

# Legislative Council

Wednesday, 19 October 1988

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 2.30 pm, and read prayers.

## PETITION - WESTERN AUSTRALIAN MUSEUM

### *Percy Markham Collection - Sale Opposition*

A petition bearing 76 signatures and arguing against the sale by the WA Museum of the Percy Markham collection of vintage and veteran cars was presented by Hon P.G. Pandal.

[See paper No 495.]

Similar petitions were presented by Hon Max Evans (76 persons) and Hon Barry House (76 persons).

[See papers Nos 496 and 497.]

## PETITION

### *"The Last Temptation of Christ" - Banning*

A petition bearing 314 signatures and urging the Government to ban the showing of the film *The Last Temptation of Christ* was presented by Hon P.G. Pandal.

[See paper No 498.]

## FINANCIAL ADMINISTRATION AND AUDIT ACT

### *Report Tabling - Joint House Committee*

THE PRESIDENT: I table the Auditor General's interim report on the financial statements of the Joint House Committee.

[See paper No 480.]

## MOTION - COMMONWEALTH PARLIAMENTARY ASSOCIATION

### *President's Position - Congratulatory Remarks*

HON JOHN WILLIAMS (Metropolitan) [2.36 pm]: I move -

That this House notes with satisfaction the appointment of the President of this House as the first Western Australian to hold the office of Regional Representative of the Australasian and Pacific Region of the Commonwealth Parliamentary Association.

Mr President, it is with a certain amount of satisfaction that I move this motion. It is not embarrassing for me to ask for support for this motion seeing that you are in the Chair and I am referring to you, Sir, in part. I could suggest that anybody who does not support the motion would probably not get the call in future, but that would not be your way.

One should look back occasionally at the history of the Western Australian Parliament. I do not intend to give a lecture on that history, but the Commonwealth Parliamentary Association was first established in this Parliament in 1926, which is 62 years ago. At that time it was much of a weakling and a fledgling. Until the intervention of one of the Clerks of the House, Mr John Roberts, not a great deal of attention was paid to the CPA. I remember that on my entry in 1971 he implored me and other members, including Hon Des Dans, to join the organisation which he said was a good one. We did so dutifully. After we joined, suddenly, for some unknown reason, for about 18 months the CPA was entirely discredited because it had become a political football; that was a cause of great rancour. However, that stopped significantly, Mr President, when you were first elected to the executive of the CPA in this House in 1974. When the executive of that day - I was a member then - did get there, it was found that the three sides of the triangle of the political picket, I might call it, agreed that it was a worthwhile organisation to support.

From 1974 to 1977, Mr President, you were a member of the CPA executive in this House. From 1977 to the present day you have been a joint President of the CPA. We used to be amazed from time to time at certain individuals who would visit us from interstate and

announce themselves as the regional representative for the CPA in Australasia. We always wondered why it shuttled forth between Victoria, New South Wales and Tasmania; it seemed to be quite a fixed thing.

It is therefore with great pleasure we note that on this date in 1988 you were elected as regional representative for Australasia and the Pacific Islands. Perhaps no-one knows more than I how much hard work will be entailed in filling that position because the regional representative is the CPA's link within Australia, New Zealand and the Pacific Islands to keep all the branches well informed. In addition, Sir, you are elected to the Executive Committee of the CPA and you are also now a member of the constitutional subcommittee of the CPA. It will be hard for you because you hold high office, but you are well known throughout the States and the islands - having visited them frequently in your role as presiding officer - and no doubt that has assisted you tremendously in assessing the task to come.

The singular honour is that the Parliament of Western Australia, regardless of the personage, has been recognised throughout this region. I think that that is a mark that this branch of the CPA should continue to strive for even if the position is filled by rotation, because in previous years when it rotated towards Western Australia it rotated past so quickly that it went back to Tasmania, Victoria or New South Wales. I congratulate you on behalf of the Parliament, Sir, as you will represent us in many committees and in many conferences during the next two years and I know that you will carry that off with the dignity with which you now carry out the high office you hold here.

As you know, Sir, I shall be retiring somewhat reluctantly in May next year, but having looked at your program for next year might I suggest that you need somebody pretty adept at packing cases, and taking notes. I have noted the countries where you will represent us in future. It will be a hard job for you to represent us at the conference next year because the language of Barbados is hard. Having had association with West Indian cricketers I have a knowledge of Barbadian, which could be useful to you, Sir. I am not sure about the conference being held in Zimbabwe, but perhaps if you gave me the preferment I could bone up on my Zimbabwean during the next two years so that you would not only be presented with a secretary and valet but also with a translator. I know that there will be a queue for the job to assist you.

Hon Doug Wenn: Would Hon John Williams be able to understand the President's English if he boned up on all those other things?

Hon JOHN WILLIAMS: I will do my best.

Hon D.K. Dans: I thought you were fluent in these languages.

Hon JOHN WILLIAMS: In Afrikaans, yes. I congratulate you, Mr President, and the Parliament of Western Australia for at last having the regional representative coming from the Parliament of Western Australia. I congratulate you and thank you for undertaking the onerous task before you.

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [2.45 pm]: I am sure that I speak for all members on this side of the House when I express my support for the motion moved by Hon John Williams. I think that I need do no more than say that we endorse his comments and his congratulations wholeheartedly and wish you, Mr President, well in your new and important position.

Question put and passed.

## ACTS AMENDMENT (PREVENTION OF ACCESS TO RECORDS) BILL

### *Introduction and First Reading*

Bill introduced, on motion by Hon G.E. Masters (Leader of the Opposition), and read a first time.

## CRIMINAL LAW AMENDMENT BILL

### *Third Reading*

Bill read a third time, on motion by Hon J.M. Berinson (Attorney General), and transmitted to the Assembly.

## SOIL AND LAND CONSERVATION AMENDMENT BILL

### *Third Reading*

**HON GRAHAM EDWARDS** (North Metropolitan - Minister for Consumer Affairs) [2.48 pm]: I move -

That the Bill be now read a third time.

**HON D.J. WORDSWORTH** (South) [2.49 pm]: I appreciate that any speech at this time should be on why the Bill should not be read a third time. I draw the attention of the House to the fact that one of the objects of the Bill is to change the title of one of the major portions of the Act from "soil conservation" to "land conservation". This applies in particular to the 92 committees set up to deal with soil or land conservation in country areas. If any group should have perhaps kept the name of "soil conservation" it is them and yet they have ended up with "land conservation". We still have a Bill called the Soil and Land Conservation Amendment Bill, a Commissioner of Soil Conservation and a Minister's advisory committee called the Soil Conservation Advisory Committee, yet suddenly we change to "land conservation" when we get down the scale.

I once again draw the attention of the Minister to this fact and suggest that perhaps when the Bill gets to another place it iron out exactly where things are to go because it seems to me that it has almost reached the time when the title itself should be amended. I know that the Select Committee which I chair is hoping to make recommendations regarding this Act and it makes that very difficult when half has been amended. One is in the difficult position of not knowing whether any future reference should be to "soil conservation" or "land conservation".

**HON GRAHAM EDWARDS** (North Metropolitan - Minister for Consumer Affairs) [2.50 pm]: That matter was mentioned briefly during the early stages of debate on the Bill and I am happy to convey the matters raised to the Minister in the other place.

Question put and passed.

Bill read a third time and returned to the Assembly with an amendment.

## ACTS AMENDMENT (STOCK DISEASES) BILL

### *Committee*

Resumed from 13 October. The Deputy Chairman of Committees (Hon John Williams) in the Chair; Hon Graham Edwards (Minister for Consumer Affairs) in charge of the Bill.

Progress was reported after clause 1 had been agreed to.

Clauses 2 to 7 put and passed.

Clause 8: Section 17 amended -

**Hon D.J. WORDSWORTH**: One question I asked during the second reading debate concerned the supervision of cattle to be destroyed. It should be necessary for the department, when issuing an order for the destruction of infected cattle, to indicate the degree of supervision required. I also asked the Minister to explain why it was not necessary to state the manner in which the cattle would be destroyed, nor the time within which they had to be destroyed, nor the person by whom it was to be done, because the word "may" is used rather than the word "shall".

**Hon GRAHAM EDWARDS**: While it is not spelt out, these things will be done on the spot in response to the immediate needs of the location and the difficulties which may go hand in hand with that location. It is as simple as that.

**Hon D.J. WORDSWORTH**: I understand that in the Kimberley, an area where this Bill will facilitate a faster and better approach to the matter of cutting out our TB cattle, while certain properties are cooperating and have the management ability to do so, many others are not. We may not be keeping to the timetable we expected to follow. This whole matter of supervision is a very important one. Some indication should be given of what is meant. Supervision may mean that a person is on the site, or in the local town, or that the operation is under the direction of the chief veterinarian in Perth. We need to know a little more about the orders of destruction - how they will take place and the manner in which compensation will be paid.

During the second reading debate I explained that a stock owner may have worked very determinedly to have his cattle tested and put behind the fence, but found the last few very difficult to handle. The Minister has stated that this man will still receive full compensation for those cattle which are cut out and proved to have TB. I believe he indicated that the Government would be paying for the final clean up, but that is not what this Bill says. This Bill says the costs and expenses of and attendant upon the destruction of the cattle under section 14C shall in every case be borne by the owner of the cattle. That seems a very different story from what the Minister indicated during the second reading.

Hon GRAHAM EDWARDS: I can only reiterate what I said earlier, and that is that these things will be taken care of in response to the needs of the local situation in the local scene. The order will spell out all these things which may need to be taken into account with due consideration to the situation as it arises. The order will spell out all these sorts of things which the member has been saying need to be spelt out.

Hon D.J. WORDSWORTH: The point is that the Bill says they may prescribe rather than that they will prescribe. I am surprised the Minister can give no reason why the word is not "will" or "shall" instead of "may".

Hon GRAHAM EDWARDS: They may not need to be prescribed, but again they may need to be prescribed. If they are prescribed, the word will become "shall" in that sense. If they are prescribed it becomes "shall" as part of the order.

Hon D.J. WORDSWORTH: I only hope that for the good of the pastoralists in the north west they can understand better what the Minister is saying.

Hon GRAHAM EDWARDS: That will be the case because it will be spelt out in the order and people will then need to abide by that.

Clause put and passed.

Clause 9: Section 20 amended -

Hon W.N. STRETCH: Does the funding for compensation come from the cattle industry compensation fund, which I gather is contributed to by growers, or is it a Government grant or allocation under a separate vote for finance?

