems due to the fact that they have not been able to have the opportunity to talk about what has happened; they have not had reaffirmed to them that everything they feel is normal, given the circumstances. In the past there has been a lack of support for people who have relinquished children. For most of them there has been a continuing sense of loss of the child. One feature that is obvious when speaking to people in that situation, and when one considers the literature, is that for a relinquishing mother some of the pain can be eased by knowledge of what has happened, knowledge about how the child is now, that the child is alive, happy or sad, how the child has turned out, and even what the child looks like.

In the past it has been stated that motherhood can be shed like an overcoat. That is, a person can give birth and then take off the overcoat and forget about the child that was produced. That is not true. Information about the child is important in the short, medium and long term. I am concerned that the information veto as proposed in the Bill may mean that relinquishing mothers continue to be denied this sort of information. Generally speaking, when information is given - certainly from the New South Wales review of the Act after two years - it is a positive experience for the relinquishing mother, for the child who is adopted, and usually for the adoptive parents. Much has been said of the fears and anxieties of the adoptive parents. It would appear that sometimes anxiety about a future event is greater than the pain when the event happens. I will say more about that later.

The contact veto is an important issue in the Bill. Again, often when mothers have heard about their children or have information about them, they want contact. They want to hear directly from the child how it is now; they want to be able to explain directly to the child the reasons why the adoption took place. This can be therapeutic. It is possible that children who have been adopted may build up in their imagination a scenario of why they were adopted, and if they do not have the information they will never know the truth and may never value themselves in a way they might otherwise have done. This aspect is borne out when one talks to people who have been adopted. They talk about the missing part of the jigsaw, the need to discover who they are, the need to feel whole. It appears that this need may be stronger in females than in males, but it varies. It becomes stronger in adopted women when they give birth. That is natural. I have had time to reflect on this. The children who were adopted often want information. I hope the effect of this Bill will be that they will get it. The New South Wales experience was that these adoptees were sensitive to how their adoptive parents would feel. Some of the evidence is that when the adoptees got the information it reinforced their love for their adoptive parents because they were able to feel more whole - they experienced something that I cannot express. They were able to know about their birth and circumstances and to have respect and love for the adoptive parents.

I comment now on the issue of counselling. Before I entered Parliament some of the work I did was at the Sexual Assault Referral Centre. Part of that service was to provide counselling. My interest in that area is reasonably significant. When I worked at the referral centre it was very clear that counselling was part of the whole process. At one end of the continuum was information that was straightforward. We believed there was a continuum that information should be given that would empower people. That

information could be the information given to a relinquishing mother that if the mother was feeling guilty or depressed about the past, that was normal, given the circumstances. At the other end of the continuum was counselling. I hope the Minister will be able to clarify some questions. Who will give the counselling? What qualifications will the counsellors have? Will the counsellors be clear about their values? This area is so value laden that all people, particularly counsellors, need to know what those values are. To my mind, there well may be potential issues of costs and therapy. If counselling uncovered other problems, would help be given to those matters which might not be related to this issue and which might be as a result of normal family life?

I will say a few words about pain. When it is proclaimed, this Act will cause pain. We must remember that adoption is based on loss, grief and pain. There is a loss for the adopted person and for the birth parents and in continuity of their - for want of a better word - genetic groups. For the birth parents there is a very significant loss of their child and a loss of the chance for them to have a normal parent-child relationship with their child. For the adoptive parents, in the past they may have had to deal with their loss of not being able to have their own children or seeing a child die. Because of that they may have been inextricably drawn into the institution and process of adoption. Part of this pain means that there is unfinished business for all of the parties involved and lack of information can often be a problem. It can contribute to the pain in the whole situation. I have some concerns about these vetoes. This is perpetuated with a lack of information and lack of content in that information. The review of the New South Wales legislation said that although the reunion was often painful, it was a bit like a long journey. The goal was to get to the end of the journey, to get to the reunion. Although it was often painful and difficult, for the people who reported to the inquiry, the experience of the journey was extremely positive and worthwhile for them. In the Year of the Family, we hope that this Bill will pass through Parliament and be proclaimed. The whole process has gone on for far too long. If there is a good point to be made, it is that at least the issue has been aired a little more but that it needed to happen more quickly. I hope that on Mothers' Day 1994 some of the mothers who pine for their children every year may have a much better year and will be given much more support.

Mr Nicholls: It will take six months after the date on which it is passed in Parliament before the legislation is proclaimed. Mothers' Day this year might be a bit premature.

Dr EDWARDS: Mothers' Day next year?

Mr Nicholls: It is more likely that the legislation will be in effect at that time.

MR NICHOLLS (Mandurah - Minister for Community Development) [4.03 pm]: I thank all members who have contributed to the second reading debate. This is a very emotional issue. It is one that can potentially divide communities, families and friends. It is also an issue which can, unfortunately, deteriorate to a point where people lose sight of the real aims and intents and simply start to focus on those people who have a different attitude. In light of the comments that have been made in the debate today and yesterday, I commend the speakers for their contribution.

The Bill as outlined did take some time. As I said in the second reading speech, the idea was to create a Bill which would best provide information about issues surrounding adoption for all parties to the triangle. A great effort was made to try to produce a Bill that was as close to the previously drafted legislation as possible while at the same time delivering what we in the Court Government believe is the best balance for the community. It is understandable that people hold philosophical and attitudinal views and views from their own experience about adoption. In all the time I have been involved in drafting the Adoption Bill, I have not met anybody who has treated it flippantly or who has not put forward a view with the best intent.

I will try to answer some of the questions that have been asked. Hopefully that may lead to less conflict in the Committee stage. We must be very careful during the Committee stage not to be diverted by our own biases or the perception that we can right the wrongs of the past simply by bringing in some legislation. If it were possible to right all the wrongs that have happened in the past century in a piece of legislation, I would gladly

bring it in. Unfortunately, we all know that is not the case. I hope we pursue this legislation with a view to what will happen in the future while at the same time recognising that in the past things may not have happened in a way which today we might believe is the best way to proceed in the adoption process.

Dr Edwards: Will the review in two years' time look at ideas that come forward?

Mr NICHOLLS: The review was put in place to ensure that we look at what has happened as a result of this legislation. I will take up a point made by the member for Mitchell who did not want us to take the view that now that we believed we had fixed the legislation, we would not have to worry about it and that we would allow another 100 years to pass before we reviewed it. We will make sure that when we do a review we will get a true indication of how the legislation is working, rather than accepting a farcical situation that may have occurred since it was put in place.

Mr Strickland: Have we reduced the gap in the differences of opinion between the parties? As time goes on, will that gap be further reduced?

Mr NICHOLLS: The member for Scarborough is right. We are endeavouring to recognise all the points of view put forward by all interested parties. We tried to approach it by not placing a certain section of the community above others and we also tried our best to reduce the amount of conflict that may be a problem following the changes. We tried to frame legislation that would not be negative and would not create a problem.

Mr Ripper: The previous Government was also trying to reach what I believe was a clear balance.

Mr NICHOLLS: I acknowledge the efforts not just of those opposite but also of those who have sat in this place before us who endeavoured to reach a conclusion in this matter. This issue is a very sensitive one. There have not been a lot of people fighting me for the carriage of this Bill. As the member for Belmont would know, it is not seen to be a nice, soft piece of legislation. It is very hard to balance those competing differences. This is important legislation.

I will now address some of the issues. I commend the member for Morley for his speech. He put much time and effort into ensuring that it was appropriate. Much data exists on this subject. He referred to the secrecy about adoption and said that it had flowed in a negative way. Unfortunately, many adoptive parents or adoptees earlier in the century were given advice that reflected the belief that secrecy was positive and advantageous. We should be careful in passing judgment on people who assumed that secrecy was the best way to help them not only to mature but also to get on with their life.

The other issue related to the rights of each party to information and to be part of the process. I have spent much time dealing with that. This Bill reflects a balanced way of approaching the rights of all parties. It does not meet all the issues, but it was an attempt to ensure that all parties had the same opportunity to have access to information and to protect the information they felt was intimate or sensitive.

In relation to clause 12, the member referred to the change between the 1992 Bill and this Bill from "committee" to "committees". It was our intention to encourage adoption agencies within our community. There are not any at the moment. However, if a group wishes to participate in future adoptions, I see no problem with that. It will need to meet stringent guidelines. It will need an adoption committee, which would have a member from the department on it, and would have to conform with the guidelines in the legislation. Instead of having agencies with committees that refer a matter back to a central committee, the process will be undertaken without duplication in Government. When the legislation is proclaimed, only one committee will exist, because I do not know of any agencies that have indicated they will be applying for a licence to operate.

