

Legislative Council

Thursday, 1 December 1994

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

MEDICAL AMENDMENT BILL

Assent

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

PETITION - SEAGRASS MEADOWS, COCKBURN SOUND-OWEN ANCHORAGE AREA

The following petition bearing the signatures of 360 persons was presented by Hon B.M. Scott -

We the undersigned are opposed to any further loss of seagrass meadows in the Cockburn Sound/Owen Anchorage area of the metropolitan waters.

We implore the Government to fulfil its obligations to environmental protection by prohibiting any further activities which cause loss of seagrass meadows.

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

[See paper No 586.]

MOTION - URGENCY

Trade Unions' Rights, Government Destruction Plans

THE PRESIDENT (Hon Clive Griffiths): I have received this letter addressed to me as President dated 1 December 1994 -

Dear Mr President

At today's sitting, it is my intention to move under SO 72 that the House, at its rising adjourn until 9.00 am on December 25, 1994 for the purpose of expressing our concern over the Minister for Labour Relations' plans to take further steps to destroy the rights of the trade unions and the working men and women who they represent.

Yours sincerely

Alannah MacTiernan MLC

If this matter is to be debated it will require the support of at least four members indicating such by rising in their places.

[At least four members rose in their places.]

HON A.J.G. MacTIERNAN (East Metropolitan) [2.35 pm]: I move -

That the House at its rising adjourn until 9.00 am on 25 December 1994.

The Opposition is concerned at what the Government may have in store for the working men and women of Western Australia over the coming months. Last week a Bill was introduced into this place, which we will not be discussing, which presented itself as making the Government's amendments to industrial relations legislation. The general view was that this was to be the much vaunted second wave of industrial relations reform. Although some undesirable and unfortunate provisions are in that Bill, there was generally a sigh of relief that some of the excesses of lunacy we have seen in the past and expected to see were not contained in the legislation. However, we have recently come into possession of a document which indicates to us that this is only a small part of the Government's agenda and that, not content with having virtually destroyed the State based industrial system, the Minister for Labour Relations is trying to drive a stake

through the heart of his avowed mortal enemy, the union movement.

It is clear that the Government has no appreciation of the role the union movement plays in our society. It is important that the interests of the less powerful are represented, not just simply for the greater economic and social equity that that delivers to society but for the stability of our society both in social and economic terms. Until the new right seized the agenda of them, the conservatives recognised that the existence of the union movement in this country, and its capacity to achieve real gains for the men and women of Australia, was a great moderating force in Australia. It has been one of the reasons we have not seen taking place in Australia the extreme social movements which have blighted many European nations and other societies. If we want a moderate, stable society, we need a union movement. That is something this Government must never forget. I suggest that those members who are somewhat more sane on the Government benches -

Hon Sam Piantadosi: There are not too many.

The PRESIDENT: Order!

Hon A.J.G. MacTIERNAN: - do what they can to control the conduct of the mad dog on the Government front bench, Mr Kierath.

As I said, we have access to some information about what is indeed the real agenda of the Government. From what I gather, some extraordinary amendments that we will set out today have been endorsed by Cabinet. We do not know what happened on the way to Parliament; we can only presume or hope that some people on the Government benches, or some of the Government's large financial supporters, did not relish the prospect of a great deal of industrial unrest in this State and persuaded the Government to hold back. The reason we have moved this motion today is that we would like a response from the Government about whether those moves are permanently off the agenda or whether we are having a stay of execution.

Hon Peter Foss: We still do not know what it is.

Several members interjected.

Hon A.J.G. MacTIERNAN: The Minister should keep on his highly colourful braces.

The PRESIDENT: Order! Members should stop interjecting. I missed the last couple of sentences Hon Alannah MacTiernan uttered and I am very disappointed about that.

Hon A.J.G. MacTIERNAN: I was attempting to tell Hon Peter Foss that I was about to be more specific with the details of that information. I was keen to set the general framework surrounding the issues so that they could be properly understood. The first proposal that we do not see in the legislation before this place, but for which Mr Kierath seems to have Cabinet approval, is the suspension and cancellation of awards where a union has applied for federal coverage. In this State we have seen a mass exodus of workers to the federal jurisdiction. It is not surprising that many tens of thousands of workers have sought refuge in the Australian Conciliation and Arbitration Commission since the Western Australian industrial relations doomsday in December last year. Hospital employees, both private and public sector, and State Energy Commission of Western Australia workers - who work for the largest employer of the State - are all now under federal awards. Teachers, government officers, metal workers and many more have applications either approved by or before the courts seeking registration under the federal jurisdiction. In most instances it takes more than a year from the time a log is served on the federal commission to the time an award is granted.

Last year in wave one of this Government's industrial relations legislation, the state commission was given power to cancel a state award after a federal award had been granted. However, now a quite massive change is proposed. Under this proposal endorsed by Cabinet, the Minister has power to immediately cancel a state award once a union seeks to reregister with that union's federal counterpart. This situation means that potentially tens of thousands of Western Australian workers - we estimate it would probably be in excess of 50 000 - who have applications before the federal commission

will be left without any rights to an award. That is a massive change of circumstances. These are generally workers who have enjoyed awards for decades. Now the Minister is giving himself the right, because of his anger and inability to stem the tide of workers moving to the federal system, to summarily terminate their awards, notwithstanding it may take up to a year before a federal award is granted. Although it is highly unlikely given the inadequacy of the state legislation now, there also exists the possibility that the award will not be granted. The real injustice is that many workers will be left for up to a year, or even more, without any award protection. That is a massive reversal of industrial relations within this State. It will lead to a great deal of industrial mayhem particularly within government ranks.

It is time some of the moderates, if any are left on the government benches, explained to Mr Kierath that if he wants to stem the tide he should restore the integrity of the state system. He must offer incentives to unions and workers to stay within the state system. He will not keep a state system if he continues to beat the unions over the head. This latest measure is one more pathetic gesture.

Hon J.A. Scott: Aren't they choosing to stay in the state system?

Hon A.J.G. MacTIERNAN: Not at all; they are leaving by their tens of thousands.

Hon Peter Foss interjected.

Hon A.J.G. MacTIERNAN: The second concern is payroll deductions. Last year the Government amended the legislation to change the definition of industrial matter so that it did not include the awarding of the right of payroll deductions. However, Mr Kierath has found that has not quite worked because it will not change existing award provisions. He now wants to have another go at it and is proposing that the legislation will enable existing award provisions. Those awards that have been agreed on and settled for many years will be changed and no right will exist under those awards to automatically deduct fees from the payroll. Employees will not have the freedom of choice.

Another very interesting proposal is the restriction of union representatives' rights to enter premises to inspect wages records. It is important to understand that we have the principle of common rule in our industrial relations system; that is, that by and large most awards apply to those workers who are specified within that award regardless of whether they are union members. If an employer is covered by that award, regardless of whether his employees are union members, that employer has an obligation to pay the award wages.

Mr Kierath has told Cabinet that he has concern for a group of religious business men who, because of their religious beliefs, do not like dealing with unions. They do not want union representatives on their premises looking at their books. Religious freedom in this country is not denied, but the proposal that we should massively alter the basis of our industrial relations system because of one small fringe group with some exceptional and extremely unusual religious views, is totally unacceptable. Many of my constituents are Rastafarians and would like the law changed tomorrow so they can smoke marijuana.

Hon P.R. Lightfoot: So would you, so that you can have a puff.

Hon A.J.G. MacTIERNAN: Not at all. I am hoping it will improve the quality of Mr Lightfoot's arguments.

Hon P.R. Lightfoot: You are the driving force behind it.

Hon A.J.G. MacTIERNAN: The only reason I would smoke would be to make this place slightly more bearable.

The PRESIDENT: Order!