Hon GRAHAM EDWARDS: The outstanding moneys are paid from industry, State and Commonwealth funds in a proportion of 50, 30 and 20; the industry provides 50, the State provides 30 and the Commonwealth provides 20.

Hon D.J. WORDSWORTH: Does the Minister feel that the funds are sufficient to handle the remaining task?

Hon GRAHAM EDWARDS: I am advised that they are.

Clause put and passed.

Clauses 10 to 13 put and passed.

Title put and passed.

### *Report*

Bill reported, without amendment, and the report adopted.

### *Third Reading*

Bill read a third time, on motion by Hon Graham Edwards (Minister for Consumer Affairs), and transmitted to the Assembly.

## **EQUAL OPPORTUNITY AMENDMENT BILL**

### *Second Reading*

Debate resumed from 12 October.

HON MARGARET McALEER (Upper West) [3.05 pm]: In my recollection the Year of the Disabled was one of the more successful international years sponsored by the United Nations in Western Australia. Such years are proclaimed to raise the consciousness and awareness of the needs of particular groups of people, the environment and so forth. I thought that the Year of the Disabled was made successful largely by the participation of

many disabled people in the events which marked that year. In particular, I think of the discussions and programs held in the schools and also community functions where disabled people not only joined the community in those discussions but in fact led them.

My own lasting remembrance of that year was of the capacity of the numerous disabled people who took part in those events. I believe that in the community generally and in particular among members of Parliament we can trace from that time - undoubtedly it began before - a considerable effort to make facilities available in public buildings and transport for people who are physically disabled, and by giving them access, for instance, to pavements. As members of Parliament we are especially aware of the impairment suffered by many children who are intellectually handicapped, and we gained this awareness particularly from the efforts of their parents to have suitable facilities provided for them, whether they be slightly retarded or profoundly retarded, in respect of education, training and accommodation. Finally I suppose the whole community is increasingly aware, and has been for some time, of the impairments suffered by victims of motor vehicle accidents. All of us would in some degree be aware, through our friends and relatives, of impairments caused by age and frailty. We are all conscious of the requirement that these people be able to integrate into society for their own enjoyment and well being.

This legislation is an attempt to help in that process. I am not altogether able to determine just how far it will help in that process. In view of the amount of work which has gone into the preparation of this Bill, I regret that although we have had the Bill before the House for a week, which is ample time to study it, I have not been able to give it all the background or sufficient attention to do justice to the work which has been done since 1986. However, I thank the Leader of the House for making his most recent ministerial paper on this subject available to me; of course I have also had the advantage of scanning the discussion paper of the working party, which was made public.

This amending Bill considerably increases the scope of the Equal Opportunity Act because by definition the chosen term of "impairment" encompasses physical defects or malfunctions, intellectual handicaps, mental or emotional disturbances and psychiatric disorders. This embracing term was, I understand, chosen principally so that people with handicaps would be treated on the basis of need and not categories. In other words, by not specifying a particular treatment for a particular type of impairment no particular attention would be drawn to any type of handicap which would in itself perhaps militate against antidiscrimination in that particular field. The choice of the term may have been partly determined by the lack of firm statistics to indicate the percentage of any particular impairment in Western Australia. It is estimated that the percentage of the population affected in Western Australia is 14.3. Accepting that figure as being reasonably correct, there has been some division as to the predominant impairment. The working party suggested that physical impairment accounted for about nine per cent of the total, but admitted that there is a school of thought which believes that intellectual handicap comprises an even greater percentage. If one does not know which impairment is being addressed, it is perhaps more satisfactory to cover them all by one single term. On the other hand, there is a danger that in doing so one may overlook special measures which could be taken if one could be sure which was the predominant category.

It is evident from the Leader of the House's second reading speech and the discussion paper of the working party entitled "A Fair Go to the People With Disabilities" that a great deal of preparatory work was done on the Bill. Interstate and overseas legislation was studied, particularly that of New South Wales, Victoria and South Australia, and about 140 public submissions were received. Attention was paid not just to the legislation of other States but to the experiences of antidiscriminatory authorities, and that is reflected in this Bill.

The chief purpose of the Bill is to allow people with impairment to integrate as much as possible into the general community. The Bill therefore pays attention, firstly, to the types of discrimination which may be experienced and, secondly, to the main areas of community life where such discrimination may occur. One clause defines discrimination on the grounds of impairment in a general way, adding a specific ground for discrimination in cases where palliative aids are used, such as hearing aids and guide dogs. An example of this is where rental accommodation is refused because the applicant is deaf or blind and in need of a guide dog. I must say that I found the language of the Bill difficult, and I was glad to be able to resort to the discussion paper for clarification of many of the clauses.

The Bill seeks to outlaw any practices which discriminate between individuals or groups to the disadvantage of some and benefit of others. The working paper defined two types of discrimination - direct and indirect - and observed that even direct discrimination may be unconscious, arising from unrecognised attitudes on the part of the discriminator. An example was given of a retailer who might object to employing an impaired person because it might make the customers uncomfortable. Direct discrimination is said to occur when the circumstances and the services required are the same regardless of impairment. That is to say, if an intellectually handicapped child were in need of an operation, that need would be the same whether the child was intellectually handicapped or not, and if the surgeon refused to perform the operation on the intellectually handicapped child, the service that he was refusing would be the same as that which would have been provided to a normal child. That would be a form of direct discrimination. It is also direct discrimination where services are specifically provided for handicapped people so that, in particular circumstances, those services would be normal. I am not sure that this fits the bill, but one instance may concern special education for intellectually handicapped children. The working party discussion paper did not provide any specific examples of discrimination in this area.

Indirect discrimination is defined by the working party as being when the same criterion is applied to everyone which disadvantages some. For instance, such discrimination may occur where a housing authority requires a person to live alone and be independent in order to occupy its premises, but that person may be in need of a carer to live on the same premises. It is also indirect discrimination where standards required in a business or workplace are not directly related to job performance.

The circumstances in which exemptions may be reasonable, practical and allowable are not set out in the general section but are picked up later in the Bill and referred back to a section dealing with particular categories; this makes the Bill a little more difficult to read.

Having dealt with discrimination in general the Bill then particularises the main areas where it is designed to eliminate such discrimination. As the second reading speech points out, there is a section on work which includes sections on discrimination against applicants and employees, commission agents, contract workers, partnerships, professional or trade organisations, qualifying bodies and employment agencies. These categories are exactly the same as those in the parent Act, where it refers to discrimination on the grounds of marital status, sex, race, religion and political convictions.

Similarly, the Bill provides against discrimination in areas such as education; access to places and vehicles; goods, services and facilities; accommodation; clubs and application forms. It adds new areas of sport, superannuation schemes, provident funds and insurance. In two of the areas common to the Bill and the parent Act - education and accommodation - the emphasis as regards discrimination because of impairment is rather different to that apparent on the grounds of race or religion. In education, where the Bill's provisions tend to underline mainstreaming, one is conscious of divisions of opinion among educators who specialise in special education, but I do not think there is anything in the provisions which would hinder special treatment in education for impaired students. On the contrary, I believe there is special provision for positive discrimination where appropriate. In the area of accommodation, however, there are some special provisions which allow impaired people to make alterations to rental accommodation at their own cost, with an undertaking to restore that accommodation to its original state. This provision is well hedged about with other qualifications. I am not sure whether it would always be a requirement that any alterations would have to be removed and restoration made to the original state. It may well be that the alterations are improvements. It is a very reasonable provision and members would be aware of the need for elderly people to have handholds in bathrooms and lavatories and perhaps handrails on stairs and so on.

The inclusion of sport perhaps reflects the growing involvement of impaired people in many different fields and the awareness of their capacity, in some cases, to compete in any company and not just with other disabled sportsmen. The working party did not, however, cite any specific Western Australian examples of discrimination in sport. It gave an instance of the disqualification of a winning swimmer who had only one hand and could not touch the pool with both hands at the end of the race, which was required by the rules. I dare say that in the various rules of competitive sports there may be a number of instances of unconscious discrimination of this sort.

Finally, the clauses dealing with superannuation schemes and provident funds clearly have a special relevance to some impaired people. I well remember a Geraldton boy who was excluded from employment at a bank on the grounds of severe diabetes. The bank was of the opinion that because of his need to be included in the superannuation fund it could not employ him on a permanent basis. Hon Tom McNeil was more successful than I in dealing with this case and he will remember it well. The bank refused the boy permanent employment, although it was pleased with his work while employed on a temporary basis, because the fund was a contributory fund and his membership would, or could, be to the disadvantage of other employees who contributed to the fund. I understand that diabetes and asthma are among the malfunctions or diseases which the Bill specifically addresses and I do not know whether it would have provided a solution to this case.

The Bill makes it clear, however, that where any actual or other reasonable data provides a genuine basis for excluding an impaired person from such a scheme, this will be allowed. Perhaps it also allows for the making of special guidelines and conditions. Insurance policies are treated in much the same way. As with other legislation which is necessarily rather wide in its provisions, a great deal of the success and appropriateness of this Bill will depend on the way in which it is administered. As in the parent Act, an important purpose of the Bill is said to be educative. However, that part of the parent Act which provides for affirmative action in Government departments, authorities and agencies also applies to this Bill. In my rather limited experience the affirmative action section of legislation has not always been well received. I am not sure whether it is the result of some difficulty in the administration of the legislation or whether it is because of individual reaction to perhaps a difficult and certainly unusual demand for program management. The working party did consider whether the provision for affirmative action should be applied to private industry, but it has rejected it for the time being.

A special regulation is included in the Bill to except and make regulations concerning people with infectious diseases. I am not sure whether it is the current workload of the tribunal or whether it is the predicted workload resulting from this Bill that has led the Government to add a deputy president and deputy members to the tribunal. The provision will allow both the present tribunal and the deputy tribunal - if I may express it in that way - to sit at the same time. I am also a little surprised that the Government should wish to extend the deputy members from a pool of six to an unspecified number. I would be glad if the Leader of the House would amplify the remarks he made in the second reading speech on these matters. I would also be pleased if he would outline the considerations of unjustifiable hardships or expense which would provide exemptions in a number of cases; for example, in employment, accommodation, and the provisions of goods and services.

A great deal of work has gone into this Bill, but in part its success will be contingent on matters which are outside the scope of the Bill. This was indeed recognised by the working party in its chapter on non legislative assistance. In that chapter the working party specified such needs as policy advice, coordination among departments, consultation with impaired people on an ongoing basis, research, planning, information, counselling and increased accountability of services provided. The Bill may certainly go some way towards assisting the integration of the impaired into mainstream community life, but it seems to me that it assumes a fair measure of capacity among the impaired in all the fields on which it touches and to that extent is limited in the benefits it can offer the impaired, handicapped and the disabled.