Mention was made of clause 18, which provides for effective consent. A question was asked about why the age was 18 years and not 16 years. It was believed we needed to prevent young birth parents from relinquishing a child because of a perceived fear that their parents may not approve of the birth of the child or may not be willing to support

the child. The Adoption of Children Register requires an affidavit from a parent, guardian or person responsible. That was not the overriding factor, but an attempt to establish guidelines to indicate clearly the importance of ensuring a person is an adult when making such a decision. We are not looking for obstacles to birth parents who wish to offer a child for adoption, but I have been concerned on a number of occasions in past decades when children have been relinquished because of the social stigma which was attached to it. That is why the age has been set at 18 years.

In relation to clause 28, the issue was raised about taking a child into care and protection where consent was provided and then withdrawn. The notion of a care and protection order is not new; it is a reflection of the Child Welfare Act. When a child may be at risk, it provides a mechanism to apply to the Children's Court for a care and protection order. That order does not mean that the child is moved from the care of the birth parent or the guardian; it gives the Department for Community Development the legal right to be able to provide support and to be involved in decisions about the child. I emphasise that the court would need to be convinced that the child was at risk. It is not automatic. It would not be used flippantly, but needs to be considered. It is a necessary part of the process. All the counselling and support measures would be available and put in train. It is designed to prevent harm coming to the child and also to provide support to the relinquishing parent.

Mr Kobelke: I am pleased to see in the Bill reference to counselling. You are talking of support. Has an estimate been made of the staffing requirements to meet those provisions in the Bill? What is the level of that financial contribution?

Mr NICHOLLS: The financial estimates will be made once the Bill has passed through the Parliament. I do not have the estimates, but I will provide them when I receive them. It is substantial. We are not simply going to put a couple of people in an office and give them a role. It is a substantial commitment.

When discussing clause 46, the negotiation of adoption plans, the member for Morley referred to the limit of two attempts to arrive at an adoption plan, and that after that it cannot continue. That provision is included to provide a definite period and a defined number of attempts so that there is not simply an ongoing negotiation where the potential relinquishing parents feel they are being badgered or put under duress to the point where they agree, simply because they feel intimidated or because they do not wish to continue the negotiations. That provision was also contained in clause 45 of the 1992 Bill. Clearly, as I read it, the provision in the previous Bill was not as specific as the provision in this Bill. The Government wanted to make it clear in the redraft so that the mechanisms were not misinterpreted.

The member for Morley, in referring to clause 52, also said that Aboriginal placement and ethnic culturally acceptable placements were sensitive issues. I do not take that matter lightly nor does the Court Government. This issue also needs to be clarified and thought through carefully. I am concerned that if we are not careful we will go down the path of legislation simply to appease a certain group of people. I do not believe that would be in the best interests of anyone in the community. I note that the member is opposed to the clause which is included in the current Bill; however, I will raise with him a couple of points which are pertinent. As the member for Belmont said, the Department for Community Development's Aboriginal child placement principles are quite clear. They are balanced and are utilised with the placement of children where those children are in need of alternative out of home care. It is necessary to ensure that we do not lose sight of the fact that the Bill we are debating now also recognises that we are trying to provide both birth parents with a large say in whom their child is placed with.

I am sure members opposite would agree that it would be ironic to advocate that and then turn around and say that if people are Aboriginal we cannot allow them that sort of freedom, so it must be enshrined in legislation that any child of Aboriginal decent must go to Aboriginal caregivers. That is a contradiction and is the major reason I do not support the inclusion of the notion that Aboriginal children must only be placed with Aboriginal people. There is also a dilemma when one expands that argument. It is fine

when we are referring to a child who is a result of a union between two people of the same culture; in the Aboriginal sense, where the mother and father are both Aboriginal and both are presumably from the same area; or in the ethnic sense, where the children are from the same ethnic background as the parents. However, as the member for Swan Hills pointed out well yesterday, it becomes a dilemma when, for example, the birth mother of the child is a non-Aboriginal person and the father is Aboriginal. The dilemma exists because we must then ask whether that child is an Aboriginal or non-Aboriginal child. My understanding is that many factors would determine that; however, within our current community the child would probably be considered Aboriginal. A further dilemma arises when the grandparents of, say, the birth mother, wish to seek adoption, or when a person from a non-Aboriginal background seeks adoption.

Mr Ripper: Our view would be that the grandparent should not be able to adopt the child unless there are unusual and exceptional circumstances. That view is not on the basis of the child's Aboriginality, but that there should not be adoption within the family.

Mr NICHOLLS: If I change the hypothetical situation and say that the birth mother wishes for the child to be placed with a non-Aboriginal family, and the birth father agrees, do we then include a provision in the Bill which states, "Sorry, you are not allowed to do that under this clause because the child is deemed of Aboriginal decent; therefore, the child must be placed with an Aboriginal family."?

Mr Ripper: The child's interests should prevail.

Mr NICHOLLS: That is exactly what I and this Government agree with. When a Government tries to enshrine its philosophical views in legislation, it finds that sometimes it creates more problems that it solves. Therefore, I seek the cooperation of the Opposition to reconsider its notion that we should enshrine in this legislation a specific intent which states that Aboriginal children should be placed only with Aboriginal people unless there are extenuating circumstances. I turn to the point raised by the member for Swan Hills that some children may come from a different ethnic background. We should be starting from the point that what is in the best interests of the child is paramount, but if possible trying to recognise not only the cultural needs of the child, but any special needs the child may have in any placement. We should not forget that both the birth parents, not simply the relinquishing mother, still maintain a large say in who can adopt their child. It would be remiss of the Government to try to enshrine a philosophical view in legislation when it may cause a problem.

Mr Ripper: To call it a philosophical view is to undervalue it. It is not merely philosophy or whim, but is based on research and in many cases bitter experience of the children.

Mr NICHOLLS: I expected that as an explanation. If we truly achieve that, future adoptions should be arrived at through an adoption plan where the birth parents have a say in who are the ultimate parents. However, if we say that because one is Aboriginal or from a specific ethnic background we do not think he is capable of making those decisions -

Mr Ripper: You are seeking to legislate your philosophical view.

Mr NICHOLLS: I am seeking to legislate a process that is in keeping with the whole Bill. I do not believe people should be treated any differently whether they are Aboriginal or non-Aboriginal, or that there should be different parameters on their choice within the legislation.

Mr Ripper: That flies in the face of Aboriginal child welfare.

Mr NICHOLLS: On the face of it, four Aboriginal adoptions were recorded in the past five years. I must agree with the member for Belmont when he refers to past adoption of Aboriginal children: The way in which Aboriginal children were taken away from their parents and placed with non-Aboriginal parents in the past is not something with which I agree and is not one of the high points in our nation's history.

I do not think we can go back and redress that decision or issue by placing in this legislation a parameter on Aboriginal people or people from a certain ethnic background.

The message box provision was a mechanism introduced because of the processes put in place about the information vetoes. The message box provision is designed to try to facilitate the transfer of non-identifying information to parties where a veto is in place. It is intended to persuade or allow people to revalue or reassess their decision to have a veto in place. I stress that the message box is simply a tool. It is not the total solution that will solve everybody's problem. It will provide a mechanism that will allow information to be passed and for people to reassess the possible fears they have or their reasons when they request or put in place a veto. It is not the same as the New South Wales veto, although I suggest it is similar. The New South Wales system has contact vetoes; our message box system will need to reflect the provision for both information and contact vetoes.

The member for Belmont referred to the report that was compiled after the review. The review is a document which was the basis for the legislation - whether it be legislation that the member brought in as a private member or legislation that we have put through. I have tried not to deviate from or dismiss the review. When the provisions and recommendations are considered, we also need to try to put it in the context of what the Bill is trying to achieve. Sometimes it is necessary to reassess whether the recommendations contained in the review and other documents actually allow for those objectives which are set out in the first place. The objectives I sought to achieve were to provide equal rights or equal access to information to contact and for other parties to be able to participate. It was not a basis for trying to redress some of the imbalances that have occurred against relinquishing parents in the past. The idea was to try to have a balanced piece of legislation. It is interesting to note that in the member's Bill there were some recommendations which I thought the report did include; for example, the area where relative adoptions and adult adoptions were recommended. The 1993 Bill included relative adoptions. That is really the decision process that takes place. Evaluation and assessment of the recommendations must take place, and then the recommendations must be weighed up in considering whether there is a better way of proceeding. I see the recommendations and the report as being a tool to allow the legislation to be written, not a piece of information that is set in concrete and is mandatory and must be followed right through to the letter.

Mr Ripper: A highly restricted opportunity for relative adoptions was allowed in the Opposition Bill - very highly restricted.