Hon A.J.G. MacTIERNAN: We also have a substantial Muslim community, many of whom would no doubt like us to change the law to make polygamy legal. However, there is no suggestion that we will do that. It is an absolutely extraordinary proposal that we would undermine the important principle that unions have a role in enforcing awards in accordance with common rule. The matter was brought up by Mr Kierath in the first

instance in relation to the Exclusive Brethren. A union member employed by the Exclusive Brethren was intimidated from declaring his union membership because of the extraordinary views of the group. He contacted the union and asked it to check the books of the brethren because he thought he was not being properly paid. We will see many cases where employees will exercise their freedom of choice not to advise the employer that they are union members. If we eliminate the capacity for union officials to go in, regardless of declared union membership, we will undermine the rights of those individuals.

The next extraordinary proposal relates to political donations. It appears to be endorsed by Cabinet, and I would appreciate it if we were told whether this is true.

Hon Peter Foss: Perhaps if the member had let me know what she was about to say, I could have checked.

Hon A.J.G. MacTIERNAN: The Minister is a member of Cabinet. I presume he would be aware of the matter.

The proposal is that unions will no longer be entitled to make political donations, unless each member of the union has given approval in writing for the political donation. That is extraordinary.

Several members interjected.

Hon A.J.G. MacTIERNAN: Will we have some parity?

Several members interjected.

The PRESIDENT: Order!

Hon A.J.G. MacTIERNAN: I have a list of donations to the Liberal Party which includes many public companies. Will we have parity? Will every company go to individual shareholders and seek approval in writing before making donations of tens of thousands of dollars?

Hon P.R. Lightfoot: There is no parallel there. Your argument is flawed, using that analogy.

Several members interjected.

The PRESIDENT: Order!

Hon A.J.G. MacTIERNAN: My argument is not flawed. It is exactly the same. This is a list of a great number of public companies. It includes our friend Lennie Buckeridge, Clough Engineering, the NAB -

Several members interjected.

The PRESIDENT: Order!

Hon A.J.G. MacTIERNAN: The list also includes Colonial Development Corporation, Ramsgate Resources, ERG - hundreds of companies that have given donations.

[The member's time expired.]

HON JOHN HALDEN (South Metropolitan - Leader of the Opposition) [2.53 pm]: It is an amazing feeling when information is provided and one's worst fears are confirmed. As we said during debate on a trilogy of government Bills recently, the road we are travelling down is the Kennett road. At the time, the Minister for Health denied it. During that discussion we advocated certain things. We talked about the potential for payroll reduction and loss, the restrictions that would occur if people went to the federal industrial relations system, and the consequences to the State and the economy in those situations; but that was denied. Suddenly, by good luck more than good management our worst fears are about to come to fruition; but they are not the worst fears of just the Opposition - they are the worst fears of the community. Can members imagine a situation where the Government will legislate so that if a state-based union or its federal counterpart applies for a federal award the state award is immediately removed? People will have no industrial protection whatsoever by way of an award. As Hon Alannah

MacTiernan said, it could be for a period of 12 months. We have discussed the benevolence of employers historically in this State and nationally, and it leaves a lot of be desired. The only thing that has traditionally protected workers en mass is the award system. Imagine a situation where the award system does not apply for 12 months! Imagine the potential for abuse!

Hon E.J. Charlton: How are they going at the federal level?

Hon JOHN HALDEN: We told the Minister about the implications of the Government's industrial relations legislation. We said that the unions in this State would apply to the federal Industrial Relations Commission. We told the Government about the losses and the time delays, the complications, the difficulties for employers and employees - and Government members scoffed!

Hon E.J. Charlton: Yes!

Hon JOHN HALDEN: The Minister for Labour Relations denied it. He said it would not happen, but it has. Not only SECWA workers but also health and metal trades workers are moving to the federal system - not to mention the many industries represented by the Miscellaneous Workers Union and covered by an array of awards.

Hon Bob Thomas: Even teachers.

Hon JOHN HALDEN: They wanted to get away from the architect of industrial sabotage, the Minister for Education.

Hon N.F. Moore: You are a real dope at times. Have you ever voted for a union?

The PRESIDENT: Order!

Hon P.R. Lightfoot interjected.

Hon JOHN HALDEN: Both of those stupid and inane comments deserve no reply.

I turn now to the fairness of the situation. I love the comments by Hon Ross Lightfoot about political donations, and how it will be fair under this industrial relations legislation. The legislation will be directly aimed at political donations and will attack the Australian Labor Party. It is public record that funds come from union subscriptions annually to the Australian Labor Party; it is a source of funds which we are guaranteed, and which this Government longs to have. It does not receive such donations because it does not have that kind of support.

Hon P.R. Lightfoot: Trade unions are the parasites of the workers.

Hon JOHN HALDEN: We came from the trade union movement; we are part of it. It is an historical link. Having decided on the principle that parties involved with and members of unions must provide approval in writing for unions to make political donations, does the Government make the obvious link that it should apply to the conservative parties? Of course not! The conservative parties have double standards. I offer no better example than the Ministers in both Houses.

Hon P.R. Lightfoot: We don't force our contributors to join us!

The PRESIDENT: Order! Members must come to order when I call order.

Hon JOHN HALDEN: Will the public companies in this State who want to make donations to the Liberal Party need to go through the same process? Of course not, because it will benefit members opposite. This is the most blatant political rort ever perpetrated in this State. It is nothing but a rort. Anyone who suggests it is not, is either stupid or not cognisant of the facts; such a person would not know the difference between fact and fiction. This is a blatant attack on the Opposition and the Australian Labor Party. The Minister knows that, and he has been caught. He was caught, not necessarily for the noble reasons suggested by Hon Alannah MacTiernan. It is not that the Minister might have been thinking about what he was doing or considering the absolute hypocrisy and blatant politicisation of industrial relations and the political consequences. I do not believe for one second the Minister considered those aspects at all. I suggest that two things stopped the Minister: First, either the Parliamentary Counsel could not draft the

legislation quickly enough to introduce it this session or, second, with the enormous amount of legislation back-logged in the other place and soon to arrive here, the Minister knew he could not get it through before Christmas.

Hon Peter Foss: This was in a Bill two years ago.

The PRESIDENT: Order!

Hon JOHN HALDEN: That is not reconciliation. It is the absolute blatant politicisation of IR legislation in this area by members opposite. It is purely a pragmatic decision that they could not get this legislation through the House in time. As a result of that we were all going to wait until March next year for this little number to be pulled on us. It is not pulled on us; the implications of what are provided in here, with the exception of political donations, affect people in the community - the average man and woman in this community.

Hon W.N. Stretch: Eighty per cent of whom are saying hip hip hooray!

Hon JOHN HALDEN: We have seen how successful workplace agreements have been. They were to be the panacea for this Government's industrial relations policy. As yet 1 per cent of workers in this State are covered by workplace agreements. I will bet that many of those workplace agreements are with those companies on the list that Hon Alannah MacTiernan was reading from; that is, the list of political donations to the Liberal Party.

Hon N.F. Moore: Name one. Talk about the Pilbara, and Hamersley Iron.

Hon JOHN HALDEN: I will bet Hon Norman Moore that they are the same as the companies on that list. Let us start with Len Buckeridge.

Several members interjected.

Hon JOHN HALDEN: It is an attack upon people's rights in the workplace. Our worst fears are coming to reality. It is an attack and people will be removed from the protection of the award system for a period, up to one year or even longer. It is the removal of the protection of the ambiguity to get unions to come into a workplace and check the time and records book. That book caused considerable problems for the Minister for Labour Relations in a previous life.

Hon Bob Thomas: It is a burning issue.