The Opposition does, of course, support the Bill.

**HON J.M. BERINSON** (North Central Metropolitan - Leader of the House) [3.28 pm]: Hon Margaret McAleer has provided a very fair review of the provisions of this Bill and I welcome her support of it. This continues what can fairly be described as bipartisan support of equal opportunity legislation in this State and that, in itself, is an indication that equal opportunity has come a long way. None of that has happened by accident. I think we are all indebted in that respect to the effective preparatory work by many people who have been engaged in this exercise and, in the present instance, I join with Hon Margaret McAleer in expressing our respects and appreciation to many people who have been involved. In particular, I thank the Commissioner of Equal Opportunities, Mrs June Williams, and the members of her staff. They, together with members of consultative committees, have ensured that this Bill, which in other circumstances may have raised eyebrows, if not serious

questions, has in fact come to be generally accepted by all the groups who are likely to be affected by it.

I believe the only question the honourable member raised goes to questions of exceptions in respect of infectious diseases. That in turn will be based on diseases specified under the relevant health Act and will ensure that any serious problems that might be raised against either the employment or the participation in various activities of certain persons with such diseases can be reasonably accommodated.

In other circumstances one might feel a little disappointed at the restricted debate on a measure as important as this. I do not think that need be the sentiment on this occasion; on the contrary I believe that we can all take satisfaction in the general acceptance of and agreement to what is, in spite of the limited extent of debate, a very progressive and important measure. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

#### *Committee*

The Deputy Chairman of Committees (Hon John Williams) in the Chair; Hon J.M. Berinson (Leader of the House) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Section 4 amended -

Hon MARGARET McALEER: I ask for the Leader of the House's comment on the addition of incorporated associations to clubs and organisations, and the extent to which that would bring in more bodies or groups of people. Alternatively, has it been found to be a great disability of the parent Act that incorporated associations were not included?

Hon J.M. BERINSON: Incorporated associations play an important part in representing and providing services for people with impairment. Of course, with many incorporated associations the effect of this Bill will be irrelevant; on the other hand, it is essential that relevant organisations be covered by the Act to ensure that people with impairment have equal access to membership and participation in the decision making processes of those organisations. Later clauses of the Bill make provision for this.

Clause put and passed.

Clauses 7 to 13 put and passed.

Clause 14: Section 86 amended -

Hon MARGARET McALEER: Is the substitution of the word "inquiry" by the word "investigation" a semantic change because it is regarded as a more appropriate word, or does this change demonstrate a change in procedure?

Hon J.M. BERINSON: This amendment is simply for the purpose of making the wording of this part of the Bill consistent with the terminology in section 84 of the Act, which provides that the commissioner shall investigate each complaint lodged with the commission under section 83. There is nothing more to this amendment than an effort to bring the provisions of the two clauses into line.

Clause put and passed.

Clauses 15 to 22 put and passed.

Clause 23: Section 101 amended -

Hon MARGARET McALEER: This is a matter I raised in the second reading debate when I asked the Leader of the House the reason for establishing a second tribunal - that would be the effect of appointing deputy presidents. I asked whether the present workload justified the establishment of such a tribunal, or whether the addition of the new provisions on impairment would occasion it.

Hon J.M. BERINSON: Clauses 22 and 23 are really to be read together, and in reading them this way the position is that persons are appointed as deputy presidents for the purpose of having officers available who can act in the tribunal in the absence, for one reason or



another, of the president. It is true that these provisions theoretically open the way for more than one tribunal sitting at the same time. However, it is not contemplated that there will be any such pressure as to require more than one tribunal at a time. The absence from the current Act of some means for meeting the absence of the president is really the primary objective of these two clauses.

Hon MARGARET McALEER: I understand that the provisions provide means to deal with the absence of the president, but I am not quite sure why it is necessary to make elaborate arrangements for a second tribunal to sit at the same time if it is not envisaged that it will happen.

Hon J.M. BERINSON: This is not a situation which would arise unless the pressure of work demanded it. There has been no such pressure up until now and, going on the experience elsewhere, we do not anticipate that pressure. However, it is important in these matters, as with all tribunals, to ensure that applications are dealt with expeditiously, and if a situation is reached, for one reason or another, where that it is not possible with one tribunal, this Bill will enable further steps to be taken. I repeat, though, that that is not the primary aim of these provisions and on past experience here and on the advice we have had from other jurisdictions that have provided for impairment earlier than this case, it is not anticipated that more than one tribunal would sit at a time.

Clause put and passed.

Clause 24: Section 102 amended -

Hon MARGARET McALEER: I ask the Leader of the House why the number six is to be expanded to an unspecified number to form an adequate pool of persons to perform the functions of deputy members on the Minister's judgment?

*Sitting suspended from 3.45 to 4.00 pm*

Hon J.M. BERINSON: Hon Margaret McAleer asked about the increased number of deputy members that are provided for in this clause. I can only say that the circumstances here are roughly the same as those which make it desirable to have deputy presidents as well as a president. All of these tribunal officers are available only on a part time basis. There are no full time presidents, deputy presidents, or deputy members, and it is important that whenever the tribunal has to be convened, numbers are available from whom the tribunal can be constituted.

There is one other small consideration, but I think it is more peripheral; that is, that it is desirable to have on the panel of deputy members an appropriate range of experience and perhaps even expertise. Broadening as this Bill does the scope of the Equal Opportunity Act, there is some reason to support the view that some attention should be given to the nomination of deputy members who would have experience in the areas of disabilities and impairment, and this clause would open the way to that possibility as well.

Hon MARGARET McALEER: I thank the Leader of the House. I can see that it might be necessary to have people with special expertise on the tribunal, but I cannot bring to mind any other Bill or Act which sets an unspecified number of people in such a way. It would be more normal, I am quite sure, to say, "We have six; we now require nine." As the Leader of the House said that he does not see any great increases in workload in the immediate future, I find it very odd that it should be left open in that way.

I also ask the Leader of the House whether the terms and conditions under which the deputy members are appointed would be commensurate with the hours they served on the tribunal.

Hon J.M. BERINSON: Taking the second question first, I think the honourable member is asking whether remuneration would be by the session or on an annual basis. My understanding is that the remuneration is sessional, so that there is no additional cost involved in expanding the numbers on the panel.

As to other considerations, I cannot without notice satisfy the member that there are other tribunals which have been given the ability to draw on an unlimited number of deputy members, but I think this must be considered in a practical way. There is no point in having deputy members who are not used; that will not serve the purposes of the deputy members or anyone else. I am sure that consideration would ensure that whatever appointments were made were done for practical purposes only and that would provide some limit to the total

numbers. Very much of our own approach to the questions involving the tribunal - and for that matter, the general area covered in this Bill - has drawn on the experience and the actual legislation in other States. I understand that in respect of the unlimited number of deputy members, that provision also appears in the New South Wales Act. I do not think that is the deciding factor by any means, and seeing Hon Sandy Lewis here reminds me that I am not really supposed to draw on experience in that way as if it were an argument, because it is not really a conclusive argument. I emphasise that I am not putting it forward as a conclusive argument; I am just referring -

Hon A.A. Lewis: The Leader of the House is only doing what he always does. None of his arguments is conclusive.

Hon J.M. BERINSON: I am just referring to interstate comparisons in passing, on the basis that at the very least even Hon Sandy Lewis would concede that they are not as bad as comparisons with the Commonwealth. Mr Deputy Chairman, I have now exhausted all possible reasons I can advance for this form. At the end of the day there is no harm to be done. We are looking to a practical situation and we certainly would not be nominating members for whose services there was no call.

Hon MARGARET McALEER: I do not really think the argument that it has been done in other States holds any water at all, and I do agree with Hon Sandy Lewis on this occasion. We should have a reason of our own. I suppose the limitation of remuneration on a sessional basis is a safeguard, but generally speaking it is very bad practice to have such an arrangement.

Clause put and passed.

Clauses 25 to 27 put and passed.

Clause 28: Section 144 amended -

Hon MARGARET McALEER: This is a very small point. It is really just a matter of grammar, but as it is put in as a correction to section 144 I would ask the Leader of the House to check whether the words which it is supposed to be correcting - namely, "his annual report" - actually appear in the parent Act. There are two occasions on which this has been pointed out; I have studied the Act and cannot find the words.

Hon J.M. BERINSON: I have the advantage over the honourable member of having a corrected Bill and that indicates that section 144(1) was amended by, I think, the Financial Administration and Audit Act 1985. It is in that amendment that the reference occurs.

Hon Margaret McAleer: Thank you.

Clause put and passed.

Clauses 29 to 33 put and passed.

Title -

Hon MARGARET McALEER: I want to take this opportunity to return to the questions which I missed during the course of the Committee. Would the Leader of the House be kind enough to comment on the exemption clauses and the considerations of unjustifiable hardship or expense which are needed to obtain an exemption on questions of employment, accommodation, and provision of services and facilities. I wonder what guidelines might be set down for such a matter - whether it is envisaged, for instance, that it would be proper for a certain amount of expense and hardship to be incurred by employers in the case of impaired people seeking employment.

Hon J.M. BERINSON: This is a very reasonable question, but as is the case with many such questions, it is not amenable to easy reply. The fact of the matter is that what is unjustifiable hardship or expense must be left in the last resort to the judgment of the tribunal; that is why we have a tribunal. It is much the same question one might ask when one goes to the courts on a case of negligence. Was the harm reasonably foreseeable? What is reasonable? What is unreasonable? What is justifiable, and what is unjustifiable? In a sense, these are all similar questions and do not really lend themselves to specified guidelines. They really depend on an examination of the merits of a particular case and the circumstances of a particular application. That is what the tribunal is there for and we can rely, I believe, on the tribunal to approach the application of these provisions in a sensible and practical way. That

is what they are designed to provide. Just as other courts and tribunals make decisions of this kind every day of the week, I believe we can rely on the sorts of people who will be serving on the tribunal to come up with a responsible and reasonable response. This, however, cannot be anticipated in advance and to that extent I cannot put a reply to the honourable member in any more definitive terms.

**Title put and passed.**

### *Report*

Bill reported, without amendment, and the report adopted.

### *Third Reading*

Bill read a third time, on motion by Hon J.M. Berinson (Leader of the House), and transmitted to the Assembly.