Mr NICHOLLS: I raised it to draw attention to the fact that while the review recommended against it, the Opposition saw fit in its 1993 Bill to actually deviate slightly from that. I recognise that is part of the process of developing good legislation.

Mr Ripper: It was because it was based on the 1992 Bill and the 1992 amendments. It was part of the process of getting it through the Parliament.

Mr NICHOLLS: I accept that explanation! I am just adding to the point -

Mr Pendal: Does the Minister's laughter appear in *Hansard*?

Mr NICHOLLS: I do not think so, but I accept the member's explanation. The point I make is that the reports and other research documents are tools which can be used to arrive at the best possible legislation. I do not see them as documents that require the letter of the law reprint in legislation to achieve the best outcome. The review was used as a basis for reflecting on how to achieve what we considered was the best possible legislation. The New South Wales review was raised and was one of the documents we considered. The New South Wales report supports both arguments - it depends on which context one wants to use. I want to use the part that supports what we are trying to achieve. The report discussed the impact in the New South Wales legislation on adoptees and stated -

> It is possible that a number of people who are unaware that they are adopted is somewhat higher than estimated.
>
> There may be somewhat greater resistance to the Act than expected on the part of adoptive parents (a majority) and adoptees (a significant minority).

> Adoptees who do not know of their adoptive status are in a vulnerable position under the New South Wales Act since they will not have had the opportunity to lodge a contact veto and thus they are unable to exercise a measure of control over any contact that might take place.

That is something that concerns me greatly. In Western Australia recently an adoptee received a letter from an agency in Queensland. One needs to balance the reasons why the adoptee was not told he had been adopted. We cannot simply shed the rights or the respect for one part of the triangle for the need of the other. We need to try to strike a balance. In our Bill the Government has tried to strike that balance. The information veto and the contact vetoes are issues we will disagree on. The information veto is there because the Government believes the needs of people who have entered into the adoption process in the past should be recognised, whether they have a reason to protect information or a need to be given the opportunity to receive counselling and further information before confidential and very intimate information is provided. In the 1985 Bill, this Parliament, instead of drafting the adoption legislation to cover all parties and allowing access to all parties to information, approved an amendment that provided rights to adoptees for information about their birth parents but did not provide the same rights to relinquishing parents. There was a recognition of the potential sensitivity of that information, so there was a provision which allowed for vetoes to be put in place. To date approximately 320 vetoes have been put in place by relinquishing parents. It is disappointing that most of them, if not all, were put in place without the relinquishing parents being given access to counselling or an opportunity to further understand the situation. The information which is available suggests that people have reservations about information concerning them being passed on and they must be given the opportunity to work through their reservations.

The member for Floreat referred to counselling which is provided under clause 16 of the Bill and asked why it was not mandatory. Schedule 1 of the Bill sets out the requirements for relinquishing parents to give their effective consent. They cannot do that unless counselling has been offered and, if accepted, provided. The reason that the Bill does not provide for counselling to be mandatory is that a large number of adoptions which take place involve relatives who are caring for the child. It is a farce to request those people to take up counselling before they adopt the child. If they wish to have counselling, it will be provided.

The member for Floreat also referred to the 28 day minimum period after the birth of the child before the adoption process can commence. The birth parent has the opportunity to receive the relevant information and to keep it for 28 days before the process can proceed. Another 28 days is allowed after the consent is given for the decision to be revoked. The 28 days are mandatory periods but they are minimum periods. While I accept that we should look at a longer period, in some circumstances we need to allow the processes to take place. The review of the legislation which will occur in two years will consider this issue and it will clearly highlight any problems.

The member for Nollamara asked about the resources available to implement the legislation. If the Bill is enacted in the 1993-94 financial year, the cost will be $121 250; in 1994-95, $369 200; and in 1995-96, $301 860.

Mr Kobelke: Is that absolute expenditure or in addition to what has been spent?

Mr NICHOLLS: That is the estimated additional expenditure. We will have to look at the framework approved by the Parliament and then we will have to determine the funds and the resources required to implement it.

Mr Kobelke: Is your current expectation that you will have to raise that money by transferring it from other sections of the department or are you seeking other money for it?

Mr NICHOLLS: I cannot comment on the Budget, but the Government will provide the necessary resources required to implement the legislation. I do not see any services being cut to provide these resources. I have tried to cover all of the areas that have been

raised by members and if I have not, I am sure that members opposite will raise them during Committee.

For the information of members the number of adoptions which took place in Western Australia last year included 13 unrelated adoptions; 52 related adoptions and 18 overseas adoptions. We are speaking about a small number of adoptions. Members should recognise that the real issue is not the availability of resources for future adoptions; it is the availability of resources to allow the relinquishing parents, adoptees, adoptive parents or a combination of these to seek information about adoptions. Therefore, it is the Government's intention to try to provide services which not only facilitate the transfer of information, but also recognise the need to protect the privacy of those people who do not want information about an adoption revealed.

The Government has provided a mechanism which will give people who have put vetoes in place the opportunity to reflect on them. In addition, the message box facility will allow identified information to be transferred. Hopefully there will be an understanding of the needs of the parties to the triangle and they should be considered when the removal of vetoes takes place.

I seek the support of members to proceed with this Bill and as we proceed with it in Committee I ask them to reflect on the need to provide a more balanced and relevant piece of legislation. I hope that the legislation will pass through both Houses in a reasonably short time so that people in this State who are touched by adoptions can have access to information or at least utilise the new legislation instead of relying on the existing Act which is outdated and restrictive. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

STANDING COMMITTEE ON UNIFORM LEGISLATION AND INTERGOVERNMENTAL AGREEMENTS

First Report Tabling

Debate resumed from an earlier stage of the sitting.

MR PENDAL (South Perth) [4.50 pm]: The impact of the recommendations of the first report, which has now been tabled, will be to limit the power of the Government of the day. In effect, the Cabinet cannot sign intergovernmental agreements or agreements dealing with proposed uniform legislation without first consulting the Parliament; and that will depend upon the House being prepared to alter its standing orders. I will touch on that matter briefly in a few moments.

As chairman of the committee, I had an easy task. Members will know that the work tabled today arose out of the select committee of this House that was appointed in 1992. The Government in 1983 moved subsequently for the appointment of a standing committee to consider the contents of that earlier select committee report. That select committee was chaired by the now Attorney General. Its work and the subsequent work of the standing committee since August last year will ultimately be seen as significant in the life of not just this Parliament but subsequent Parliaments.

I pay special tribute to the other members of the committee. I was somewhat of a Johnny-come-lately, having been appointed to the committee from 7 February this year, and subsequently becoming its chairman. The real tributes belong to the member for Floreat, who has been the deputy chairman since the committee's inception and, therefore, predates my activities by a full six months, and to the members for Geraldton, Whitford and Ashburton. The member for Albany was a member of the committee and its chairman for the first six months, prior to my becoming chairman. Credit should be given where it is due, and I am in the lucky position of presenting the report and benefiting from the work of a lot of dedicated people. I add the names of the two members of the staff of that committee: David Robinson, who has won more fame in recent times by marrying another of the parliamentary officers in this Chamber, and

whose work as the clerk to the committee has been of high quality, and Lisa Shilton, the research officer, whose intellectual input and creative thinking has been of outstanding quality. I do not want in any way to reflect adversely on the quality of the advice available when I came to the Parliament 13 years ago, but the quality of the people who have been appointed in recent years to positions such as these means that the Parliament is in good hands in regard to advice and resources.

In my maiden speech to the Parliament in 1980 I spoke on the subject of Commonwealth-State relations. I used to take pride that I was something of an expert on Commonwealth-State relations, but the more I have learnt about it in the last month or two, the more I have discovered how little I know about the topic. It is a topic of the most extraordinary complexity, and it has tested the stamina of the members of Parliament on the committee and that of Mr Robinson and Ms Shilton. They all rose to the occasion, and I thank them for that.

This is not a report that will challenge only the Government, the Cabinet or the Executive arm of Government. I suspect that the biggest challenge will be to the non-ministerial members of Parliament in this place, because, in the final analysis, unless they are prepared to bite the bullet on some of the fundamental issues contained in the report, the report will go the way of so many others in this Parliament and gather dust on the shelves immediately beyond the Chamber. Most of us are apt to be critical of Executives and Ministers for usurping the powers of the Parliament. However, Ministers, Executives and Cabinets can do that only with the imprimatur of the members of Parliament. If we have a compliant Parliament and if members of Parliament are teased along by the Executive, they will lack the independence that is required to achieve the objectives of this report. I use this occasion to plead to all members to not blindly, casually or lightly give their imprimatur to any legislation, particularly legislation of the kind that we have been examining, which goes in some respects to the very heart of the sovereignty of the Parliament.