Hon JOHN HALDEN: The Minister for Labour Relations would know about time and records books because of the number of times he was taken to the Industrial Relations Court by the Miscellaneous Workers Union. As an employer the Minister for Labour Relations would be delighted to know who had telephoned the union to do him in. The moment those people identified themselves they would lose their job. How long would they be able to continue to pay the mortgage, to buy food and to have a reasonable standard of living? With employers like the Minister for Labour Relations it would not be very long. To suggest that we would demand of those people that they identify themselves, is to say to them, "Identify yourself to be dismissed" no matter how unfair the situation is. If there is nothing wrong with the time and records book, there is no chance of prosecution. What have they got to fear?

HON KIM CHANCE (Agricultural) [3.02 pm]: I will raise one issue which revolves around the recommendation by the Minister for Labour Relations that union officials not be permitted to enter premises where one of their members works, on the ground of the employer's political beliefs. It is not the beliefs of both employers and employees; it is simply the employers. What kind of lunatic religion would preclude its members from talking to somebody whose job is to represent workers, to guarantee fair play in the workplace? What bunch of loonies would want to do that? Is it the bunch of vultures who were sitting in the Public Gallery during debate on the IR legislation?

Several members interjected.

The PRESIDENT: Order!

Hon KIM CHANCE: These are the people that this Minister and this Government is representing: The lunatic fringe, the fundamentalist Christians who seem to dominate half of the Cabinet.

Point of Order

Hon W.N. STRETCH: I doubt the propriety of referring to any religious group in a free country as a lunatic fringe on the floor of this Parliament.

The PRESIDENT: Order! That is not a point of order. By the same token, the member should moderate his language.

Motion Resumed

Hon KIM CHANCE: Probably what I said was offensive, and I can assure you, Mr President, that it was intended to be.

Hon N.F. Moore: Anyone who does not agree with you is a lunatic.

Hon KIM CHANCE: I find it offensive that people will use this cocked up little religion in order to cut across the rights of working men and woman. That is offensive.

Hon Peter Foss: That is offensive; that is an intolerant attitude.

Hon KIM CHANCE: The Government's backing of them, individually and jointly, is offensive to the democratic system this country is built on. What are members of the Government doing?

Several members interjected.

The PRESIDENT: Order! Come to order when I call for order! We have had a week of very long sittings, and I can assure members that the less noise there is the better I will be.

Hon KIM CHANCE: Thank you, Mr President. When members opposite stop their unruly interjections I might be able to moderate the level of my voice. Who are the fundamentalists who are driving this Government? What will be the outcome if this is the type of rubbish that the people of Western Australia have to put up with from this Government? All that a group of employers would have to do, if this were to become law, would be to call themselves a new religious sect which had rules against paying taxes and driving on the left hand side of the road.

Hon Peter Foss: Are you saying that the Exclusive Brethren is a made up religion?

Hon KIM CHANCE: Of course it is. Any denomination is an invented made up religion. I do not think religious denominations are the subject of this debate. If we follow this principle through -

Several members interjected.

The PRESIDENT: Order! It is one thing to interject; it is another thing to interject and raise a question and then interject when the member tries to answer it. I am interested in what he has to say in response to that interjection.

Hon KIM CHANCE: It is one thing for a religion to have a set of principles which prevents it from doing certain things such as drinking, smoking and whatever. I find disingenuous any concept that any religion could prohibit a person talking to another person on the basis of his employment, particularly when that employment is to serve a higher purpose; that is, the purpose of guaranteeing fair play in the work force. If we allow a lunatic notion like that to be enacted, what is to prevent a group of people establishing themselves as a religious denomination and saying that they have decided their religion precludes them from paying income tax? Is the Commonwealth then going to be asked to legislate to allow that to occur? It is not acceptable. For that point of view to be given any credibility at all by the Government is appalling.

Hon P.R. Lightfoot: Your analogy does not have any credibility.

Hon KIM CHANCE: I am sorry Hon Ross Lightfoot cannot understand; perhaps I can draw some pictures for him.

Hon P.R. Lightfoot: It does not dovetail.

Hon KIM CHANCE: It is a simple concept to grasp.

Hon Bob Thomas: Do it in Braille.

Hon KIM CHANCE: The call for exclusion on the grounds of religion in the matter of whether a union official shall be allowed to enter certain premises is clearly pandering to a bunch of lunatics. I am amazed that members opposite find that offensive, even though it was certainly meant to offend those who are members of that religion. I have no problems at all with that. I find it amazing that members opposite find it personally offensive. It is absolutely incredible.

Hon I.D. MacLean: Your attacks on religion are offensive and your attacks on people's personal beliefs are disgusting.

Hon Peter Foss: I find it surprising that you attack a religion like that.

Hon KIM CHANCE: The Minister for Health finds it surprising that I attack religion in that way.

Several members interjected.

The PRESIDENT: Order! I have indicated earlier that I will be a much easier Presiding Officer to get along with today if there is as little noise as possible in the Chamber. If honourable members want me to be less easy to get on with, they should carry on interjecting without stopping. I do not care whether members like what is said by the member addressing the Chair, and that applies to either side of the House. One of the features of our system is that the member has the right to express his opinion without being interjected upon. Many of the statements made by members are questionable, and often I wish that I were on the floor of the House so that I could comment on them. However, we operate under a system which I believe every one of us should be prepared to stand up and protect to the last drop of blood; that is, the right of a member to be heard in this place. If members disagree with the views of the member on his feet they, equally, will have the right to be heard when expressing that disagreement. I ask honourable members to allow Hon Kim Chance to finish his remarks.

Hon KIM CHANCE: I appreciate your words, Mr President. I did lose a minute and a half of my time.

Hon W.N. Stretch: You should have lost more.

Hon KIM CHANCE: I will use my right of free speech, either in this place or out of it, to attack any religious group or the use of the practices of that religious group which I think are offensive to common decency. The actions of that religious group and the Minister for Labour Relations are offensive to my sense of common dignity - the common dignity of the right of a person to a fair go in the workplace. Anybody who hides behind the facade of a religious denomination does not have, does not deserve, and will not get, my respect; nor will anybody who in future decides to use or interpret for their own benefit, any part of any religious denomination simply to make themselves wealthier. That is at the heart of this matter.

[The member's time expired.]

HON PETER FOSS (East Metropolitan - Minister for Health) [3.13 pm]: Firstly, I dissociate myself entirely from the remarks of Hon Kim Chance. I accept that he does not agree with or respect the views of a particular religion, but I dissociate myself from the statement that fundamental Christians are a lunatic group. He appears to have described all fundamental Christians as the lunatic fringe. He referred to cocked-up religions, and said anybody could invent a religion to get out of paying, say, income tax. He is not only saying he disagrees with their beliefs, but also is suggesting that, for instance, the Plymouth Brethren do not fervently and faithfully hold those beliefs. He may disagree with them, but he said that those people do not hold those beliefs but rather had adopted the religion for their own purposes. He referred to an invented religion and said his remarks were designed to offend the members of that religion. Those remarks

will offend them, as they would offend any right thinking people. The member did not just say that he disagreed with their views; I have never heard such religiously intolerant views expressed in this Chamber during my time as a member. I hope the next member to speak from the Opposition will dissociate the Opposition from this attack on a group of people who hold their religious beliefs very fervently.

Hon Kim Chance: Hypocrisy.

The PRESIDENT: Order!

Hon T.G. Butler: What do you think about the rest of the provisions?

The PRESIDENT: Order! Hon Tom Butler should come to order. I recently had an argument with one of his colleagues because I chastised him for continuing to interject while I was speaking. I hope he has got over it now because I did my best. I do not want to get into that situation with Hon Tom Butler because we go back a long way. I do not want a longstanding argument with him. However, when I call for order, he should stop for at least a couple of minutes.