## **APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL**

### *Consideration of Tabled Paper*

Debate resumed from 22 September.

**HON DOUG WENN** (South West) [4.15 pm]: I support the motion. I congratulate the Treasurer on bringing forward such a good Budget in such a short time. It is a Budget which will benefit the people of Western Australia. All members of this House will agree that regardless of how good any Budget is some of us will be disappointed at times when we do not receive the funding required for projects on which we have been working. However, we carry on tenaciously.

I wish to talk about the Vasse region and the activity in that area. I realised early in my political career that to have a few wins in this game of politics, the best way to receive funds is to invite a Minister to the electorate. Over the last two and a half years I have endeavoured to do that because I believe strongly in my electorate. Members need to sell an item of interest to a Minister, as the Minister has the final say. I believe that I have achieved that aim by inviting Ministers to visit my electorate, which is not considered a marginal seat. We are working very strongly on that and in time I believe that attitude will change towards my electorate.

**Hon P.G. Pendl:** You have a long way to go.

**Hon DOUG WENN:** We are getting there and the member may not be sitting in that seat after the election.

I am very proud that an allocation has been made for the Augusta Hospital because I have been involved in that area - as have many other people, so I cannot take all the credit. Funding for the Margaret River Hospital has also been made and construction will commence shortly in this very deserving area.

I have been very involved and interested in primary schools situated between Augusta and the Busselton central area. Due to the growth of this area primary schools have been in demand, including a primary school at Dunsborough. I will continue to work very hard to ensure that these schools receive the required funding. I have given a commitment to those schools which did not receive funding in this Budget that I will do my utmost towards that end next year. The Karridale Primary School has received \$60 000 for upgrading of buildings but we should remember that many schools requested extra funding prior to this Government's coming into power. In other words, the previous Liberal Government did not provide sufficient funding, and now that the Liberal Party is in Opposition its members urge the present Government to throw money around.

I was very happy also that the Vasse Primary School received an allocation this year of \$600 000. This school is in desperate need of extra rooms in the administration area. West Busselton Primary School also received funding for a library.

The land for the new Busselton fire station has been handed over and has received a guaranteed \$250 000 for construction of a new building in the district. As I have said, the Budget contains a few disappointments but if we consider its overall value in areas of need it

is also a heartening Budget. I have received letters from schools which are disappointed that they did not receive any funding this year. I repeat that I have given an undertaking to the Busselton High School, the Dunsborough Primary School and the Augusta Primary School that I will continue to fight to ensure that they receive the required funds for facilities at those schools. There is no doubt that we are heading into an election mode. An election will be held next February or somewhere in between. If I obtain funding for a project in my electorate between now and the election, there is no doubt that the Opposition will scream, "Pork-barrelling".

Hon T.G. Butler: You are damned if you do, and damned if you don't.

Hon DOUG WENN: Absolutely. This Government has spent millions of dollars in an electorate in which a win is not considered by the Labor Party to be achievable. Yet, every time I do something good for the area I represent, I am abused and criticised for pork-barrelling. I hope that I see a change in the attitude of my colleague, Hon Barry House, and the member for Vasse. I want them to support my efforts to obtain funding for those schools without criticising me in the Press as they have done in the past.

The next matter to which I wish to refer is the Busselton Jetty. During the by-election for the South West Province, the Opposition screamed "Pork-barrelling" as soon as the Government mentioned money. However, if no money had been given to the fund for the restoration of the jetty, the Opposition would also have abused the Government. As my colleague said, "You are damned if you do, and damned if you don't". I have been involved in the restoration of the jetty from the start and I want to pay attention, not only to the work that has been done on the jetty, but also to the people who have put a huge effort into getting the jetty fully restored for public use. The Busselton Jetty Society puts out a newsletter every month. It is an extremely well put together document, considering that it is done on a voluntary basis. It is called the *Busselton Jetty News*, of which I have the September issue. It outlines to the public the proposals for the jetty. I am extremely happy to announce that \$500 000 has been provided for the restoration which has already commenced. The work will take over four months and will cost approximately \$450 000. Of course, one of the problems we will run into is that the jetty will be closed for some time. I sincerely hope that the public will support the work and not grizzle about that too much, as some people are known to do. Two hundred and forty seven metres of the jetty will have to be rebuilt. The new section will be a three pile timber structure with 13 metre bents spanned with steel trusses and decked with pre-cast concrete sections. It will not be an easy job. The section they are working on at this stage will also be raised. The society had to take into account the problems for the coastline created by the Greenhouse Effect, the water levels and the height of the jetty.

I might as well go into the history of the jetty. These people are doing a great job. The work that has been done indicates the tenacity of the people who are determined to see something restored that they consider to be of great value to the town. The newsletter states that the first 175 metres were built in 1865 to service the busy timber trade. The railway section was added in 1869 with another 600 metres added in 1911. The last 14 metres to bring the jetty to its present length of two kilometres were added in 1960. Unfortunately, cyclone Alby caused a great deal of damage, destroying a large part of the promenade part of the jetty which was distinct in design.

A gala concert and ball will be held in Busselton on Saturday night. My wife and I will be there as, I am sure, Hon Barry House and his lovely wife will be there. I think a Minister will attend to congratulate the people involved in the restoration of the jetty because they deserve every bit of help they can get.

The main topic to which I wish to refer today is the ozone seminar that was held at the Vasse Hotel in Busselton in the last few days in May. It was a huge success being attended by approximately 500 people. It was convened by the Department of Conservation and Land Management. The South West Development Authority did most of the background work which I coordinated. The input from those attending has led to an awareness of the problems facing us through this ozone depletion problem and the Greenhouse Effect predicted for the future. Guest speakers included people from the Commonwealth Scientific and Industrial Research Organisation, CALM, the Environmental Protection Authority, and a number of prominent Western Australian scientists who gave what I thought were very good explanations of the problem facing us.

Hon Barry House: Are you embarrassed by your party's rejection -

Hon DOUG WENN: Does the member want me to talk about that now? The member for Vasse sat in on the seminar. Prior to that I had never heard a word from him about the problem.

Hon P.G. Pental: For your information, he released Press statements before your Government.

Hon DOUG WENN: The member for Vasse suddenly saw a bandwagon that he could hop on and grabbed hold of it with both hands. He fell off that bandwagon when his Bill was not accepted by the Government.

Hon Barry House: Why didn't the Government accept it?

Hon DOUG WENN: I now accept the member's interest in the problem and I will encourage him to keep that interest alive by his actions. I hope he will put his views to better use and support the Government and the Minister.

Hon P.G. Pental: He got up your nostrils, that is the problem.

Hon DOUG WENN: Last year, this House passed the Environmental Protection Bill. Hon Barry House was not here, but the Opposition amended the Bill by deleting a clause which then became the main part of the Bill introduced by the member for Vasse. It related to fines and penalties. The Opposition in this place deleted subclause (3) of clause 76 which would have provided for a penalty of \$5 000 with fines of \$1 000 a day to anyone caught breaking that law. By rejecting that part of the Bill, the Opposition gave the Government no alternative but to continue with the \$200 fine. It must be remembered that the Government proposed fines of \$5 000 and \$1 000 a day. The Opposition rejected the provision containing those proposals. In no way do I want to deter the member for Vasse from continuing with his program, but if he were serious about it he would support the Government. Later in my speech, I will discuss what the Government has done with respect to the ozone layer and the Greenhouse Effect.

Hon P.G. Pental: He beat you to the punch and you never forgave him.

Hon DOUG WENN: Did the member do a correspondence course in stupidity, or is he just naturally stupid?

Hon P.G. Pental: I know that when the member for Vasse made his announcement, he embarrassed you as a Government. In any case, I have been insulted by much better people than you, Mr Wenn.

Hon Kay Hallahan: I'll bet you have.

Hon DOUG WENN: The Government, through my office, put up the proposal for an ozone seminar. From that day on, the member for Vasse became interested.

Hon Barry House: From your office?

Hon DOUG WENN: I posted everything. I was that determined to see the seminar take place. As coordinator of the whole thing, I thought I was entitled to do so.

Hon P.G. Pental: You have access to half the Civil Service, for God's sake, but you were still beaten to the punch! It is a great tribute to Mr Blaikie.

Hon DOUG WENN: I would not give the member for Vasse a tribute. I would pay him a compliment for finally picking up the ball and trying to run with it. Unfortunately, he has dropped it already. I think he has enough tenacity to go on with it, but I think he will also have enough common sense to know that the way to go is to support the Government and still go on with it.

Hon P.G. Pental: There is no prize for second best. Even the environmental lobby said you were second best on that. It said you were behind the Opposition. It put out statements on it.

Hon Kay Hallahan: Do you want to make a speech?

Hon P.G. Pental: No.

The DEPUTY PRESIDENT: Order!

Hon DOUG WENN: That quietened one interjector; I do not think the other one could ever be quietened.

A lot of information came from the seminar. Because participants had the choice of a number of workshops, much was able to be accomplished in their particular areas of interest. A checklist of 16 critical matters was established in the coastal processes workshop. With respect to the Greenhouse Effect, the rise in the sea level was one such critical matter because no-one really knew how much we would be affected by it. Even though we knew what past studies had shown, scientists could not really tell us how big the problem would be or when it would arise. Another critical matter listed was the impact of the Greenhouse Effect on the dunes and the natural systems. The need for planning guidelines was another item, as was the need to identify the risk areas and to assess sea level rises in terms of geological changes in the past. It took approximately 30 minutes to devise the checklist and summarise the issues. We then had a more in depth discussion of the checklist.

A very important recommendation concerned the education of people. The follow-up summary to the seminar that was sent to each of the individuals is a step in the right direction. Education is the only way that we will make people aware of the types of materials they are using and how they should be disposed of. It is unfortunate that many items on the market today are harmful, but we cannot get rid of them so easily. As well as on shelves in supermarkets, they can be found in wardrobes and cupboards in most households.

Hon W.N. Stretch: Are you now talking about the ozone layer rather than the Greenhouse Effect?

Hon DOUG WENN: Yes. It might be possible for us to get rid of certain items from the shops, but I would hate to be the person who had to tell the manager of Woolworths that he had to take all the pressure packs out of his stores. We could do that if we needed to, but it is better to educate people in their households. I know that even in my household there is a tin of Scram in the cupboard that has probably been there for five years. Mr Pendal should not worry; I will not spray him with it.

Hon P.G. Pendal: You just beat me on that one.

Hon DOUG WENN: I beat him to that one; I could see his little mind ticking over.