Members may be aware, and I hope they will be somewhat flattered to know, that the work of the committee has captured the attention and imagination of people from outside this State and around Australia. One person in particular, whom it was my pleasure to meet on the day that I became the chairman, is Professor Cheryl Saunders of the University of Melbourne, an acknowledged specialist in the field of Commonwealth-State relations, and I recall an adviser to a number of ministerial delegations at the 1983 Constitutional Convention in Adelaide, to which I was a delegate. This woman, of great eminence in her field, has been sufficiently impressed by the work of the standing committee to extend an invitation to it to present a paper at a national forum in Melbourne in July of this year because she recognises that we are on the cutting edge of parliamentary form of no mean significance. The fact that the work and relevance of this committee has already been recognised around Australia should be regarded as a feather in the cap of the members of this Parliament.

I do not need to remind members that that phenomenon of the twentieth century, the growth of Executive power, has come about largely because of the growth in the party system; and regardless of whatever benefits that has brought - and I believe it has brought many - it has had the effect of diluting the role of the parliamentary system. I will probably be reminded by the member for Floreat that all of us in the party political system have contributed to that phenomenon.

The work of the committee and the nature of its recommendations go very much to the heart of the contents of the second report of the Royal Commission into Commercial Activities of Government and Other Matters. The royal commissioners exhorted members of Parliament to use their best endeavours when scrutinising legislation as they believed that many procedures and Bills dealt with by Parliament over the years had received inadequate scrutiny by members. Again, the committee is reflecting the outcomes of the royal commission itself.

I return to the final and perhaps most important point of all: If this standing committee's work is to advance from this point, it will require some significant - one could say

radical - changes to the standing orders of the Legislative Assembly. The effect of the changes will be that no longer will Bills dealing with uniform legislation, or to entrench an intergovernmental agreement, be able to proceed beyond the second reading stage without some fundamental information being channelled back to members of this House. This would become a brake or clamp on the second reading stage. This is unashamedly designed to slow up the procedure, but not in a wanton way. The brake would allow members to have sufficient knowledge of the ramifications of their vote.

Also, these changes would act as a brake on the concept of ministerial councils. Some members in this Chamber would know better than I the results of attending a ministerial council and agreeing in remote control to certain propositions regarding uniform legislation and intergovernmental agreements. People then would have the hide, the audacity and gall to come back to the Parliament to request the passage of that legislation, in most cases without amendment or query. These changes to procedure will become a brake on such situations.

We have much to learn from other countries, such as the United States, Canada and the European Parliament. Many members may overlook the fact that a dozen European Parliaments - including the United Kingdom - have effectively formed a federation. Problems in that jurisdiction would be exacerbated in the years ahead rather than improved. As late as this morning, as members may have seen, it was reported that four more countries have made application to join the European Parliament; namely, three Scandinavian countries and Austria. Our capacity to learn from their experience of the last 20 years is substantial. In the course of the next few days I will be announcing on behalf of the committee a visit to a number of those Parliaments, including the United Kingdom. I make no apology for the proper use of the public purse in this way because this work can benefit our understanding of these matters enormously. We can study other Parliaments and the United States Congress.

I cannot express too much my gratitude and profound respect for the work of the members for Floreat, Geraldton, Ashburton, Whitford and Albany. I also express regard for the work of David Robinson and Lisa Shilton for contributing to the report, the significance of which will become more apparent as the months go by. I commend the report to the House.

DR CONSTABLE (Floreat) [5.06 pm]: It is with some pleasure and pride that I add to the comments of the Chairman of the Standing Committee on Uniform Legislation and Intergovernmental Agreements. Two members of the standing committee were also members of the select committee which recommended the establishment of this committee; namely, the member for Ashburton, who I am sure will make a contribution to the debate, and I. It is worth reminding the House of the origins of this committee.

The formation of this committee is a salutary reminder to the House of how things can go wrong. In 1992 a select committee was established in response to the debacle over the financial institutions legislation from Queensland which passed through this Parliament in June of the same year. Members of Parliament did not have a copy of the two Queensland Acts we were adopting. It was a sad and dark moment for this Parliament that legislation was allowed to pass which members had not seen. A copy had been printed but somehow it did not reach us. We were told that it was necessary to hurry the legislation so that our State would be in line with others.

I would be the first to agree that in that case the uniform legislation was very important. It related to non-bank financial institutions, and it was agreed that uniform legislation was necessary for the institutions to work properly in the light of a number of building society collapses, particularly in the Eastern States. That legislation was established with Queensland as the host Parliament in which the legislation was passed. We were asked to adopt that legislation in this Parliament. On that occasion we allowed the most extraordinary situation to occur; namely, if amendments are to be made to that legislation, they will pass through the Queensland Parliament unseen by this Parliament.

As a result of this legislation a select committee was established, and it worked for a short time producing a number of recommendations. One such recommendation was the

establishment of this standing committee. I remind members that the chairman of the select committee was the member for Kingsley, the current Attorney General. Therefore, we have a nice connection between the initial select committee and the report now presented by the standing committee.

That select committee opened up a range of fundamental questions relating to the relationship between the Commonwealth and the States, ministerial councils, the Executive to Parliament and the Parliament to the Executive. These matters go to the heart of the comments found in the Royal Commission into Commercial Activities of Government and Other Matters report part II. At this moment it is worth incorporating into *Hansard* a couple of quotes from the chairman's report, which go to the heart of the matter.

In June 1992 when we passed the Financial Institutions (Western Australia) Act we were rubber stamping what the Executive had done and what happened in ministerial councils, and we did not even look at it. We must be certain that that never ever happens again. I will take a moment to remind the House of a couple of pertinent quotes, one from evidence that was given to the select committee and one from the royal commission. The Solicitor General Mr K.H. Parker QC stated -

> For most . . . the need for or the advantages of national uniformity are usually exaggerated and there is not usually much real justification for the monotonously frequent calls heard in recent years for 'national uniform legislation' about all types of subjects . . .

He is warning us that we might want to discuss matters of mutual interest among the States and Commonwealth, but we do not always have to think we must rush into uniform legislation. As a consequence of that this Parliament should scrutinise matters where uniform legislation is being suggested and certainly scrutinise any agreement and proposed legislation. The royal commissioners said that the parliamentary role must rest solidly upon the independence of the Parliament as an institution. The royal commission also observed that Governments -

> . . . should not be allowed . . . to blunt the capacity of the Parliament to review the government itself.

The brief of this committee is to scrutinise the Executive Government in the most positive way and report to Parliament about intergovernmental agreements and uniform legislation schemes. Those who were in this place in June 1992 will remember there were 37 drafts of the non-bank financial institutions legislation, and we did not see one of them. During the time it was being developed industry saw those drafts, but Parliament did not see them. I will never forget the comment of the Treasurer of Queensland when we took evidence in Queensland in 1992. He said, "Why would you want to do that? It would only hold things up if Parliament wanted to see drafts of legislation or be able to scrutinise it." That was a damning comment about how far Executives can go in their disregard of the role of Parliament.

Mr Trenorden: In New Zealand the equivalent of the Parliamentary Counsel examines every Bill before it goes to Parliament.

Dr CONSTABLE: That is a very good thing and Parliament should be looking at that in its committee system. We are here to represent first and foremost the people who put us here and the interests of the State. The existence of this standing committee begins to correct the imbalance that the royal commissioners pointed out between the Executive and the Parliament - both very important parts of our system - but when the Parliament becomes a rubber stamp for the work of the Executive we have a problem. We saw our first task as going back and looking at the work of the select committee so that newer members of the committee who had not been involved earlier in these discussions could be fully informed about the task at hand. This first report reviews the recommendations of the select committee, puts forward and restates some of those recommendations, and puts forward one or two of our own recommendations. In that scrutiny the standing committee certainly underlined and endorsed the recommendations of the select committee.

I mention briefly three of those recommendations to which we were particularly drawing attention. Although the standing committee made five recommendations in this report, one of those recommendations, as the member for South Perth said, relates to an amendment to the standing orders and this is a restatement of the select committee. Firstly, it is very important that before the question for the second reading is put and scrutiny of any intergovernmental agreement or legislation is made, our committee has a chance to report to Parliament and inform Parliament about that legislative scheme. That is one recommendation we should act on as quickly as possible. Secondly, we have spent a lot of time looking at the conduct of ministerial councils which, again, are a very important part of our system, but which in some cases have gone too far in assuming they can make decisions without reporting to Parliament. We are recommending that each Minister provide Parliament with a certain amount of detail about negotiations for intergovernmental agreements and about the detail of the work of ministerial councils so we can keep abreast of what is going on and not be caught short at the last minute as we were in 1992. The third recommendation of the standing committee is an amendment to standing orders which would give this standing committee the same role as the Public Accounts and Expenditure Review Committee; that is, the setting up and existence of this committee should be incorporated into standing orders just as is the Public Accounts and Expenditure Review Committee.