Hon PETER FOSS: It is quite unacceptable to this House, and I thought the Labor Party's platform indicated there should be religious tolerance. I am very disappointed that the member has taken this opportunity to go beyond attacking any government proposed legislation, and to attack the religious group itself. Hon Alannah MacTiernan managed to make some passing snide remarks about Moslems, as well.

Hon A.J.G. MacTiernan: They were not snide remarks.

As to Point of Order

Hon A.J.G. MacTIERNAN: I take exception to that statement.

Hon P.R. Lightfoot: Stop the clock.

The PRESIDENT: Order! I will tell the member what the score is. If she takes exception to a matter raised in a motion she has sponsored, at the end of this debate she will have five minutes during which to refute the comments made. The matter can be taken up by Hon Alannah MacTiernan when she responds to the debate.

Hon A.J.G. MacTiernan: I will check the standing orders.

The PRESIDENT: It is not a matter of checking the standing orders; I am telling the member.

Hon A.J.G. MacTIERNAN: I want the comment withdrawn because it is extremely offensive.

The PRESIDENT: It is not a point of order. It is a debatable matter and the member has the right in the debate to contest the statement when she closes the debate. It was not an offensive word; it was a debatable matter.

Hon A.J.G. MacTIERNAN: I accept your ruling, Mr President.

Debate Resumed

Hon PETER FOSS: We have already recognised in areas of law people's religious beliefs. The Plymouth Brethren and the Jehovah's Witnesses, for example, are excused from voting because they do not believe in it. There is ample basis for this action. Whether one agrees with the principle is another matter altogether. I accept that members opposite may not agree with it. However, it is a totally different situation when members go out of their way to attack people. That fits in with the whole issue. There is a style among Opposition members, and it is illustrated by this motion, which has been moved for the purpose of expressing their concern over the Minister for Labour Relations' plans to take further steps to destroy the rights of trade unions and the working men and women whom they represent. The problem is that I had no idea what this debate would be about.

Hon Graham Edwards: You still don't.

Hon PETER FOSS: I sought a briefing note from the Minister whom I represent in this

place, and received notes on a number of issues that might be raised, but not on this matter. In the first five minutes of the Opposition member's speech, she did not mention the issue. It was only at the end of her speech that I had some idea what she was talking about. The Opposition did exactly the same in the other place yesterday with the Minister representing me in the Health portfolio. It is quite clear that the Opposition has decided to use the processes of this House to introduce private members' business and not tell the Government what it is about, to try to get at a Minister in a representative capacity who does not have the opportunity to obtain appropriate instructions. Members opposite are cheating because they know their arguments do not stand up to scrutiny.

Several members interjected.

The PRESIDENT: Order! The Minister should moderate his language also.

Hon PETER FOSS: The Opposition knows perfectly well I am representing the Minister. I certainly know a degree about what is happening, but yesterday in the Legislative Assembly and today in this House the Opposition has engaged in the tactic of bringing on a debate without telling people what it is about. It is typical of the union movement. If unions can ambush someone, if they can creep up behind them and hit them on the head, that is much easier than being up-front and holding a proper debate. It is a cowardly action. That is what unions are all about.

I introduced into this House an amendment to a law which specifically related to union donations to political parties. I proposed, and to this day I still think it is an excellent move, that first it should require union members to vote. As we know, people have some choice about whether or not to invest in a company. However, even under the current legislative regime, people do not have too much choice about belonging to a union or otherwise. Members opposite do not believe people should have a choice. I suggested a 70 per cent vote and that members should say which party the donation would go to. It is almost as though I suggested something nasty should happen to the grandmothers of members opposite! They know precisely what the situation is. They know it is the same bully boy, cheating tactics they have used to bring this debate on today. Their unions use the same tactics. The most ironic statement of all was made by Hon Alannah MacTiernan, who said we must have something to protect the less powerful. Unions are not the less powerful; they are among the most powerful bully boys around. Government members certainly believe in protecting the less powerful. Legislation which ensures their money does not go straight to the Labor Party is a way of protecting the less powerful. I certainly support that idea.

Not having had notice of the issue the Opposition intended to talk about, I cannot recall the precise details of the proposal by the Minister for Labour Relations. Had members of the Opposition wished to discuss the matter, as opposed to ambush the Minister, I am sure they could have advised me. They did not want to discuss the matter. They wanted the opportunity to make a sneak attack. They know one thing for sure: If ever there is a chance of a fair fight they will lose every time, because they do not have the ability to make a proper argument. They know they are wrong. The CSA did that the other day. It sneaked down to the court for an injunction against me. It told the media but it did not tell me. While it was writing the thousand pages of affidavit, not one person thought to ring and tell me that it was going to the court to get an injunction. Not surprisingly, of course, when we got to court that was the end of the injunction, because the court threw it out. That is the way these people work all the time. I know members opposite are religiously intolerant and all they want to do is to get stuck into the religions, but why do they not deal with the reality of the situation? Some people do find unions anathema. I do not find them as anathema as do the Plymouth Brethren. I fully understand that they may have that view, and it may be appropriate to take action. There are balancing considerations. I am sure the Government would always consider that, but members should not start by attacking the religious beliefs of these people. That is wrong and it should not happen.

HON T.G. BUTLER (East Metropolitan) [3.25 pm]: I had not intended to take part in this debate, but having listened to the frenetic rantings and ravings of the Minister for Health -

Hon Peter Foss: You got up first!

Hon T.G. BUTLER: I changed my mind. Is that okay, or do I need a seconder?

The PRESIDENT: Order!

Hon T.G. BUTLER: I have had an opportunity to take a quick look at this document. It is one of the most hideous documents it has been my misfortune to read in 21 years as a practising industrial relations -

Hon George Cash: Expert!

Hon T.G. BUTLER: Thank you. The Minister for Health and the spaceman from wherever are very quick to condemn unions on the basis they do not like their leaders. One of the most hideous of all the provisions in this document is that dealing with the payment of union officials during industrial action, and the statement that the purpose is to legislate to prevent union officials from being paid during a strike. It goes on to say that employees are not entitled to be paid by employers for the time during which they do not work, and that it is inappropriate for union officials organising industrial action to continue to be paid. It seems to me that the Government is taking away rights. It advocates rights for religious groups that do not want to join unions and protects their rights, but it cannot do that to -

Several members interjected.

The PRESIDENT: Order!

Hon T.G. BUTLER: The Government intends to legislate that somebody cannot be paid. An organisation can make a decision to pay somebody, whether it be during a strike or not, but the Government does not accept that. It wants to legislate to take away the right of people to make up their minds. The Government is accusing us of doing that.

Several members interjected.

Hon T.G. BUTLER: The members opposite are fools who border on the lunatic fringe.

The PRESIDENT: I give the call to Hon Ross Lightfoot.

As to Point of Order

Hon A.J.G. MacTIERNAN: Standing Orders give the mover of the motion five minutes to reply.

The PRESIDENT: Who says I was not going to give the member five minutes to reply?

Hon A.J.G. MacTIERNAN: The clock does. It is 3.25 pm.

The PRESIDENT: It is five minutes after the end of one hour. We will stop the clocks or do whatever so that we do not use up the honourable member's time.

Hon A.J.G. MacTIERNAN: Thank you.

The PRESIDENT: The member is coming into conflict with two standing orders, if conflict is the right word. After one hour, leave of the House is required if the debate is to be permitted to continue. This debate started at 2.37 pm and the member's five minutes start at 3.37 pm. If leave is not granted to continue after 3.30 pm, of course the member does not get her five minutes. That is the point I am trying to make. The member gets her response only at the end of an hour of this debate, and that finishes at 3.37 pm. The member may not get any time. Hon Ross Lightfoot, who was seeking the call, still has about four minutes because the first hour is not up.