Discussion also ensued with respect to the achievable action to be attained with education. It was agreed that people should be informed by the mass media of the problems that exist. This Government is already on the way towards achieving that. The water resources and supply workshop concluded that it was essential that research into climatic change be continued to obtain factual information about what changes will actually take place. It was also stressed that the Water Authority had recognised that changes would occur, had predicted what would happen and was planning to cope with such changes.

There was also a lifestyle, recreation and conservation workshop. If the Greenhouse Effect is as dramatic as some people have predicted, areas such as Busselton with low lying suburban areas running virtually right up to the coastline will be in real trouble. Some people have even predicted that if the sea levels rise as high as expected, the water will go back as far as the foothills. Of course, we all hope that will not happen, but some scientists have predicted it. That is why we have to be very careful in the future planning of our suburban areas.

Hon Barry House: What time frame are you talking about?

Hon DOUG WENN: No-one can predict that. Even now, scientists are saying that the oceans around the world have warmed up and are now at higher temperatures than they have been for many years. Some areas are actually noting higher tide levels. The scientists cannot predict when such effects might occur. The sea levels could fall away next year; we just do not know.

Concern was also expressed about the responsibilities of shires. It was suggested that they should refrain from using bush habitats for rubbish disposal. Rubbish disposal was perceived as being one of the major problems. Until recently, fast food outlets were using containers which, when crushed, released CFCs. Those containers were just being dumped at rubbish tips or unfortunately on the sides of roads. However, it was felt that there may be some way of controlling the problem.

Sewage is a major problem. As a member of a committee inquiring into effluent disposal, Hon David Wordsworth and I found that sewage is a problem with respect to the ozone layer and is also a contributor to salinity problems. Of course, that is another story that can be

pursued when we bring down our final report. The South West Development Authority has recommended a recycling system for paper in the south west for collection, processing and recycling of paper and its distribution to consumers. The report goes on to give good suggestions for ways in which the person in the street, the average Joe Bloggs, can do his bit towards distribution of that excess rubbish that we seem to collect and its proper disposal.

There was a final summary from that ozone workshop in which the following recommendations were made by the working group following discussions in those small subgroups I have just mentioned. Subsequent discussions brought out such things as an urgency to have the Montreal protocol ratified by Australia. This Government supported the Federal Government, which supported the Montreal protocol requiring a 50 per cent reduction by 1999. The Federal Government has gone one better and stated its intention to reduce the use of CFCs at the greater rate of 85 per cent, so members can see that Governments are concerned and are taking action. The seminar also urged that uniform State and Commonwealth legislation be developed. Accelerating the reduction of CFCs beyond that agreed in the Montreal protocol was also urged. Some of the people invited were from CFC manufacturing groups. The overall seminar and workshop had a very large and broad cross section of people involved, not only from the scientific world but also the manufacturers of the products that have been creating the ozone problem. I read recently in a local paper - it may have been *The West Australian* - that CFC manufacturers have developed a new gas that destroys itself in the lower atmosphere; in other words, it does not get through the cloud levels into the higher stratosphere where ozone breakdown is created. Although all the blame is put on the manufacturers we should also acknowledge the fact that they are working towards a satisfactory answer to this problem. It is costing them a lot of dollars, but they could have taken the attitude of sitting back and saying, "Stiff bickies, until the Government makes us do otherwise we do not want to know about it." However, they have taken that initiative and gone ahead doing their own thing. They should be thoroughly commended for that.

Turning to what the State Government has done, as members know the Environmental Protection Authority had a seminar last year which I have commented on and which, because of steps taken by the Opposition, resulted in fines being knocked out or reduced and we are stuck with them. The Government has taken the initiative in this regard and on 15 June 1988 tabled a regulation in the State Parliament banning pressure packs containing CFCs. The regulation came into effect on 1 August 1988. That allows an exemption for inhalants used for the control of asthma, which is the right way to go. Also, after 31 March 1990 there will be no pressure packs containing CFCs for sale in Western Australia. Therefore, we have given the manufacturers until 1990 to remedy this. I again commend the Government for taking that action. This is the first regulation of this nature, as such, in Australia.

I have already pointed out that the Commonwealth Government stated an intention to reduce CFCs at a rate of 85 per cent instead of the 50 per cent recommended by the Montreal protocol. There is still a long way to go to address this problem. I think it comes down to mass education of the people, which I believe is happening. All political parties are aware of the problems facing us in this regard and that if we do not rectify them we will be in big trouble. The alarming thing is that we are not fully aware of the full effect of this problem, or how we may be able to control it. Man has contributed much to our problem, particularly in relation to the ozone layer, and is still doing so.

There was a scare recently in relation to a Russian satellite which was to break back into our atmosphere. There was a possibility - although some people said a rare one - that it would land in Western Australia. I will read from an article which I photocopied and from which I lost the name of the paper involved. The article is titled "Failed satellite to crash soon" and states -

The third Soviet nuclear-powered satellite to fall from orbit will re-enter the atmosphere in August or September.

Other things have happened since then that I will come to in a moment. The article continued -

The Soviets have lost radio contact with Cosmos 1900, a radar ocean reconnaissance satellite (RORSAT), preventing boost of the satellite to a stable high-altitude orbit, and ensuring that it will return to earth, as its orbit continues to decay.

I will skip an irrelevant piece. The article continues -

Cosmos 1900 is the latest in a more than 20 year sequence of failures by US and Soviet nuclear satellites. Two previous RORSATs have re-entered the atmosphere. In 1978, Cosmos 954 scattered radioactive debris over 100 000 km<sup>2</sup> in northwestern Canada, and in 1983 a similar incident was avoided when the Soviets disengaged the reactor of the re-entering Cosmos 1402, allowing it to burn up on entry and to disperse its radioactivity throughout the atmosphere.

I have said frequently in this House that nuclear testing has always been a problem. I believe, and will point out later, that it, too, is adding to the ozone depletion problem. The article goes on to point out the problems that can be caused by satellites crashing through our atmosphere on to the land mass. The article continues -

Whether the radioactive core of Cosmos 1900 will reach the Earth remains uncertain. The Soviets have suggested they may be able to disengage the core, but Western observers are sceptical, as radio contact with the craft has been lost.

It was a pretty broad statement, if there was no contact, to say that they may have been able to disengage the core. The article continues -

Current estimates suggest the satellite will come down in late September, but it could be brought down sooner by increased solar activity, which causes expansion of the Earth's atmosphere, or by loss of altitude control, which would result in uncontrolled tumbling. The satellite's orbital inclination of 65 degrees takes it over virtually all inhabited parts of the globe, and it will not be possible until a day or so before its re-entry to determine the path of its fall.

There was an incident shown on a television news special on Sunday, 1 October that, if it were not so serious, many people would have taken as a stupid joke. The news item referred to a situation in France where the authorities almost went into a panic because they thought a satellite had crashed on to one of the major highways. After donning protective gear they got close enough to find out that it was a dance hall mirrored ball which had fallen off the back of a truck. If it were not so serious it could be seen as a funny situation. However, the French did not take it as a joke and were deadly serious about it. We have to be honest with ourselves and wonder how much more space junk is floating around up there and what is the potential for some of it to crash to earth. I will explain that potential in relation to some of it in a moment. I suppose one can look at the other side of it. The Russians had control of the satellite and were able to put it into deep space, where it is said it will remain for 300 years. Time will tell.

This State Government took the matter very seriously, and on one of the radio stations here the Chief Superintendent of the State Emergency Service said there was one chance in a hundred that Cosmos 1900 would re-enter over Western Australia. He said the satellite was designed to burn up as it fell through the atmosphere, which could result in the radio active content of the nuclear reactor spreading over a very large land area. I thank Mr John Koeys who put this information together for me. That area is said to cover 40 000 square kilometres - a huge area. The chief superintendent went on to say that the public should keep at least two metres away - I would have thought, with a radio active piece of material, 10 metres would be more appropriate - until the authorities could declare it safe. He said Western Australia would have 48 hours' warning if the Russian satellite were to re-enter over the State. He said plans were already in place. I congratulate these people, and particularly the Minister responsible, Ian Taylor, who saw the problems and took the initiative to put these people on alert. We already know that in Canada 10 years ago a Soviet satellite crashed spreading radio active material over a large, unpopulated area. Luckily it was unpopulated.

When we look at some of the safety aspects which go with the nuclear power industry - again I thank Mr John Koeys - it is interesting that books are freely available. While we were discussing it I pointed out to John that if this information is freely available - it is pretty heavy stuff if one is interested enough; I know one of my colleagues is not but I am -

Hon P.G. Pendal: He has promised to read it afterwards.

Hon DOUG WENN: It is frightening stuff. We do not know what is out there in the form of space junk. When we read what John has put together for me, it is frightening to think of



some of this equipment driving these satellites; we do not know what problems we might have.

According to the safety records of the nuclear power industry - again I thank John for this information; he obtained it from Senator Ruth Coleman - in 1970 a nuclear generating device containing plutonium from the Apollo 13 moon shot crashed into the Pacific Ocean near Norfolk Island. Records show that it contained 3.78 kilos of plutonium 238, which is a very dangerous item to be floating around in the ocean. NASA does not know the location of the module component; no attempt has been made to locate or recover it. Information about the plutonium was withheld until July 1980.

On 18 September 1977 an 800 pound vehicle, which was then the Soviet satellite Cosmos 954, fell out of its orbit and plunged into the tundra of northern Canada and covered an area which was so wide it was frightening. It had a specially designed nuclear reactor fuelled by 100 pounds of uranium 235, with an explosive power five times the force of the Hiroshima bomb. This is what fell across Canada and had to be cleaned up, although the Canadians sued the Russians to finance that operation. That satellite was launched on 18 September 1977. It was ill fated from the beginning. The radio active debris was not discovered in the initial searches. Doctor Roger Eaton of the Atomic Energy Control Board warned residents of Fort Resolution not to touch the top layer of snow for making tea and not to eat the bone marrow of game animals.

These things will continually fall out of the sky uncontrolled in a way which will mean that even eating game animals - which is tradition to many Canadians in particular, and to people in our own country - will be prohibited. I say game animals, but this could fall into farming areas and we could be in big trouble. These people pumping these things into the air know that they are dangerous. They lose control of them and give out these useless explanations. I have been able to get this information which I will not go through because a lot of it refers to chemical compounds and the make up of the power supplies of these satellites and if I start reading I will be asked to explain and we do not have all that long. But it concerns me, not only because of the problems this satellite will cause the human race if it falls across heavily populated areas but also because it will add to the problems we have in regard to ozone depletion. It has been proved that that is happening.