Mr Trenorden: Have you looked at the benefit of doing it through standing orders rather than legislation?

Dr CONSTABLE: We are following public accounts on this and looking at standing orders.

Mr Trenorden: It would be worthwhile having a look at that and the public accounts committee could help you.

Dr CONSTABLE: It may be something the two committees could get together on and discuss. The more we strengthen our committee system the better we will do our job in keeping the Parliament informed. I thank the member for his comments.

In conclusion I join with the member for South Perth in recommending this report to all members of the House. It is fundamental to the work of Parliament and I particularly recommend to new members who were not here in 1992 that they take a close look at this report and other reports of this committee that will follow soon. In doing so they will get an insight into how Parliament should work and it should be of value to them. I would like to also thank the other members of the committee. We have had some very long and drawn out discussions which have been important for us to keep on top of this matter, and it has been valuable for all of us.

I agree with the member for South Perth that we have a lot to learn from other countries and the experience from the House of Commons and House of Lords in developing their committee system to deal with uniform legislation coming out of the European Community is interesting. They have several committees working at a great pace in order to keep up with intergovernmental agreements and uniform legislation schemes that are put forward by the European Parliament. I add my thanks to the staff who have worked incredibly hard and diligently. Without their good work we would not be able to present this report to the House. I commend the report to the House.

MR RIEBELING (Ashburton) [5.18 pm]: I too commend this report to the House. Before I get into the content of the report I would like to comment on the structure of the committee. As everyone knows the member for South Perth is the chairman of our committee. Undoubtedly his talents as a chairperson have helped in the creation of this first report and the formation of the next three reports which are well down the track of being published. The member for South Perth, of course, should be a Minister and we will back him all the way to achieve that as near in the future as possible. The deputy chairperson, the member for Floreat, was a member of the previous select committee which was chaired by the current Attorney General. It was a vital committee set up in response to problems concerning uniform building society legislation which was introduced approximately 18 months ago. I think all members of Parliament agreed that

the introduction of that legislation left much to be desired. The formation of that committee resulted from Parliament's concern about its lack of scrutiny on that legislation. It made a number of recommendations, as a result of which the Standing Committee on Uniform Legislation and Intergovernmental Agreements was formed. I thank the two main staff members of the committee, Lisa Shilton and David Robinson, for their assistance. As both previous speakers said, they worked tirelessly. As everyone in this place knows, we cannot produce much work without staff who produce a considerable amount of work. We are reliant on our staff members to do the hard yakka. Our job is to direct them and ensure that at the end of day the report is what we wish it to be.

The report is a summary or restatement of what the 1992 select committee found. Its recommendations go a long way, if adopted in full, to rectifying some of the problems which arose during the passage of the uniform building society legislation. The systems we have suggested are not onerous, but they will create some concern among Ministers. It is vital that Ministers not only give explanations in the Parliament about areas of uniformity that they are encouraged to achieve, but also provide information about uniform legislation agreements by ministerial councils with which they disagree so that Parliament can say whether it is in the best interests of the State that we proceed. This document refers to those ministerial council areas with which the Minister may wish to proceed. I am suggesting that, in time, we should also examine those areas with which the Minister may not agree, but with which Parliament may agree. The Minister may not have all the knowledge while some of the other States will know what they are talking about. Therefore, they should be listened to, at least in the concept stage. If Parliament then says that is not the way to go, it will not happen.

As a result of discussions in the standing committee and recommendations of the select committee, some simple steps should be adopted which will ensure that this Parliament is properly informed. The first and most vital of those is that when legislation is considered for uniformity, a simple statement, no longer than approximately 30 minutes, should be made by the Minister on a number of issues. The standing committee should then report to Parliament on that concept. After Parliament has discussed the matter the Minister will know whether it agrees with him or otherwise. If Parliament agreed, he would then proceed with the negotiations; followed by the legislation being drafted which would be lodged in this place for a further report by the committee to the Parliament. The Minister would then continue with negotiations on additional drafts of the legislation and then enter into the agreement. The legislation then agreed to would be lodged in this place. With that process, Parliament would have three attempts to examine the legislation.

As the chairman said, to achieve these major changes to the way ministerial councils and the results of those councils are dealt with in this place, quite massive changes to the standing orders are necessary. It is vital that those standing orders be amended to allow proper scrutiny of proposed legislation. It is not sufficient for Parliament to examine the legislation at the very last stage when the rest of Australia has already agreed to it, leaving us stuck with it irrespective of whether we agree to it. It is in everyone's interest to amend the standing orders to allow this Parliament sufficient opportunity to decide whether it wants uniformity of certain legislation throughout Australia. It should not be up to any Minister to commit us to uniform legislation without informing Parliament that negotiations are occurring. It is quite absurd to think that one person, who may be elected by one seat, should be given the power to pass legislation without this place becoming aware of all the information.

The first stage - the introduction of legislation - is the concept phase. It would be incumbent on Ministers to come into this place with a number of points about the legislation. The areas which should be covered are set out in the report. The select committee covered most of the points which I am about to read out, but I think it probably missed one vital area which we have now included; that is, that the Minister should include justification for entering into intergovernmental agreements. The Minister would give the reasons this State would be better off if it entered into uniform legislation in a particular area. The background into the negotiations that have occurred

to that stage - the subject matter of the proposed uniform legislation - should also be included in that report to the Parliament. However, as I said, the report should not be very lengthy. It should also propose the model to be used to achieve that uniform legislation and the time schedule within which the Minister and ministerial council will work. It should also contain a text of the draft agreement, if there is one at that stage, and any other relevant information, including, of course, the names of the people involved.

This standing committee report, although only 17 pages long, is one of the most important documents that will be presented to Parliament this year. It is an area of legislation which is growing in importance to this State and all other States in the Commonwealth. If we do not have some say in how uniform legislation proceeds, this Parliament will lose a great deal of the respect of the people of this State and the ability to shape its own destiny. Once we remove that, we might as well shut up shop and give it all to the Commonwealth. It is a document which is required at this stage of the development and evolution of this Parliament. We require changes to the standing orders to respond to the new trends in this State's development. I commend this report to the Parliament.

MR BLOFFWITCH (Geraldton) [5.30 pm]: I compliment the report. My serving on the Standing Committee on Uniform Legislation and Intergovernmental Agreements was not the first time that I became aware of what uniform legislation was about. I had become aware of it through my service on the Joint Standing Committee on Delegated Legislation. More is the pity that the Parliament does not take more notice of the work of committees such as the delegated legislation committee. Legislation which is proposed to be introduced this year will deal with exactly what the royal commission said and will tighten up the role of Parliament in dealing with its business. At the moment, members are probably aware that many of the matters including notices, by-laws and memos dealt with by the Delegated Legislation Committee do not come under parliamentary scrutiny. The current trend is for more and more of those matters to be dealt with by the committee and, consequently, they cannot be disallowed. I mention that only to draw a parallel with the uniform legislation committee. Of course, it was the passage of the uniform financial institutions legislation through this Parliament that brought this matter to our notice. That legislation was passed in Queensland. This Parliament never got to see the regulations because they were passed in the Queensland Parliament and now only a ministerial council will decide on changes to that legislation or the regulations.

At least we can tighten up the provisions relating to delegated legislation so that we have a chance to disallow any notice that is put out by a Government department whereas, in the case of uniform legislation, we do not have a say in it at all. It is very hard to be accountable when one has no say in how matters are formulated or in whether they can be changed. As a result of that uniform legislation, the Legislative Assembly decided to set up the Standing Committee on Uniform Legislation and Intergovernmental Agreements. It has now reported on what should happen at ministerial councils and what should happen at the different stages of preparation of legislation by the various States.

I would have liked a lot more of the recommendations from the first committee to be taken up by the various departments. The current committee of which I am a member has been very active in putting recommendations to the Premier and the various Ministers' departments. While I am not suggesting that they have been very reluctant to do anything about the recommendations, they have not treated them with the urgency with which they should have been treated. Frankly, it is absolutely vital that we as parliamentarians have the respect of the public. Therefore, we have to control matters that have been dealt with by the Executive or our committees, including the delegated legislation committee. We should vet matters properly.