Hon A.J.G. MacTIERNAN: Mr President, I am not sure that is how we have operated in the past.

The PRESIDENT: It is how we have operated.

Hon A.J.G. MacTIERNAN: On a number of urgency motions I have had my five minutes reply.

The PRESIDENT: That depends on the House giving leave to continue the debate past the one hour period. I do not make the rules: I only implement them. I have said for the

purpose of this exercise that the clock has stopped wherever it was that I started; in other words, the one hour rule will not be implemented until 3.37 pm. Hon Ross Lightfoot has four minutes.

Hon A.J.G. MacTIERNAN: Mr President, in the past that is not how this sessional order has been interpreted. I have had five minutes reply within the one hour allocated to a debate on numerous occasions. I will certainly check *Hansard* to show that is the way the order has operated. Indeed, it seems to me quite unfair that the mover of the motion can be denied by the Government an opportunity to reply.

Hon George Cash: You should have worked it out with your own speakers.

Hon A.J.G. MacTIERNAN: We did.

The PRESIDENT: Order!

Hon George Cash: You miscalculated.

The PRESIDENT: Order! I do not want the honourable member to feel that my ruling will deny her the right of reply. That is not the case. There are plenty of times when I probably should do so, but that is not my role. My role is to give the honourable member that which she is entitled to under the standing orders. I will do that. Whether the honourable member believes it or not, the fact is the standing orders have never been interpreted to mean anything other than what I am saying to her; that is, the first standing order that comes into play at the beginning of any sitting is the one hour rule dealing with motions, before we get to orders of the day. That one hour normally finishes at 3.30 pm. The motion moved under Standing Order No 72 has one hour in which to be debated from the time the honourable member moves it. At the end of that one hour the mover has five minutes in which to reply. However, if at the end of the first hour the House does not give leave for the debate to be continued, then the member's right to reply does not come into play. That is the way it is and has always been, and certainly that is the way it will be today.

Hon A.J.G. MacTIERNAN: I accept your ruling, Mr President. Will you explain why the custom in this place over the last couple of months has been different from that? My experience has been that we have had our right of reply within that first hour. Perhaps I will ask the Leader of the Opposition to comment on that.

The PRESIDENT: The reason members have had their right of reply is because of one of two things: First, their right of reply opportunity occurred before the completion of the first hour of the day's business. The second circumstance that would give a right of reply is if at the end of the first hour when I say that for the debate to continue the leave of the House is required, leave is granted. That is the way it has worked. I do not know what happens when I am not here. The Clerk has handed me a copy of the minutes of 22 November. Item 11 states -

Dear Mr President

At today's sitting, it is my intention to move, under SO 72 . . . Hon Iain MacLean.

Four members rose in support of the motion. Hon Iain MacLean moved the motion. Debate ensued. The minutes further state -

One hour having elapsed after the time fixed for the meeting of the House, the President announced that leave of the House would be necessary to enable the debate to continue.

Leave was denied.

Hon John Halden: By the Government.

The PRESIDENT: That is not for me to comment on. Leave was denied so the member did not have the opportunity to reply to the debate. The Clerk has given me another example, which I cannot be bothered reading; however, it will be the same.

Hon JOHN HALDEN: Mr President -

The PRESIDENT: There is no point of order. I am trying to explain the situation to a

member who genuinely believes that she is entitled to that right of reply. I stopped the clock about 10 minutes ago. Hon Ross Lightfoot has four more minutes to go. After those four minutes it will be the end of the first hour, and leave will be required at the end of his four minutes for debate to be continued in order to give Hon Alannah MacTiernan five minutes.

Hon A.J.G. MacTIERNAN: May I seek leave to table the document, as it is evident that I will be denied the opportunity to a right of reply?

The PRESIDENT: No, Hon Alannah MacTiernan cannot do that.

Hon A.J.G. MacTIERNAN: Is there no general provision for me to seek leave?

The PRESIDENT: Order! Hon Alannah MacTiernan cannot seek leave at this minute, because we are in the middle of Hon Ross Lightfoot addressing the Chair. If leave is denied to Hon Alannah MacTiernan - she is anticipating that; I cannot anticipate that - she can put the question that she wants to put to me now.

Hon A.J.G. MacTIERNAN: If that is the case, I point out an inconsistency and what is clearly a defect in the sessional order. When I sought to make objection to a comment that had been made which implied that I was making adverse comments about a religious group, I was told that I could address that -

The PRESIDENT: Order! What we are doing is totally out of order, in case it had not occurred to the member. However, because I am the most conciliatory fellow in this place and because I am in an incredibly good frame of mind, I am taking this course of action. If Hon Alannah MacTiernan's right to make a reply is denied by the House, and she believes that during the course of the debate she was misrepresented, at the end of that debate she has the opportunity to then say, "I have been misrepresented and I want to make a personal explanation."

The reason I stopped her in the first place was because at the time she did that there was still the possibility that she would have a right of reply. The point raised - which, I believe, was a debatable matter - was that she had the right of reply. If that right is subsequently denied her, she has another opportunity, which I will afford her.

Hon JOHN HALDEN: I seek your clarification, Mr President. There is a misunderstanding of the new Standing Order No 72 and the one hour rule. Would it be appropriate to refer this matter to the Standing Orders Committee for clarification?

The PRESIDENT: I do not know whether to take offence at that.

Hon John Halden: I was not meaning to be offensive.

The PRESIDENT: I am absolutely sure Hon John Halden was not. However, the fact that he was not intending to be offensive does not necessarily mean that he was not offensive, because his comments suggest that I cannot interpret that standing order.

Hon John Halden: No, I was suggesting it could be done for the House to make a decision.

The PRESIDENT: Hang on! Hon John Halden is saying that he wants the Standing Orders Committee to interpret this standing order. The standing order is as clear to me as the nose on the member's face.

Hon John Halden: Perhaps a new one could be made.

The PRESIDENT: Hon John Halden can make that suggestion after we finish this debate.

Hon GRAHAM EDWARDS: Mr President, could you advise me whether you believe you have the discretion to allow us to go beyond one hour? I ask this purely for future reference.

The PRESIDENT: No, I have no discretion. The only time I, as the Presiding Officer, have discretion is when a breach of standing orders occurs and no-one brings it to my attention. I then have the discretion to ignore it or to use my own initiative to raise the point. I have no discretion if the question is raised, other than to interpret the standing

orders as they are. I have no argument with Hon Alannah MacTiernan; do not get me wrong about that. I believed she genuinely thought that what she was saying was the way it was. I will not have an argument about that. Even if at some time we did what she suggested we have done, that does not take away the fact that when the question is put to me I must rule the way it is. I was asked to give a ruling by the Leader of the Opposition the other day, which I will give shortly. In that ruling some pretty landmark comments may be made which relate to condoning matters because no question had been raised. I do not want to go too far down that track.

The point I am making is that if someone breaches the rules and nobody raises a question, the Presiding Officer does not rule on that, even if it occurs to him. He has the discretion not to intervene. A question was raised by Hon Alannah MacTiernan about her role. That is why I have gone to this extraordinary length to explain the situation to her, albeit in a quite unorthodox way.

Hon GRAHAM EDWARDS: It is an important point but I do not intend to pursue it at this stage.

The PRESIDENT: I have got to try to work this out. Hon Ross Lightfoot had four minutes.

Hon DOUG WENN: Mr President, can I pursue what the member was saying in regard to the stopping of the clock. During the debate when each member had 10 minutes and you were explaining to members your position or accepting a point of order, the clock did not stop, yet you are still explaining to the member the rules of the House but you have stopped the clock. I wonder about the validity of that.

The PRESIDENT: What is the relevance of what you are saying?

Hon DOUG WENN: Mr President, I am saying that when members are speaking and a point of order is called, the clock is not stopped. This member has called a point of order, and for reasons of your own you have stopped the clock.