Hon H.W. Gayfer: Now you will be concerned about the PCB incinerator in the wheat belt.

Hon DOUG WENN: The member is dead right.

Hon H.W. Gayfer: That is the one I suggested should be built in South Perth, which the President represents.

Hon P.G. Pendal: We are still considering that.

Hon DOUG WENN: I want to bring home the point that a SNAP-9A reactor carrying about 17 000 curies, with a radio isotope Pu-238, coupled to a navigational satellite, was launched on 21 April 1964. The satellite was built to burn up on re-entry into the atmosphere. It failed to reach its orbital velocity and re-entered the atmosphere about 150 000 feet over the Indian Ocean. Following that event a test carried out in the upper atmosphere by high altitude balloon sampling proved the presence of a new source of plutonium 238. This is one of the highly dangerous chemicals. This was at a height of about 180 000 feet four months after the abort. They were still getting high, dangerous, radioactive readings four months after the mission failed. This source added to the atmospheric plutonium which already existed following atomic weapon tests.

Where are we going? We are virtually sitting on a time bomb. We have no idea how many are up there. If I can get this information out of the library, what other information are we not being told about? This may not be what many of the members want to listen to, but I am concerned about it. I feel it is important. The ozone depletion problem is a serious one, even though, according to the newspaper, scientists have recently proved that the effect has reduced by 50 per cent this year. They are now looking at the problem as a seasonal one. Where we have a reduction this year, next year it could be twice as bad. I think I have put my message across and I support the motion.

Debate adjourned, on motion by Hon Robert Hetherington.

[Questions taken.]

**ACTS AMENDMENT (RACING INDUSTRY) BILL***Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon Graham Edwards (Minister for Consumer Affairs), read a first time.

*Second Reading*

Leave granted to proceed forthwith to the second reading.

**HON GRAHAM EDWARDS** (North Metropolitan - Minister for Consumer Affairs) [5.15 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to give legislative effect to announcements made by the Government in June this year based on recommendations contained in the report of the Western Australian racing industry inquiry. The inquiry was conducted at the request of the Government by a committee of three, chaired by Mr Bill Quin, with Messrs R. Waddingham and R.J.M. Anderson QC as the members. The terms of reference of the inquiry were to examine -

the funding of the racing industry, including on course and off course turnover tax, unclaimed dividends, and the distribution basis for the TAB's operating surplus;

the administration of racing in Western Australia;

the source and level of resources necessary to ensure efficient and effective drug detection facilities for the racing industry;

facilities for racing and training, including the need for rationalisation of racing tracks; and

relevant matters related to the viability and long term future of the racing industry, with particular reference to promotion and marketing.

In November 1987, these terms were expanded to include emphasis on matters affecting the integrity of, and public confidence in, the racing industry. The Government wishes to place on record its appreciation for the high standard of the report and to thank the members sincerely for the thorough and competent manner in which the inquiry was conducted.

At the outset, the Government made it clear that the formation of the inquiry was not a witch hunt of the industry. The Government believed that a thorough examination of the industry was essential to enable responsible decisions to be made for the benefit of the community as a whole. Despite the assurances given by the Government, the Western Australian Trotting Association decided not to be a party to the inquiry. Nevertheless, the Western Australian Trotting Association made a comprehensive submission to the inquiry on certain matters, particularly the rationale for the distribution of surplus Totalisator Agency Board revenue between the racing and trotting codes. The committee completed its task between August 1987 and February 1988 and submitted its report to Government in March 1988. The report confirmed the general view that the racing industry in this State is under considerable financial stress and there is genuine concern within the industry about its future. The inquiry became convinced that the industry was in need of an improved funding arrangement in both the short and long term.

The Government responded to the findings of the report by announcing financial relief in the areas of TAB turnover tax, on course totalisator duty and increased funding for the Racecourse Development Trust, all of which are provided for in this Bill. For the racing year 1988-1989, which commenced on 1 August 1988, these concessions announced on 22 June 1988 represent an immediate injection of approximately \$4 million to the industry. One of the major recommendations of the inquiry was the formation of a racing industry development authority to take over responsibility for the conduct of racing in this State from the Western Australian Turf Club. Because of the complexity of the change and its financial implications outlined in the report, a decision on these matters has been referred to an interdepartmental committee consisting of the Office of Racing and Gaming, the Totalisator Agency Board, the State Treasury and the State Taxation Department.

The principal bodies of racing and trotting have been placed on notice that they have control

of their own destiny. It is now up to each code to adopt more positive and professional attitudes within the new financial framework to achieve greater recognition and foster respect from the community. The Government has agreed to the recommendations for an independent appeals tribunal to service both racing and trotting and the enactment of a racing offences Act. Legislation to give effect to both recommendations is being prepared.

I turn now to the main provisions of this Bill. Clause 2 provides for certain sections to come into operation with effect from 1 August 1988. Although this date is retrospective, it enables the financial concessions granted by the Government to apply from the beginning of the 1988-89 racing season. It was necessary to announce these concessions in June 1988 to allow the industry sufficient time for financial adjustments, such as increased stake money to be implemented prior to the start of the racing year. The remaining sections will come into operation from the date of assent or proclamation. Part 2 of the Bill covers amendments to the Racecourse Development Act. Membership of the Racecourse Development Trust has been restructured to allow for the appointment of an additional independent member and for the transfer at a later stage of the trust's functions from the TAB to the Office of Racing and Gaming without further amendments. A provision has been included in this Bill to enable the existing chairman and members to continue until the expiration of their current terms of office.

The major amendment to the Racecourse Development Act is the provision for all unclaimed dividends, other than those applying to greyhound racing and sports betting, to be paid by the TAB to the trust. Previously, all unclaimed TAB dividends, totalling approximately \$1 million per annum, were paid into the Consolidated Revenue Fund. This concession will double the amount available annually to the trust for distribution to country racing and trotting clubs. It will also release the WATC and the WATA from their previous statutory obligation to contribute between them 25 per cent of the funds required for the trust. For the 1988-89 racing season only, an extra \$1 million will be paid by the TAB to the trust from the extra revenue available to the board from the one per cent reduction in turnover tax which will be referred to later. This extra concession for the 1988-89 racing season is a result of the Government's recognition of the financial plight of many country clubs alluded to in the racing industry inquiry report.

Part 3 of the Bill deals with amendments to the Totalisator Agency Board Betting Act. The Bill allows for common totalisator pools and dividends to apply where on course totalisator facilities are linked to the TAB computer. Previously, this applied only to each way betting but will be expanded to other forms of novelty betting such as quinellas and trifectas. This will enable on course punters access to larger totalisator pools and avoid the necessity for different on and off course dividends. This has been a source of frustration and complaint from many punters in the past, both on and off course. The Bill also provides a discretion for the board to select races on which it could link into larger pools in other States, such as other State Totalisator Agency Boards' betting on the Melbourne Cup. Obviously, this would require sanction by other State TABs and the provision in this Bill merely allows the board to adopt this course of action if considered desirable. From 1 August 1988 unclaimed dividends on racing and trotting will be paid by the board to the Racecourse Development Trust. Unclaimed dividends on greyhound racing will be paid to the Western Australian Greyhound Racing Association and unclaimed dividends on sports betting will be paid to the credit of the TAB sports betting account for distribution to sporting organisations.

Section 27 of the Totalisator Agency Board Betting Act, which requires the Commissioner of State Taxation to pay the board 1.5 per cent of on course totalisator duty collected by the commissioner, will no longer apply and is repealed. Commencing from 1 August 1989 the ratio for distributing TAB revenue between racing and trotting will undergo a gradual change over five and 10 years from 60:40 to 70:30 in favour of racing. For the first five years racing will receive an extra two per cent and trotting two per cent less each year in respect of betting on horse racing conducted within the State. For betting on horse racing and trotting outside the State the change will be one per cent each year over a 10 year period. A clause is included in the Bill to provide for trotting to be paid more than its 30 per cent statutory share should turnover on trotting exceed 30 per cent of the total turnover in respect of meetings conducted in the State in any year. Any increase to trotting would be met from a corresponding reduction to racing.

Part 4 of the Bill amends the Totalisator Agency Board Betting Tax Act to reduce from seven

per cent to six per cent the rate of turnover tax paid by the board to the Government, with effect from 1 August 1988. Part 5 of the Bill amends the Totalisator Duty Act by abolishing the 1.5 per cent commission payable by all on course totalisators with effect from 1 August 1988. It also reduces by one per cent the on course duty payable in respect of all forms to totalisator betting with effect from 1 January 1989. Part 6 of the Bill amends the Totalisator Regulation Act as complementary amendments to the Totalisator Agency Board Betting Act to provide for payment of common dividends and betting on other venue meetings through on course totalisators. Part 7 covers the transitional requirements of the Bill.

I commend the Bill to the House.

Debate adjourned, on motion by Hon P.H. Lockyer.

## JUSTICES AMENDMENT BILL

### *Assembly's Amendment*

Amendment made by the Assembly now considered.

### *Committee*

The Chairman of Committees (Hon D.J. Wordsworth) in the Chair; Hon J.M. Berinson (Attorney General) in charge of the Bill.

The amendment made by the Assembly was as follows -

After clause 7 to insert the following new clause to stand as clause 8 -

#### Section 165B inserted

8. After the heading "*Punishment.*" and before section 166 of the principal Act the following section is inserted -

#### Limitation of punishment by justices

165B. (1) Where justices have authority to impose imprisonment on a person for an offence the period of imprisonment they impose must not exceed one month.

(2) Where justices have authority to impose imprisonment on a person for 2 or more offences, the complaints for which they heard on one day, the aggregate period of imprisonment they impose must not exceed one month.

(3) Where justices have authority to impose a fine on a person for an offence the amount of the fine they impose must not exceed \$1 000.

(4) Subsections (1), (2) and (3) do not authorize justices to impose a penalty for an offence that is greater than the maximum penalty provided for the offence by another enactment.

(5) Subsection (3) does not prevent justices from imposing a fine for an offence that is equal to the minimum fine, irreducible in mitigation, provided for the offence by another enactment.

(6) Subsections (1), (2) and (3) do not apply to the imposition of a penalty by a magistrate.

Hon J.M. BERINSON: I move -

That the amendment made by the Assembly be not agreed to.