Two matters that I wish to refer to are the type of uniform legislation that we should adopt and the type of resources that should be made available to the committees of this Parliament. I am very disappointed with the resources that are available to our committees. When one compares those resources with the resources available in New South Wales and Victoria, for example, and even in South Australia, our resources are insignificant. I guess a classic example is that, in the three years that I have served on the

delegated legislation committee, none of the legislation we have dealt with has been dealt with by the Parliament because by the time we get through the mountains of regulations, it is the end of another year and Parliament is prorogued. A new committee then has to be set up and it is a two year learning curve for members before the committee can think about introducing legislation. The only way we will solve that is by providing more resources to the committees of the Parliament. Surely, all members of Parliament would support that. I know the chairmen of the committees are tireless in their approaches to the Executive and the Government for the resources necessary to run their committees and the reports that they produce will be an illustration of the help that they are given when considering the matters for investigation.

The Government should look earnestly at the report's recommendation on changing the standing orders. The uniform legislation committee must be established under the standing orders so that the committee will be able to continue to operate from one Parliament to another and will be able to see the fruits of the time it spends considering matters referred to it. The work the committee has been able to do in the break just finished has been astounding. It has not been tied up by parliamentary schedules which make it almost impossible for members to sit on the committee for half a day let alone a full day. I hope the committee can look forward to that happening in the future.

I compliment the members of the committee for their first report. The report includes a lot more detail than one normally sees, so we have all learnt something. I was a little annoyed at the first attempt. However, the more I sat there the more I realised that it was a worthwhile exercise; therefore, I have had to eat humble pie. Members will be the losers if they do not read the report. Future reports will explain the structures of uniform legislation and it is important that every member of Parliament understands what is given away when we enter into uniform legislation. However, I am not here to argue about whether we should agree to uniform legislation. There are good reasons why we should and there are good reasons why we should not. That is the job of Governments to decide. Our job as a committee is to arm the Government with the correct material to enable it to make the best decisions in the State's interest.

I feel it is only fair to give a great deal of praise to the staff who helped us - David Robinson and Lisa Shilton. They certainly have been first class. They have led us into avenues I did not think we would go into. One gains a lot from being a member of a select committee, and there is no doubt the knowledge one gains helps not only in the committee but also in the parliamentary sphere. It helps members to understand how things operate, and to understand the Australian Constitution, the Western Australian Constitution and some of the problems with the Federal grants system.

The committee certainly should have the resources available to enable it to look at the implications of tied grants to this State. It does not matter which side of the House members are sitting on, these problems will affect us more and more as time goes on. These issues should be addressed by the whole of the Parliament and everybody in Western Australia should be concerned about them. I urge members to make sure the recommendations in the report are adopted with their general support.

MR JOHNSON (Whitford) [5.41 pm]: I am mindful that I am the last member of the committee to speak on the report and of the risk I run of repeating things already said. I will endeavour not to do that. It is appropriate that I put on record my thanks and support for our staff who cared for the committee over a period of months - David Robinson, our clerk, and Lisa Shilton, our research officer. We could not have done better in either case and we are fortunate in having two such professional people on our staff. I also thank my colleagues on the committee. Being the new boy on the block I was fairly green, and other members had spent time on the select committee which preceded this standing committee. I thank them very much for their patience with the new boy.

I endorse the comments of my colleagues in saying how pleased and grateful I am that we have been fortunate to obtain a superb new chairman on our committee, Mr Phillip Pendal. He is a gentleman without doubt who has a wealth of experience and a terrific sense of humour. With the amount of paperwork we must go through and the decisions

we must make, it is great to have members with a good sense of humour, especially the chairman. I commend our new chairman. The previous chairman did an excellent job also, although with not quite the same sense of humour.

When I first became a member of the standing committee I was not sure what was involved in uniform legislation and intergovernmental agreements. I am a lot wiser now. My concern and the concern of other members of the committee was about the risk to the sovereignty of this Parliament if decisions were made by ministerial councils and legislation passed through another Parliament, which we were expected to endorse. That happened towards the end of 1992, when this Parliament was asked to approve legislation, sight unseen. It is a crazy and deplorable situation when any Parliament in any part of the world is expected to endorse legislation it has not seen, and has played no part in the creation of. The systems the committee has now set up will ensure that will never happen again. I hope the systems will be infallible; we have some sort of guarantee because we put the stare on our Ministers to ensure we obtained information in advance. It certainly may be a worry for the Ministers, but not for the committee because it will help in its deliberations.

I commend this report which is the first of three reports the House will receive over the next three weeks. I endorse the comment by the member for Geraldton when he pleaded for more resources for the committee. I truly believe it is one of the most important committees of this House at the moment and will be in the future. It ranks in priority with the Public Accounts and Expenditure Review Committee.

Question put and passed.

[See paper No 937.]

House adjourned at 5.46 pm

QUESTIONS ON NOTICE

STRATAGEM ADVERTISING & COMMUNICATIONS CONSULTANTS - GOVERNMENT CONTRACTS

1519. Mr KOBELKE to the Minister for Services:

(1) Can the Minister provide a list indicating each contract or work assignment awarded to Stratagem Advertising and Communications Consultants since February 1993 to undertake advertising or promotional work for any Government department, agency or consultant working on behalf of the Government?

(2) What was the value of each project or work assignment?

(3) What is the cost of Stratagem's share of the work in each case?

(4) How much in each case has already been paid to Stratagem?

Mr KIERATH replied:

I refer the member to my response to question 1420.

MINISTERIAL TRAVEL - PREMIER, BUNBURY AIRCRAFT TRIPS

1574. Mr D.L. SMITH to the Premier:

(1) On what dates has the Premier flown to Bunbury to conduct a weekly interview with *Radio West*?

(2) Did the Premier use charter aircraft for this purpose?

(3) If so, what is the total cost to date?

Mr COURT replied:

(1) 7, 14, 21 and 28 October 1993.

(2) Yes.

(3) $3 159.

SPEAKER - OFFICE, UPGRADE

2260. Mr GRAHAM to the Speaker:

(1) What is the extent of the recent upgrade to the Speaker's Office and adjoining areas?

(2) Who authorised the upgrade?

(3) What was the cost of the upgrade?

The SPEAKER replied:

(1) The work consisted of movement and replacement of air-conditioning, making good and replacement of wall furnishings, replacement of lounge and provision of small tables and a lamp in the reception room and provision of visitors' chairs, a bookcase, small tables and a lamp in the Speaker's office.

(2) The refurbishment is one of the final stages of work undertaken by the Assembly progressively over the last three years to improve the conditions in Legislative Assembly staff offices around the Legislative Assembly Chamber and in the Speaker's corridor. As was the case for all the previous stages, it was authorised by the Speaker of the day. In this instance, provision was made for work in the Speaker's office prior to my election as Speaker.

(3) The cost of the work is estimated to be $38 810 when all payments have been made.

MINISTERIAL STAFF - MINISTER FOR ABORIGINAL AFFAIRS
Names, Salaries, Positions; Vehicles

2264. Mr GRAHAM to the Minister for Aboriginal Affairs:

(1) What are:

(a) the names;

(b) the salaries;

(c) the positions;

of each of the Minister's staff?

(2) Which staff members have vehicles allocated for their use?

Mr PRINCE replied:

(1)

Names	Salaries Per Annum ($)		Position
David Brewster	Level 7	52 721-56 567	Principal Private Secretary
Christine Bos	Level 5	38 660-42 815	Executive Officer
Glenn Finlay	Level 6	45 126-50 059	Senior Policy Officer
Trevor Tann	Level 6	45 126-50 059	Senior Policy Officer
Tony Papafilis	Level 6	45 126-50 059	Senior Policy Officer
Tony Barker-May	Level 6	45 126-50 059	Media Secretary (sharing with Minister for Finance)
John Fortune	Level 9	68 663-73 888	Coordinator of an internal review on a short term contract which commenced on 20.1.94 and is due to be completed on 25.3.94.
Belinda Rhodes	Level 3	30 696-33 399	Appointments Secretary
Chieng Yii	Level 3	30 696-33 399	Personal Secretary
Elaine McCreery	Level 2	26 533-29 573	Ministerial Liaison Officer
Veronica Van Beek	Level 2	26 533-29 573	Correspondence Officer
Siobhain Lazaroo	Level 1	20 331-25 616	Word Processing Officer
Jodie Shean	Level 1	20 331-25 616	Receptionist

(2) David Brewster
Christine Bos (Office vehicle)
Tony Barker-May

QUESTIONS WITHOUT NOTICE

STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - PREVENTIVE MAINTENANCE

576. Mr TAYLOR to the Minister for Energy:

(1) Has the Minister questioned SECWA about its preventive maintenance program and procedures over the last several months?

(2) If not, why not?

(3) If so, what preventive maintenance has been carried out in recent months on the major Muja power transmission lines given that the causes of today's blackout were entirely predictable and preventable?