The PRESIDENT: I am sad that Hon Doug Wenn would have raised that point - sad only because he cannot see the difference between the two situations. They are two totally different sets of circumstances. There is no comparison between the first set of circumstances and this set of circumstances. That is why I am doing what I am doing.

Hon DOUG WENN: I make the point because I cannot find anywhere in the rules - and I would appreciate being guided to it, if it is there - anything about the opportunity to be able to go about it in the way we are going about it.

The PRESIDENT: If the member reads Standing Order No 74, it will tell him where the President gets the right to maintain order and some sense of decorum in this place. If the member wants to speak to me afterwards about it, I will explain to him the difference between the two sets of circumstances.

In my endeavour to accommodate Hon Alannah MacTiernan, which I need not have done, I said stop the clock, because any right of reply that she may have had, and may still get if the House gives her that right of reply, would have disappeared now, because it would have disappeared at 3.37 pm. That is why I stopped the clock. If the member wants to think that I am favouring one side against the other, it was not to protect Hon Ross Lightfoot but to protect Hon Alannah MacTiernan's right of five minutes' reply, if this House gives her that right when she seeks leave. That is the difference. I am sure even Hon Doug Wenn would not expect me to bend the rules to ask the House to give leave to Hon Alannah MacTiernan for her five minutes and deny Hon Ross Lightfoot his four minutes.

Debate Resumed

HON P.R. LIGHTFOOT (North Metropolitan) [3.44 pm]: Thank you, Mr President. Not much in the general course of a parliamentary day surprises me but I am surprised today at the vehemence behind the attack by several members on the other side against religion generally. They try to take away the very freedom that they purport to seek for trade unionists. On the one hand, if a person is not a trade unionist, he does not deserve

the freedoms that these people opposite ostensibly fight for.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon P.R. LIGHTFOOT: Before question time I was saying I was surprised at the vehemence of the attack by members opposite on religions per se in this State.

Mr Thomas: It was not.

Hon P.R. LIGHTFOOT: I clarify that by saying that under our Constitution anyone is entitled to freedom of religion here. That applies no less to the Plymouth Brethren, a religious organisation founded in 1828. To suggest that someone would join it to avoid joining the trade union movement is ludicrous and demonstrates the shallowness of that argument. In fact Peter Dowding as Minister for Industrial Relations in this place, before he went to the other place, unmercifully attacked the Plymouth Brethren in the belief he would curry favour with the trade union heads who were responsible for his endorsement of a seat in this place.

There is nothing like a political execution. The other day Senator Beahan was executed in front of all his colleagues to make those people do a line dance around the political Maypole in case that happened to them. Many heads will roll when preselection comes up. The one who dances best to the trade union drum will be preselected.

Several members interjected.

The PRESIDENT: Order!

Hon P.R. LIGHTFOOT: Hon Tom Helm's head is one of the heads that will roll. It is rather a round head and I dare say it will roll for some distance. He will not get preselection or will be in an untenable position.

Several members interjected.

The PRESIDENT: Order!

Hon P.R. LIGHTFOOT: The head of former Hon Gary Kelly also rolled. It will happen again. If we do not remember history we are condemned to repeat it. They can say they are dancing to the drum of the trade unions.

Hon A.J.G. MacTiernan interjected.

The PRESIDENT: Order!

Hon P.R. LIGHTFOOT: The fact is that there were uses for the trade union movement after the war when so many people were immobilised. There is no use for trade unions now. Workers are protected by state law, federal law, international covenants, the International Labour Organisation and the United Nations convention.

Hon A.J.G. MacTiernan interjected.

The PRESIDENT: Order!

Hon P.R. LIGHTFOOT: People have a great deal of protection today. Hon Alannah MacTiernan is touting for work again for Dwyer Durack - which I think is rather disgraceful - because that is the trade union's legal representative. She will be very lucky if she gets preselected.

Hon John Halden: There will not be many of us left.

Hon P.R. LIGHTFOOT: Time prevents me from spelling out the analogy between companies and trade unions, but I will do that at the first opportunity.

[Motion lapsed, pursuant to Standing Order No 72.]

PERSONAL EXPLANATION - MacTIERNAN, HON A.J.G.

Views on Religions, Misrepresented by Minister for Health

THE PRESIDENT: Order! Hon Alannah MacTiernan endeavoured to rise on a point of

order during the previous debate. I indicated that she would have an opportunity when she closed the debate. I also pointed out that if that opportunity were denied her, she would have an opportunity under Standing Order No 87 to make a personal explanation if she believed she was misquoted.

HON A.J.G. MacTIERNAN (East Metropolitan) [4.35 pm]: I regret not having had an opportunity to reply to the debate in general as was intended by the sessional order. However, I must ensure that the misrepresentation of me by the Minister for Health is refuted. The Minister claimed that I made comments derogatory of various religious groups. In particular he said that I reflected adversely on Islamic groups. That is not the case and it shows that the argument I mounted was totally misunderstood by the Minister and by the Government. However, I rather suspect that he was trying to divert attention from the matters of substance we raised.

The view I expressed in relation to religions was that it was very clear from the Cabinet minute that members of one religious sect, the Exclusive Brethren were, to a large extent, driving the Government's agenda on industrial relations concerning the removal of a number of important protections. It was not in any way an attack on the right of the Exclusive Brethren to choose not to deal with unions, although I find it personally repugnant and antithetical to the notion of Christianity, just as Hon Ross Lightfoot might find female genital mutilation a little on the repugnant side.

The PRESIDENT: Order! The member can explain only the part on which she was misrepresented. She cannot touch on any debatable matter and she certainly cannot not get into conversation with Hon Ross Lightfoot or anybody else.

Hon A.J.G. MacTIERNAN: It is a slightly complex issue to explain to the Government as it requires a little concentration and thought. However, the Opposition is saying that it is not that we in any way demur from the right of these groups to hold views, but that it is inappropriate that the mere existence of those views, particularly when they belong to a small group whose attitudes are in marked contradistinction to the general mores in the community, should become the driving force for Government policy.

My comment in relation to the Islamic religion was not a pejorative remark, but merely a reflection that in many sects of Islamic faith polygamy is embraced. No more would it be appropriate for a Government of this country to use that as a basis for changing our long-established laws on marriage than it is appropriate for this Government to use the existence of the Exclusive Brethren, which has a very atypical view, as a basis for forming industrial relations policy and stripping away the award and union protections that have been fought for by the Australian community over the last 100 years.

HON GEORGE CASH (North Metropolitan - Leader of the House) [4.41 pm]: During debate on the motion moved by Hon Alannah MacTiernan, the member indicated that she would be happy to table the document which she referred to as a Cabinet minute. I ask her to table that document now.

Hon A.J.G. MacTiernan: I am prepared to do that. I said that it appeared to be a Cabinet minute.

[See paper No 587.]

STANDING COMMITTEE ON LEGISLATION

Report Tabling

HON DERRICK TOMLINSON (East Metropolitan) [4.42 pm]: Pursuant to the order of the House I present the Thirty-first Report of the Standing Committee on Legislation in relation to the Young Offenders Bill 1994. The report is in two volumes. I move -

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

Question put and passed.

[See papers Nos 588A and B.]

STANDING COMMITTEE ON LEGISLATION*Hon Cheryl Davenport, Resignation***THE PRESIDENT** (Hon Clive Griffiths): I have received the following letter -

Dear Mr President

It is with a sense of regret that I tender my resignation forthwith from the Legislative Council Legislation Committee.

Yours sincerely

Hon Cheryl Davenport

December 1, 1994

I bring this matter to the attention of the House because our standing orders require that we choose a replacement within six sitting days.

VICTIMS OF CRIME BILL*Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon George Cash (Leader of the House), read a first time.