When this Bill was before this Committee in the first instance, an amendment was carried to delete a section which would have limited the sentencing powers of justices. The Government originally intended to seek to reinstate that provision in the Legislative Assembly, but that intention was changed by two considerations: First, it was desirable to have other provisions of the Bill enacted quickly and, secondly, a constructive comment from the Royal Association of Justices of the Peace required further consideration. In general, the association has not objected to the Government's proposal on sentencing powers,

but it did suggest that substantial difficulties could arise in the more remote areas. Those reservations go to practical considerations and they deserve attention. I have no doubt they can be met by either administrative action or legislative amendment, but a decision on these matters is not likely to be available in the limited time left in this session of Parliament. On that basis I asked the Minister representing me in the Legislative Assembly to support the passage of the Bill in its form as amended in this place. That intention was, in fact, reflected in the second reading in the Legislative Assembly. However, at that stage some wires apparently crossed and, as a result, the amendment we are now considering was moved and carried in the Legislative Assembly in the course of the Committee stage. Sometimes when a mistake has been made all that can be said is, "A mistake has been made." That is the position here and my motion is directed towards correcting that.

Hon JOHN WILLIAMS: I second what the Attorney General has said because the Opposition was going to oppose the amendment. However, the Attorney General has been honest to this Chamber by saying that a mistake has occurred. We all make mistakes and members on this side of the Chamber will support the Attorney General's motion without any hesitation.

Hon P.H. LOCKYER: I too commend the Attorney General, not only for his motion but also for his comments concerning the reasons for it. When this Bill was debated in this Chamber I brought certain matters regarding remote places to the attention of the Government. I have always respected the Attorney General, and I am pleased that he has had discussions with the justices' association and has made this decision, which is a very wise one. I agree with my colleague that mistakes are made in this place and I would never hold that against the Attorney General, especially because of the honesty he has shown in this matter. I support the stance adopted by the Attorney General.

Question put and passed; the Assembly's amendment not agreed to.

### *Report*

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

### **ADJOURNMENT OF THE HOUSE - SPECIAL**

On motion without notice by Hon J.M. Berinson (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 25 October.

### **ADJOURNMENT OF THE HOUSE - ORDINARY**

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [5.32 pm]: I move -

That the House do now adjourn.

### **ADJOURNMENT DEBATE**

#### *Kelly, Tom and Sam - Happy First Birthday*

HON GARRY KELLY (South Metropolitan) [5.33 pm]: I have the pleasure to advise the House that Tom and Sam Kelly reach a significant milestone in their young lives today and are one year old. I want to place on the record that something very important happened on 19 October 1987, apart from a certain financial calamity. While it can be said that Tom and Sam are thriving, it can also be said that mum and dad are just surviving. I wish Thomas and Samuel a very happy first birthday.

### **ADJOURNMENT DEBATE - HEALTH**

#### *Dental Treatment - Public Hospital Patients*

HON W.N. STRETCH (Lower Central) [5.34 pm]: I regret that I must delay the House on the adjournment debate, but an important matter has just been brought to my attention which requires urgent action by the Government. From today public patients in hospitals will not be able to receive any dental treatment without referral, whether it is long term or urgent, as a

result of a ruling by the Health Department. That may not be of much consequence in the metropolitan area but, as members will be aware, in the rural areas of Western Australia the consequences could be devastating. Until now a dentist could treat any person in hospital, whether he was a victim of a road accident or whatever, and the account was picked up by Medicare. I have been telephoned by a concerned dentist in an isolated area who tells me that he will no longer be able to provide dental treatment to any public patient who has been involved in a road accident, whether a request for treatment has been made by the local GP, or he wishes to provide such treatment from a humane point of view. I do not know why this change has been made, or its full implications.

On 20 January 1984 a regulation was drafted which exempted dentists from certain regulations and allowed them to carry out such treatment. From today that regulation is no longer valid and I urge the two Ministers in this House to ask the Minister for Health why this change has been made and, if it is possible to remedy the situation, to ask the Minister to do so as a matter of great urgency. I understand that it is simply a matter of ratifying the regulation put in place in 1984. It should not be a difficult matter to resolve but it has very serious consequences. I urge the Ministers to take action in this matter.

Question put and passed.

*House adjourned at 5.35 pm*

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**QUESTIONS ON NOTICE**

**EDUCATION - TERTIARY**  
*State Government - Responsibility*

414. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Education:

- (1) Is it correct that, after the recent comments from the Federal Minister for Education, this State Labor Government and she, as State Education Minister, no longer control the tertiary education policy in Western Australia?
- (2) Would she, as Minister for Education, make a public statement as to whether the State Government has constitutional responsibility for tertiary education in Western Australia.
- (3) Does the State Government have responsibility for determining if there will be universities in this State, where they will be and what they will be called?
- (4) If (3) is no, would the Minister advise when control of all aspects of tertiary education were handed over to the Federal Government?
- (5) If the State Government has responsibility for tertiary education, would the Minister make a clear, unequivocal and simple reply to the following -
  - (a) do the Minister and the State Government support an independent Murdoch University;
  - (b) what steps will the State Government take to stop the uncertainty, tension and anxiety among the staff, students and parents to protect the autonomy of the university and the quality of the degrees it offers;
  - (c) will the Minister advise whether Murdoch staff and teaching has an inferior level to other universities in Western Australia; and
  - (d) will the Minister advise whether Murdoch graduates are, or have been, inferior to the other graduates of tertiary institutions in Western Australia?
- (6) Will the Minister ask the Premier to write immediately to the members of the Staff at Murdoch University stating that -
  - (a) the State Government will not allow an amalgamation of Murdoch University with any other tertiary institution in Western Australia; and
  - (b) the State Government will not permit any deterioration in the level of funds to Murdoch - funds collected from Western Australian taxpayers - and so lessen the quality of its teaching, research and degrees?
- (7) Will the Minister ask the Premier to make a public statement to all present and past graduates of Murdoch University repeating parts (a) and (b) of (6)?

Hon KAY HALLAHAN replied:

- (1) No, it is not correct.
- (2) Yes. I have consistently made clear that tertiary education institutions are established under State legislation with financial assistance being provided by the Commonwealth.
- (3) Yes.
- (4) Not applicable.
- (5) (a) As the Federal Government provides the majority of funding for tertiary education throughout Australia it cannot be said that the State Government has full responsibility for that area, despite its unique legislative responsibility.

The Senate of Murdoch University has approved a proposal for a merger with the University of Western Australia. The State

Government will take the preference of the senate into account in determining whether it should continue to support an independent Murdoch University;

- (b) the State Government has already made its position clear publicly, to institutions and to Commonwealth funding agencies;
  - (c) Murdoch teaching staff have a high standard equal to that of staff in the other higher education institutions; and
  - (d) Murdoch graduates are of a high standard equal to that of graduates from the other institutions.
- (6) (a) No. Such an action would completely ignore the stated preference of Murdoch University; and
- (b) as above, this is not necessary. The State Government will continue its strong advocacy of the funding needs of all Western Australian institutions.
- (7) A public statement is not necessary in view of (5)(b).

#### TRANSPORT - AIR

##### *Charter Flights - Minister for Education*

451. Hon N. F. MOORE to the Minister for Community Services representing the Minister for Education:

I refer the Minister to the answer to question 431 of 1988 and ask -

- (1) Was the \$1 265 paid for by the Minister personally?
- (2) If not, which agency or authority paid the account?

Hon KAY HALLAHAN replied:

- (1) Yes.
- (2) Not applicable.

#### EDUCATION - PRIMARY SCHOOLS

##### *Creaney - Second Preprimary Centre*

454. Hon N. F. MOORE to the Minister for Community Services representing the Minister for Education:

- (1) Is it proposed to build a permanent second preprimary centre at the Creaney Primary School in Kingsley?
- (2) If so, when?
- (3) If not, why not?

Hon KAY HALLAHAN replied:

(1)-(3)

At Creaney, as with other centres where there is one permanent and one transportable centre, consideration is given to replacing the transportable with a permanent unit. However, such replacement must be seen in the context of actual projected enrolments at each school, and fund availability. Within these parameters, Creaney is being considered, but is not on the current program.

#### EDUCATION - STUDENTS

##### *Boarding Away From Home Allowances - Annual Expenditure*

455. Hon N. F. MOORE to the Minister for Community Services representing the Minister for Education:

What is the total annual expenditure on providing boarding away from home allowances to Government and non Government school students?

Hon KAY HALLAHAN replied:

An amount of \$1 993 000 has been allocated in the 1988-89 Budget to meet



the cost of boarding allowances for Government and non Government students for 1989.

# EDUCATION - PRESCHOOL

## *Four year olds - Centre Placing Annual Recurrent Cost*

456. Hon N. F. MOORE to the Minister for Community Services representing the Minister for Education:

What would be the annual recurrent cost of providing a place - two half days per week - for all four year olds in a preprimary centre or preschool centre?

Hon KAY HALLAHAN replied:

The estimated annual recurrent cost of providing a place for all four year olds in a preprimary centre or preschool centre is \$14 900 000.

# WATER RESOURCES - MUCHEA

## *Cooljarloo Proposed Processing Plants - Supply Source*

459. Hon MARGARET McALEER to the Minister for Community Services representing the Minister for Water Resources:

- (1) From where will the water for Cooljarloo proposed processing plants at Muchea be supplied?
- (2) What quantity and quality of water is it estimated will be required?

Hon KAY HALLAHAN replied:

- (1) Water for the Cooljarloo processing plants at Muchea will be obtained from deep groundwaters on the site or from shallow groundwaters about six kilometres west of the site.
- (2) Up to 1 100 000 kl a year of water of potable quality may be required.

# MINERALS - MINES DEPARTMENT

## *Form 16 - Exploration Objections*

462. Hon D.J. WORDSWORTH to the Leader of the House representing the Minister for Mines:

- (1) Does the Department of Mines have a form 16 whereby objections are lodged against mineral exploration?
- (2) If so, does this form state clearly that it has to be accompanied by a fee?
- (3) Does it state on the form that it will be invalid unless accompanied by a fee?
- (4) Is the Minister aware that this form is being sent out to landowners who call the Department of Mines wanting to object and they are not being informed that a fee is required?

Hon J.M. BERINSON replied:

- (1) Yes. Form 16 is an objection to the grant of a mining tenement application.
- (2) Provision is made on the form for a fee. The amount is not stated on the form as this is included in the general list of fees in the second schedule to the regulations of the Mining Act.
- (3) No, but regulation 67 requires the fee to be paid with the lodgment of an objection.
- (4) Objection forms are forwarded to any person requesting them. Where callers identify themselves as private landowners wishing to object to an application for a mining tenement over their land, they are also sent a copy of a pamphlet prepared by the Department of Mines which sets out rights of private landowners under the Mining Act. Information on lodging of objections, together with the fee payable, is included in this pamphlet.