Mr C.J. BARNETT replied:

(1)-(3) I have asked SECWA, as I indicated earlier, to provide a full report on the

events leading up to this morning and what preventive measures will be taken in the future. I intend to table that report in this Parliament when it is prepared. The information provided to me this morning stated that normal line washing maintenance has been undertaken this year. There are some 80 staff across the State involved in this and there will be no job cuts in that maintenance area. The line maintenance budget has been increased this year over last year. In 1992-93 the line maintenance budget was $1.5m. Actual expenditure was $2.1m. For 1993-94 the budget has been increased to $2.8m, and to date this year $1.8m has been spent. Normal operations have been continuing.

Mr Taylor interjected.

Mr C.J. BARNETT: Let me tell the member what happened. As everyone will be aware, we had a very high number of bushfires this year. The effect of that was that ash from fires had accumulated on the lines in addition to the normal dust and salt. Much of the maintenance work had been moved into some of the bushfire area. That left it somewhat more exposed. A lot of the washing is done by helicopter. This morning the helicopter was working in the Northam area. It has been redirected to Perth and it is working on the Perth routes now. I am advised by SECWA maintenance crews that increased expenditure in that area of maintenance has been undertaken. Given the peculiar set of circumstances which applied - a long dry spell and the large number of bushfires, an extraordinarily high temperature with a humidity of 97 per cent - in all probability, even if all the wires had been washed in the last couple of days, we would still have had a major blackout.

BAIL PROGRAM - PROGRESS

577. Mr JOHNSON to the Attorney General:

Can the Attorney General inform the House of the progress of the supervised bail program, which was established as part of recent changes to the Bail Act?

Mrs EDWARDES replied:

I am pleased to be able to advise the House of the progress of the supervised bail program which was established as part of the amendments to the Bail Act. The member will recall the legislation was passed last year and proclaimed in time to be brought in by 25 February and provided that no juveniles could bail themselves out on their own undertaking; a responsible person was to enter into that undertaking for the particular juvenile. The supervised bail program was created so that for children who did not have ready access to a responsible adult, whether a parent or a family member or some other significant person in that child's life, a sessional worker could be put in place. In the three weeks since it has been operating throughout the State only eight juveniles who have been deemed eligible for bail have not been bailed because of the lack of a responsible adult. Of those one was placed under the supervision of a Ministry of Justice mentor and bailed from Longmore Detention Centre. Another was placed with a mentor direct from the court and six were placed in custody when bail was not allowed by the parents. Those six were dealt with expeditiously by the court and a very good relationship is now developing to ensure that that does happen where children are in remand. Claims that the detention centre would overflow and not be able to cope have proved to be incorrect, and these changes are a responsible approach. It has enabled us to put in place an early warning system where there is a dysfunction in the family or with the child to facilitate the levels of communications between the support services that are readily available and juveniles and their families wherever it is appropriate.

COLLIE POWER STATION PROJECT - 300 MW
Consultants' Reports, Tabling

578. Mr THOMAS to the Minister for Energy:

(1) Has the Minister yet sighted the consultants' reports which he claims support his decision to build a 300 MW power station at Collie for $575m - and which now appears likely to cost well over $775m?

(2) When will the Minister table the documents to prove his claim?

Mr C.J. BARNETT replied:

(1)-(2) I have not sighted the document and I do not intend to wade through all of the engineering material there. Following the questions asked yesterday, I requested SECWA to provide me with a summary of the advice. I remind the House that the two independent consultants were Pacific Power International, which is a subsidiary of the New South Wales power utility, and Mr S.G. Lister, formerly of the Queensland Electricity Commission. The submission by Pacific Power International estimated that the Collie power station as specified, if built by the multi contract approach - that is, SECWA subcontracting out - would cost $554m in September 1993 dollars. PPI estimated the cost for the Collie power station as specified if built by the turnkey construction approach - the one we are using - would be $605m. Mr Lister's independent assessment estimated a contracted price range of between $530m and $555m in September 1993 dollars for the multi contract - the subcontract approach - and $570m to $600m for the turnkey construction approach. The contract price secured by SECWA, which is equivalent to $575m in October 1993 dollars, is below the Pacific Power International turnkey construction cost and at the lower end of the range of turnkey construction cost as estimated by Mr Lister. I seek leave of the House to table the correspondence from SECWA.

Mr Taylor: We want the document.

Mr C.J. BARNETT: The member is not getting it.

The SPEAKER: Order!

[See paper No 938.]

URBAN BUSHLAND POLICY - CURRENT STATUS

579. Dr CONSTABLE to the Minister for Planning:

(1) What is the current status of the Government's long awaited urban bushland policy?

(2) What is the current zoning status of the Churchlands bushland which, as he knows, has been heritage listed by the National Trust?

(3) Is that status under review?

(4) Will the Minister assure the local community that this bushland will be preserved?

Mr LEWIS replied:

(1)-(3) The urban bushland policy currently is before Cabinet and it will be put out for public comment in, I hope, two or three weeks. The previous Government initiated a minor amendment to the metropolitan town planning scheme to rezone the Churchlands land to an urban category. Submissions have been made and they are currently before the Town Planning Appeal Tribunal for assessment. Although it is an urban category under the metropolitan region scheme, it should be understood that the area could be set aside for public open space, residential use or other uses of that type. The understanding must be that a broad brush

amendment to the metropolitan region scheme to rezone land to an urban category does not necessarily mean that the land will be used for residential purposes. The amendment will go through the normal process and eventually it will come to me for a decision. The local government authority will determine what the land will be used for in the future. The council will have to initiate amendments to implement that change.

COLLIE POWER STATION PROJECT - 300 MW
Cost Estimates, Press Announcement

580. Mr GRILL to the Minister for Energy:

I refer to the Minister's curious statement which he made yesterday that his August 1993 estimate of the cost of the 300 MW power station of $500m was in May 1990 dollars. In fact, the Minister asserted, "I made that clear at the time."

(1) Can the Minister please advise where he made that clear as his media kit and statement to Parliament contained no such reference?

(2) Is the Minister able to table one shred of information which supports his contention?

(3) If not, does he concede that he has wilfully misled the House?

Mr C.J. BARNETT replied:

(1)-(3)

The figures that were made public in August 1993 when the Government announced its decision to change from a 600 MW privately owned and built power station to a 300 MW State Energy Commission owned power station showed a number of comparisons. The construction cost for the 600 MW power station was $921m and for the 300 MW power station $500m. The total project costs were also compared on an equal basis and for the 600 MW power station it was $1 812m and for the 300 MW power station $880m; in other words, less than 50 per cent.

If the press announcement or kit did not indicate that the figures were in May 1990 figures, I apologise for that. There was nothing malicious or wilful about it. All the figures quoted by the previous Government and this Government to that point have been based on the contract value date of May 1993. Had I done what the member for Eyre implies would have been better and brought those figures up to their value as of August 1993, we would not be talking about a total project cost of $1 812m for a 600 MW station; it would probably be in the order of $2.3b. I was not trying to mislead anyone in presenting those figures. I was presenting the figures that the previous Government worked on for the project.

Several members interjected.

The SPEAKER: Order!

Mr C.J. BARNETT: In presenting the decision this week I gave the figures as of the new contract date because the project had been restructured and re-engineered. Therefore, it was a new design and contract date. I made it very clear that the figure as of October 1993 was $575m. It is an updated figure. The project has been updated into current values to October 1993. I also made it clear that the $575m -

Mr Thomas: That is not good enough.

The SPEAKER: Order!

Mr C.J. BARNETT: I am happy to table the schedule of payments. I also made it

clear yesterday that a minimum of 70 per cent will be funded out of SECWA's cash flow which is currently running at an operating profit of in excess of $100m. I doubt whether there will be borrowings of 30 per cent and no-one knows what the interest will be, but SECWA has notionally allowed $200m for interest payments. If there is an interest payment it will be less than that.

Several members interjected.

The SPEAKER: Order! I have repeatedly called for order and in doing that I have included the member for Eyre. I give him notice that if he keeps interjecting when I call order I will take the appropriate action.

Mr C.J. BARNETT: At the end of the day we have a project which will cost $575m to build. SECWA will borrow no more than 70 per cent of that to fund it and it has allowed $200m to meet both interest and opportunity costs. The Opposition wants to do everything it can to take credit away from the Government for making the decision and it is doing everything it can to destroy the project. It will not do it. The decision has been made. The power station will be built and it will be up and running while Opposition members are still arguing about it.

[See paper No 938.]

CRAB FISHERIES - BLUE MANNA SEASON, ADDITIONAL INSPECTORS

581. Mr MARSHALL to the Minister for Fisheries:

(1) Is the Minister aware that the bumper blue manna crab season in Mandurah has attracted thousands of fishermen to the Peel waters and created tremendous problems in policing for the two local Fisheries Department inspectors?