Second Reading

HON GEORGE CASH (North Metropolitan - Leader of the House) [4.43 pm]: I move -

That the Bill be now read a second time.

The coalition's law and order policy contained a firm commitment to improve the position of victims in Western Australia. The policy acknowledged widespread concern that the criminal justice system had largely focused its attention not on the victim but on the offender. Victims have felt neglected and frustrated by a system which, in their view, gives too little recognition to the harm which they have suffered and which has been weighted towards the prosecution, sentencing and attempted rehabilitation of people who break the law. The Government believes there needs to be a balance and more attention should be focused on the victims and their families; the people who have had their property stolen and damaged, who have been assaulted and who have been abused. The Victims of Crime Bill is a significant initiative of the coalition Government to honour its pledge to victims. The needs of the victim are now a fundamental part of decision making when it comes to the justice system.

Historically, the alienation of victims from the criminal justice system may be viewed as a consequence of the manner in which the justice system has evolved. Our contemporary system of criminal justice, with its origins in English common law, is founded on the fundamental tenet that the State is responsible for the protection and enforcement of the rights of its citizens. Accordingly, crimes against the individual are dealt with as crimes against the State. This system has the advantages of ensuring equal application of the law to all citizens, the implementation of appropriate and consistent prosecuting and sentencing philosophies, and the avoidance of possible conflicts between the views of the victim and the community. However, it also largely excludes the victim from having a role, as victim, in the justice process since the essential parties to the process are the offender and the State. Punishment and rehabilitation of the offender have become the primary aims rather than recognising the effect of the crime on the victim. Victims have become little more than witnesses in the process. Other than being called upon to give evidence in respect of the criminal acts alleged to have been committed against them, until recently the victim has had little role to play in the system. The Victims of Crime Bill is directed towards addressing the needs of victims and their perceived alienation from the criminal justice process.

It has long been recognised that the term "victim of crime" is not as straightforward as it first appears. The Police Crime Statistics Report for the period ending 30 June 1994

showed 53 866 burglary offences, 18 510 car theft offences, 3 342 serious assaults, 1 095 robberies, 324 sexual assaults and 55 homicides. However, police statistics are only one indicator of the number of victims as there are a number of unreported offences. Hospital admissions and crime victim surveys, such as those carried out by the Australian Bureau of Statistics in 1991, are other measures. The Victims of Crime Bill has defined a victim as any person who has suffered an injury, loss or damage as a direct result of an offence and, where a death has occurred, any immediate family member of the deceased.

The Victims of Crime Bill is an important demonstration of the Government's commitment to address the needs of victims in legislation. However, it is important to point out that, in anticipation of the legislation, the Government has acted to reinforce and extend the administrative structure necessary to service victims' needs. The Government has established a Victims Advisory Committee to provide advice and make recommendations on matters related to victims of crime. The committee is chaired by a retired judge of the Supreme Court and past chairman of the Parole Board, and has eight other members representing church and community groups, therefore providing victims with direct input in the development of government policy.

The Justice Charter of the Ministry of Justice was released in December 1993 to reinforce the rights of the citizens of our State to justice services. The charter is a pledge to all those who come into contact with the justice system including the victim. The Victim Support Service has been incorporated in the Ministry of Justice to ensure that policy development and service delivery related to victims is appropriately integrated with other justice functions. The service has already set the wheels in motion to progress the implementation of many of the guidelines enshrined in the Bill. Its mission statement is clear and compelling: To restore victims' sense of wellbeing, justice and equity and to allow them formal participation in the criminal justice system.

In Perth, the service has nine full time employees including six professional staff and approximately 30 trained volunteers. In the 1993-94 financial year approximately 3 000 victims were assisted with counselling and emotional support, court companionship, information, assistance with the preparation of victim impact statements, applications for restraining orders, and applications for criminal injuries compensation. Joondalup was the site for a pilot victims' service involving a team of trained volunteers under the supervision of a professional counsellor. It was so effective that the service has been extended to Bunbury, Geraldton, Albany and Kalgoorlie and there are plans to extend the service to other areas.

The staff of the Victim Support Service have worked towards and established good relationships with the police, from whom most of their referrals are received. In addition to pamphlets advertising their services, the Victim Support Service has released a video entitled "Taking the Stand" to assist victims with the often foreign and sometimes unsettling experience of giving evidence. This video is available in all courts. For the first time the Perth Children's Court, the Central Law Courts, and the Joondalup Courts have special facilities to enable victims and vulnerable witnesses to sit in peace and privacy.

The Corrective Services Division of the Ministry of Justice also operates a victim-offender mediation service for offenders convicted of non-violent and property related offences. The reparative mediation service provides an opportunity for an agreement to be reached regarding compensation which the offender can make to the victim. It is now available in Perth and 10 country centres around the State. This mediation serves two purposes - it gives victims an opportunity to play a part in the justice process and brings home to offenders the consequences of their crime.

A protective mediation service is also being developed. This service enables offenders and victims of more serious offences who are likely to have contact with each other, to reach agreement about the level and nature of contact, if any, which will occur between them. This also provides a method of bringing the concerns of victims to the attention of the Parole Board.

The juvenile justice teams aim to encourage parental responsibility, involve victims and

make young people accountable for their actions, when determining penalties. During the first six months of operation of the pilot programs at Fremantle and Armadale, victims were involved in more than 80 per cent of cases where the victim was known. The feedback from victims has been very supportive. There is also specific provision in the Bill for victims to submit victim impact statements to a court giving detail of the harm suffered by a victim either in writing or in person.

The victim impact statement has been trialled by the Office of the Director of Public Prosecutions and the victim support service, enabling the system to identify the best method for its formal introduction. It has been found essential that the victim impact statement be that of the victim and not of the person assisting the victim in its preparation. Consequently a "how to do it" package on victim impact statements is presently being developed. A statement can contain details of physical and mental harm, the effects of the crime on the life of the victim and details of other losses and damages. A court may take into account the harm suffered by the victim as contained in the statement, and anecdotal evidence suggests that the court has found victim impact statements very helpful.

The guidelines establish how victims should be treated by public officers and bodies. In particular, the guidelines state that victims should be treated with courtesy and compassion and with respect for their dignity; victims should have access to counselling about the availability of welfare, health, medical and legal assistance services, criminal injuries compensation, and about the availability of lawful protection against violence and intimidation by the offenders; inconvenience to a victim should be minimised; the privacy of a victim should be protected; a victim who has so requested should be informed about the progress of the investigation and the trial process and receive assistance when called upon as a witness; a victim who has so requested should be informed about the sentence or any other order imposed on the offender; a victim's property held for purposes of investigation or evidence should be returned as soon as possible; arrangements should be made so that a victim's views and concerns can be considered prior to release on parole, or supervised release as proposed in the Young Offenders Bill; a victim who has so requested should be informed about an offender's escape from custody; and a victim should be informed, where appropriate, about the impending release date and the location to which an offender is to be released.

The Bill upholds the fundamental tenet of the criminal justice system that the State is the protector of all its citizens, and that an offence against an individual victim is an offence against the State. The Government is confident that the Bill will make a significant additional contribution to ensuring that the needs of victims are met.

Specifically the Bill has created a positive duty on those public officers and bodies who, in the exercise of their duties, should be sensitive to victims' needs. Ministers of the Crown, judges, magistrates and other judicial officers, officers of the courts, the Director of Public Prosecutions, the police, the Parole Board, the proposed Supervised Release Board, juvenile justice team and public officers are all required to have regard to the guidelines in the schedule to the Bill.

As a further demonstration of commitment, the Bill provides for the responsible Minister to cause a review of the operation and effectiveness of the Bill to be carried out annually. The report on each review will be tabled in both Houses of Parliament. In this way it enables Parliament to be assured that the legislation is achieving its objectives.