## QUESTIONS WITHOUT NOTICE

### SEXISM - NON SEXUAL LANGUAGE *Federal Government's Manual - Recommendations*

222. Hon G.E. MASTERS to the Minister for Community Services:

Is the Government putting into effect or proposing to put into effect the recommendations of the Commonwealth Government's manual - that is, if I am allowed to use the word "manual" - promoting non sexist language?

Hon KAY HALLAHAN replied:

There have been no discussions on implementing the recommendations of the manual.

### SEXISM - NON SEXUAL LANGUAGE *Federal Government Promotion - Women's Opposition*

223. Hon G.E. MASTERS to the Minister for Community Services:

As an aid to the Minister's and the Government's deliberations on this issue, does she know that 90 per cent of women are bitterly opposed to such a move and are proud to be recognised as females?

Hon KAY HALLAHAN replied:

I am sure the member is making some sort of point, but it is not a matter for the Minister for Community Services. I am unsure whether it should be directed to the Attorney General or to the Minister for Women's Interests.

Hon G.E. Masters: No, it was a Commonwealth Government promotion of non sexist language.

Hon KAY HALLAHAN: Then it is a Commonwealth issue. It has not been an issue here. If the member keeps on asking that question, I will keep answering it in the same way.

### COMMUNITY SERVICES - CHILDREN *Homeless - Human Rights Commissioner's Statements*

224. Hon G.E. MASTERS to the Minister for Community Services:

- (1) Is the Minister aware of remarks made by the Human Rights Commissioner, Mr Brian Burdekin, and reported in *The Age* newspaper of 15 October 1988, that a report to be published next month will show that the plight of homeless children in Australia is worse than generally thought?
- (2) Can the Minister advise the House what the situation, as far as she knows, in Western Australia is regarding homeless children? It is a very serious matter, as I am sure the Minister will agree.

Hon KAY HALLAHAN replied:

(1)-(2)

I am not particularly aware of the article in *The Age*, but I am aware of some statements made by the Human Rights Commission, through Brian Burdekin, about the situation with homeless youth. It is interesting that this morning I launched the second edition of a profile on Western Australian youth. It is clear from that that it is very difficult to get accurate figures on how many young people are homeless. I guess that is related to the varying lengths of time young people would be classified in that way.

Members would no doubt be pleased with the Government's recent - only this week - initiative in advertising a scheme whereby young people and families who are having conflicts will be able to approach a new service in order to resolve their difficulties. My concern is that parents have not had sufficient agencies to turn to when there is a family conflict; one spin off from that is

that some young people are not therefore accommodated in the family home, and are turned out from or leave it because of a conflict in the home. The scheme has been advertised and will be tendered to a non Government agency and it is my hope we will get that up and going very quickly in order to resolve at least one of the causes of homelessness, which is family conflict. I thank the honourable member for his question. I am sure members are interested in that new development.

#### ORDERS OF THE DAY - FAMILY AFFAIRS COMMISSION BILL

##### *Consideration*

225. Hon P.G. PENDAL to the Leader of the House:

As the Minister in charge of the Notice Paper, is it his intention to proceed with Order of the Day No 19 on today's Notice Paper at any time during this session, given that this initiative by the Opposition was adjourned by the Government almost four months ago?

Hon J.M. BERINSON replied:

I have not made any final decision in relation to the treatment of non Government items on the Notice Paper, but I will give attention to that at a later stage of this session.

#### ORDERS OF THE DAY - MUSEUM AMENDMENT BILL

##### *Consideration*

226. Hon P.G. PENDAL to the Leader of the House:

I thank the Leader of the House for that answer. Would he make a similar consideration in respect of Order of the Day No 16, which, while introduced at a much later date by the Opposition, is nonetheless something that the Opposition is serious about proceeding with?

Hon J.M. BERINSON replied:

I am prepared to consider all outstanding items, but in respect of the Bill in question it seems to me that it cuts clearly across the known decision of the responsible Minister, and that would have to be a factor in considering its listing.

#### SPORT AND RECREATION - WEST AUSTRALIAN FOOTBALL LEAGUE

##### *Government Assistance*

227. Hon P.H. LOCKYER to the Minister for Sport and Recreation:

Can the Minister inform the House why the Government has not chosen to support the West Australian Football League, taking into account the fact that some clubs are nearly bankrupt and the understanding is that the league will have difficulty operating in the 1989-90 season?

Hon GRAHAM EDWARDS replied:

I do not know where the member could possibly have got that impression. I suggest that he needs to read *Hansard*.

#### SPORT AND RECREATION - WEST AUSTRALIAN FOOTBALL LEAGUE

##### *Government Assistance*

228. Hon P.H. LOCKYER to the Minister for Sport and Recreation:

In answer to a question yesterday the Minister informed the House that no financial support would be given by the Government to the West Australian Football League. Can he now inform this House what points were taken into consideration when the Government made this decision?

Hon GRAHAM EDWARDS replied:

The member does not seem to understand his own question. I do not know

whether he is doing it deliberately, but he is inferring something which is not true. I refer the member back to his question and I suggest - quite seriously - that he might be doing a bit of mischief. The member should go back and read his question and the answer I gave to it. The rest of the House seemed to understand it; I do not know why Hon P.H. Lockyer did not.

# SPORT AND RECREATION - WEST AUSTRALIAN FOOTBALL LEAGUE

## *Government Assistance*

229. Hon P.H. LOCKYER to the Minister for Sport and Recreation:

I will start at the beginning: Is the Government going to give financial assistance to the West Australian Football League?

Hon GRAHAM EDWARDS replied:

That is certainly not the question the member asked yesterday.

Hon G.E. Masters: He is asking it now.

Hon GRAHAM EDWARDS: I am very pleased that the moment he was pulled up he immediately recognised it by moving to a completely new question.

My office is currently considering the question of whether the Government will give financial assistance to the West Australian Football League. When we have worked through the issues involved I will be in a position to give some reply. Until then, as I said yesterday, it would be premature of me to make any statement.

I am a very strong supporter of football in this State and I have a great deal of time for the job that the league has done. I am certainly sympathetic to football in this State and to the plight of the West Australian Football League. The clubs are well aware of that.

# SPORT AND RECREATION - WEST AUSTRALIAN FOOTBALL LEAGUE

## *Government Assistance*

230. Hon P.H. LOCKYER to the Minister for Sport and Recreation:

I asked this question yesterday -

(1) Can the Minister inform the House whether the Government will make a financial injection into the troubled West Australian Football League?

(2) If so, how much?

The Minister's answer to my question was no. Can the Minister inform the House why the difference between today's question and yesterday's question is now that the matter is being considered?

Hon GRAHAM EDWARDS replied:

There is absolutely no difference. As I said, I think the member is attempting to be quite mischievous. The member asked a question and I gave the answer which was, quite simply, no. If the member cannot understand that he should go back to night school for a while and learn something about the Queen's English. I suggest that the member has sat in this House long enough to know how to frame a question properly, and he obviously has been here long enough to know how to misrepresent one mischievously.

Several members interjected.

The PRESIDENT: Order!

# SPORT AND RECREATION - WEST AUSTRALIAN FOOTBALL LEAGUE

## *Government Assistance*

231. Hon P.H. LOCKYER to the Minister for Sport and Recreation:

There is no reason for the Minister to be rude, because I am not being mischievous. I want to know the answer to this question and I am surprised

the Minister is getting so uptight about it. May I take it from his answer that a decision on whether there will be financial assistance to the West Australian Football League will be made in one, two or three months' time.

Hon GRAHAM EDWARDS replied:

I am aware of the time constraints and I will formulate a reply to the WAFL within those time constraints.

#### REAL ESTATE - SOLICITORS

##### *Selling - Licences*

232. Hon G.E. MASTERS to the Minister for Consumer Affairs:

Does the Minister know whether a solicitor in Western Australia is required to be licensed to sell real estate? I raise the question because of an article which appeared in *The Age* on Saturday, 15 October, which states -

The Real Estate Act says that barristers and solicitors carrying out their ordinary functions are not required to hold a licence to sell real estate.

Hon GRAHAM EDWARDS replied:

I noticed that article myself, and I have referred it to the Ministry for advice. If the member would like to put that question on notice it will be dealt with.

#### SPORT AND RECREATION - DEPARTMENT

##### *Chief Executive Officer Appointment - Review*

233. Hon MAX EVANS to the Minister for Sport and Recreation:

I noted an advertisement in last Saturday's newspaper advertising for a Chief Executive Officer for Department of Sport and Recreation. Has the review of the department been completed?

Hon GRAHAM EDWARDS replied:

It is not a review of just the Department of Sport and Recreation, but also of the Western Australian Institute of Sport and the Western Australian Sports Trust. That review has been completed.

#### SPORT AND RECREATION - MINISTER'S MEDIA STATEMENT

##### *4 October 1988 - Report Findings*

234. Hon MAX EVANS to the Minister for Sport and Recreation:

I appreciate receiving a copy of the Minister's media statement of 4 October. Could the Minister advise what the findings of that report are and whether they will be made public in the near future?

Hon GRAHAM EDWARDS replied:

The report was not made public. I requested the review and the information was for my own use.

#### SPORT AND RECREATION - DEPARTMENT

##### *Proposed Changes*

235. Hon MAX EVANS to the Minister for Sport and Recreation:

What changes are proposed to the restructuring of the Department of Sport and Recreation? We have seen an advertisement for a new chief executive officer, but what are the other proposed changes?

Hon GRAHAM EDWARDS replied:

Many other changes were recommended. For instance, we are establishing a Ministry for Sport and Recreation, and we are creating a sports section and a recreation section within the Ministry. That is the major change which has been recommended.

## SPORT AND RECREATION - DEPARTMENT

*Review - Departmental Input*

236. Hon MAX EVANS to the Minister for Sport and Recreation:

Was this review done in consultation with the Department of Sport and Recreation and, if so, was the department's advice part of the Minister's own input?

Hon GRAHAM EDWARDS replied:

Yes, the department had input to the review.

## SPORT AND RECREATION - DEPARTMENT

*Review - Civil Service Association*

237. Hon MAX EVANS to the Minister for Sport and Recreation:

What consultation has taken place with the Civil Service Association regarding the proposed changes?

Hon GRAHAM EDWARDS replied:

I have had a meeting with representatives from the CSA and there will be ongoing consultation with them.

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