(2) Professionals estimate that 30 000 crabs are being taken from the estuary daily in holiday periods. With the prawn run and the lobster control about to commence, does the Minister intend to give the inspectors back-up support over Easter and other holiday periods?

Mr HOUSE replied:

(1)-(2)

I am aware there has been enormous pressure on the Fisheries Department inspectors in that area. When this issue was brought to my attention temporary inspectors were sent there over a couple of weekends. The public has been very responsible in respect of bag limits and there is a fair degree of self-regulation these days. The gung ho attitude does not prevail as widely as it used to. There is a need for a proper inspection system and I will be looking at what will be required during the Easter holiday period.

STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - BLACKOUT

Businesses, Compensation

582. Mr THOMAS to the Minister for Energy:

I refer to today's major blackout.

(1) Will the State Energy Commission of Western Australia compensate Western Australian businesses which can demonstrate financial losses as a result of the blackout?

(2) If not, why not?

Mr C.J. BARNETT replied:

(1)-(2)

No, SECWA will not be compensating businesses.

RECYCLING - BLUEPRINT, RECOMMENDATIONS IMPLEMENTATION
Office of Waste Management, Role

583. Mr W. SMITH to the Minister for the Environment:

In June 1993 the State Government released the State recycling blueprint with the aim of halving waste going to landfill in Western Australia by the year 2000.

(1) What action has the Government taken to implement the recommendations made in the blueprint?

(2) What is the Government doing to encourage local councils to provide recycling schemes and minimise waste?

(3) What is being done to promote cleaner production and waste minimisation in local industries?

(4) What is being done to collect and safely dispose of household hazardous waste such as batteries, paint and tyres?

(5) What is the role of the new waste management board and Office of Waste Management in implementing the State's recycling blueprint?

Mr MINSON replied:

I thank the member for some notice of the question, although it probably would have been better had the member put the question on notice because then we could have provided a more complete answer. If the member and any other member would like to take advantage of a briefing from the Office of Waste Management, I would be pleased to arrange it. Waste management has been split up across Government for some time, because of the way that waste handling grew up in western society, between health, local government, commerce and trade and, to a certain extent, the environment, and I have brought together the whole area under the Office of Waste Management. A number of things have been done to progress waste management and recycling in Western Australia. However, this is a sketchy outline, and I encourage the member to take advantage of a briefing.

(1) The Office of Waste Management has released a public discussion document in regard to possible repeal of the Marine Stores Act. It is moving to establish the State recycling advisory committee. It has taken considerable steps towards establishing a green waste to compost strategy. It has taken an active role in helping industry to develop markets for recycling plastic. One of the biggest barriers to recycling in Western Australia, because of our fairly small population and geographical location, is markets for what we collect, and considerable work has been done in that area.

(2) The office has been involved extensively with community education and has given financial support in some circumstances.

(3) The Office of Waste Management is planning the development of guidelines for industry and is also helping to locate markets.

(4) The Office of Waste Management has been in existence for only a few weeks -

Mr McGinty: Why not table the answer and get on to something interesting?

Mr MINSON: I cannot table all this information.

The Office of Waste Management is aggressively pursuing a collaborative and cooperative approach with industry. At this stage, I do not favour legislation which forces recycling; that is inappropriate. We will get a

better response from the community if we take a cooperative approach. Hazardous waste from household disposal has not been well managed recently, but the Office of Waste Management is working with industry and local government to get some coordination. I understand that good progress has already been made in collection and storage. We also now have to look at markets, for the reasons that I have outlined.

(5) The role of the Waste Management Board and Office of Waste Management is to advise Government on policy and priorities; coordinate local government, the community and industry; involve itself in community education; and advise on strategies. After a period of a few months, the board will advise the Government about the necessity and style of legislation that is required.

Several members interjected.

The SPEAKER: Order! I ask the Minister to draw his answer to a conclusion.

Mr MINSON: This is an important subject, and I find it interesting that members opposite do not wish to listen. We have done something, after 10 years when the former Government did nothing.

The SPEAKER: Order! The problem with that last question is that it involved too many parts. Some members have increasingly been asking questions that involve too many parts, and that makes for an answer which is longer than I would prefer.

STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - OVERTIME, CURTAILMENT

584. Mr GRILL to the Minister for Energy:

(1) Has the working of overtime within the State Energy Commission of Western Australia been curtailed in recent months; and, if so, why?

(2) Are these restrictions the major contributing factor to the lack of preventive maintenance on transmission lines?

(3) Can the Minister unequivocally guarantee that the Government's redundancy target for SECWA of 10 per cent, or 500 workers, has not contributed to a situation where the line washing program and other essential preventive maintenance has not been carried out on major SECWA powerlines in recent months?

Mr C.J. BARNETT replied:

(1)-(3) I am unable to answer the question about figures for overtime work in SECWA. I am happy to find out those figures for the member. There has been no reduction in staff numbers employed within this area of activity on maintenance, particularly the washing of lines. Indeed, the budget has been increased, and more will be spent this year than last year. I again emphasise that I am advised by the people involved on the ground that the peculiar circumstances that arose today would have led to a major blackout regardless. We had four to five months with virtually no rain. We did not have a heavy shower at any stage, anywhere in the area from Geraldton to Albany, which would have cleaned the wires. We also had the peculiar climatic conditions of last night. There is nothing to suggest that there have been any staff cuts in the area. The budget has been increased. That has not contributed to the problem. Indeed, as we are speaking, 80 per cent of all power has been restored. The only remaining problems are in Northam and Darlington.

Mr Grill: Will you guarantee that you are not just putting money into expensive helicopter programs and making men redundant at the same time?

Mr C.J. BARNETT: The number of people employed on this particular maintenance task is 830; that is about the same. I undertook a moment ago to get a full report about this morning's blackout.

Mr Taylor: The unions have a different view.

Mr C.J. BARNETT: Terrific! Let them have their view. I have asked the SECWA management to give me a full report, and when I receive that report I will table it in the Parliament.

Mrs Hallahan: Good; that will be a change.

Mr C.J. BARNETT: It will be. SECWA does have a redundancy program. The target, when we announced the split of SECWA into electricity and gas, was 500 redundancies. As of today, 168 redundancies have been accepted, and 129 have gone. The current work force is still 4 771. This area is not undermanned or underfunded.

WORKPLACE AGREEMENTS - FERGUSON, JOCK, COMMENTS

585. Mr DAY to the Minister for Labour Relations:

(1) Is the Minister aware of comments made on 22 March by Jock Ferguson of the Metals and Engineering Workers Union about workplace agreements, and what is the accuracy of those statements?

Mr KIERATH replied:

It is interesting to listen to the statements made by the leading lights of the labour movement in the public arena. This man contradicted himself several times in his interview on Tuesday of this week. He also got himself totally confused. He then had the gall to appeal to the public to telephone his union and ask for help. He was trying to advertise the choice line that his union has to help people deal with workplace agreements.

He then went on to say that employers were more or less trying to force them into a position and make employees sign a workplace agreement. Members of this House will know that an employer has been prosecuted for sacking someone for refusing to sign a workplace agreement. This was a similar situation. Members opposite said that such action would never be successful, but it is covered by a provision in the Act and an employer was fined for taking such action against an employee.

Jock Ferguson then went on to paint a picture that the only people who would help working people in this State were those in the trade union movement. He ignored the protections of the legislation and the Department of Productivity and Labour Relations help line and inspectorate. When questioned by the interviewer he said that there was no way in the world that an employer could force a person to sign a workplace agreement. He got that part right - they cannot. It is good to see that the leading lights of the Labor movement are converting and are beginning to understand the legislation.

Unfortunately, he could not help himself and went on to wilfully misinform people. He said that if people have a workplace agreement, they cannot go back to the award unless the agreement contains a clause outlining that. However, the provisions of the legislation indicate that the reverse is the case: Section 19 says that under normal circumstances a person reverts to the award, unless the agreement contains a specific provision stating otherwise. The labour movement was caught out again. The assistant secretary of a large militant metal workers' union in this State could not get his facts right. I will invite him along to a session and tell him the truth.

The last issue he raised was that employers could take industrial action. However, he did not tell the whole story. Under the legislation employees can also take industrial action. We have balanced the bargaining table, and members opposite cannot come to grips with that. They have been snookered; they have been done over and do not like it!

Despite the misleading information and fear campaigns members opposite and the trade union movement run, we shall continue to do the right thing by this State. The legislation is designed to protect employers and employees, and anybody who tries to break a workplace agreement will suffer the consequences.