In addition, victims will be provided with an avenue of redress through a position to be established in the Victim Support Service to review and refer complaints regarding the application of the guidelines. Staff training will be undertaken to ensure that staff are fully informed of their obligations under the Bill as well as a simple brochure informing victims of the guidelines. This Government is determined to give victims of crime the necessary support and assistance to recover from the trauma they have experienced. I commend the Bill to the House.

Debate adjourned, on motion by Hon Tom Helm.

ENERGY CORPORATIONS (TRANSITIONAL AND CONSEQUENTIAL PROVISIONS) BILL

Report

Report of Committee adopted.

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL

Committee

The Chairman of Committees (Hon Barry House) in the Chair; Hon Peter Foss (Minister for Health) in charge of the Bill.

Clause 1: Short title -

Hon PETER FOSS: The answer to the question I was asked about the State Housing Death Benefit Scheme Act 1965 is that the provisions of the Act were applied by Homeswest, providing a benefit of \$1 000 if the breadwinner is under the age of 35 years. The payment commenced on a sliding scale of \$200 for every further 10 years of age. It cut out at the age of 65 years. An additional further benefit of \$200 was paid for every child under 16 years. The payment was not of a cash nature, but a once-off payment to the deceased person's loan account and as a result the monthly payment was recalculated over the balance of the repayment term to reduce the liability. The benefit is in the nature of a single credit against the amount owed by the deceased person, not an annual allowance. The credit is immediate to the balance, even though the effect is over a number of years.

In view of the fact that a person has already received the benefit, the repeal of the legislation will not affect the benefit. The loan amount will already have been reduced. The balance, as a result of the regular payments, will be down because that loan amount has been reduced. On the basis of the operation of section 37(1) of the Interpretation Act, covering general savings, there will be no impact on anybody who has already made application and received the benefit. There have been no applications since 1991. Therefore, there are no outstanding applications and the people who have received that benefit will continue to receive it.

Hon N.D. GRIFFITHS: What the Minister has said about the Act to be repealed is consistent with my understanding of it. However, it may be that under this legislation people will be entitled to make an application and that class of person is potentially being deprived of a benefit. In that case it is not necessarily a provision which properly comes under the categories of measures to be included in a Bill of this type. I am not entirely convinced that the Act should remain on the Statute books. The Minister has pointed out that the last application was made as recently as three years ago and the contracts which may give rise to an application under the Act are often for many years, so there is this potential. I am not overly concerned but I am not sure we are going down the right path.

Hon PETER FOSS: The reason no-one has applied in the past three years is in that period other measures have been produced to deal with this matter, and generally speaking people take those alternative measures. I am not privy to those measures, but I understand there are a number of them. That is seen as a better way to go than this. As the member will recognise, \$1 000 is not an awful lot of money these days. The problem with this scheme is that in 1965 that may have been of significant assistance to people, but in 1995 it will not be very much at all and therefore people prefer the alternative measures. It has fallen out of use mainly because the alternative is better than what is provided here.

Hon N.D. GRIFFITHS: Given the Minister's assurance there are alternative measures in place which are more up to date I am reasonably satisfied and I conclude my remarks on the matter.

Clause put and passed.

Clause 2 to 4 put and passed.

Schedules 1 and 2 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Hon PETER FOSS: I know it is a late stage to seek to incorporate in *Hansard* the explanatory notes which were provided with this Bill. We have had a quick passage of debate. By its nature this Bill contains a lot of little bits, and these are explained in the explanatory memorandum. I realise it is unusual, but I seek the opportunity to have those explanatory notes incorporated in *Hansard*.

[The material in appendix A was incorporated by leave of the House.]

[See p 8261.]

Third Reading

Bill read a third time, on motion by Hon Peter Foss (Minister for Health), and passed.

JUSTICES AMENDMENT BILL

Second Reading

Resumed from 23 November.

HON N.D. GRIFFITHS (East Metropolitan) [5.08 pm]: In his second reading speech the Minister referred to the relevant part of the Justices Act, namely, part 6, which enables magistrates to make restraining orders. He pointed out that the current state of the Justices Act does not provide for continuing protection of victims who have moved from other jurisdictions in Australia to this State. He pointed out that a restraining order which has already been made for the protection of such victims cannot under current Western Australian law be enforced in Western Australia, and it is necessary for such people to apply afresh in Western Australia. Reference was made to the problem being recognised by the Standing Committee of Attorneys General as requiring attention. As a result, all other States and Territories have enacted legislation to provide for reciprocal enforcement of restraining orders made in those other Australian jurisdictions.

The Bill proposes to amend the Justices Act to provide for the reciprocal enforcement in Western Australia of restraining orders made in other States and Territories and enable the registration in Western Australia of restraining orders made under legislation equivalent to the Western Australian Justices Act. Some aspects of the Bill cause me some concern and I propose to deal with them during Committee. Those aspects concern the question of notice of the fact that a restraining order is registered in Western Australia. I am aware of the policy behind the lack of notice. I think it is a very sound policy and should be the general rule, but I am concerned that a person coming to the jurisdiction of Western Australia may find himself or herself open to criminal sanctions without knowing it. My concern does not mean that I wish in any way to impede the efficient registration of restraining orders in Western Australia. Nor do I wish the protection afforded to those described in the Minister's second reading speech as victims to be undermined in any way.

I refer very briefly to a clause in the Bill so that the Minister can give it some consideration when we are in Committee. I do not propose to move any amendments, but I wish the Minister to consider the matter. I refer to clause 5 of the Bill and proposed section 181(1)(b) and (3). Currently restraining orders can be made in Western Australia and, under section 175(1) of the Justices Act, they are not operative unless they are served. I am concerned about the scenario of an ex parte restraining order being made in another jurisdiction, the order being registered, and the so-called perpetrator - who may have done nothing wrong because the alleged victim's circumstances have not been tested - finding himself or herself under criminal sanction without any opportunity at all to be heard. Perhaps I am misreading the legislation and perhaps my concern about that risk is unfounded. If so, I would be interested to be told that is the case.

The Minister pointed out that all other Australian jurisdictions have enacted legislation which provides for reciprocal registration of restraining orders. It follows from that, that Western Australia has not yet done so. It will be last. Why is Western Australia last? The answer to that may lie in the overall philosophy of this Government. It is indicative of an ineffectual Government which has difficulty coming to terms with the issue of domestic violence. The Government has no overall effective policy. On the face of it, it has delayed this measure. Its lack of an overall effective policy on domestic violence is clear when one considers its failure to adequately fund community groups concerned with mitigating the effects of domestic violence. The Government has failed to promptly address the issue of stalking. Announcements have been made and meetings held with Attorneys General, but the issue of stalking has been before the public for some months and it has not yet been resolved by this Parliament. The Government has failed to deliver a comprehensive legislative package. In particular, it has failed to give any degree of priority to that raft of measures so ably and eloquently proposed by my colleagues in the East Metropolitan Region, the members for Kenwick and Thornlie. This Government has failed to address the needs of families in crisis, thus exacerbating the incidence of domestic violence.

HON PETER FOSS (East Metropolitan - Minister for Health) [5.16 pm]: Restraining orders are, and always have been, an interesting area of the law because of the quite serious matters that can be dealt with in the absence of the person complained against. As the member has alluded to, there are good policy reasons for that because of the concern that, instead of preventing domestic violence, it may lead to domestic violence. The prime policy reason it is intended that the registration process should take place in this State, without notice being given to the person affected, is that if notice were given, it would immediately alert that person to the whereabouts of the person taking out the restraining order. One of the protections against domestic violence, and one of the reasons people move to other States, is that the victims' whereabouts cease to be known. Two issues are involved. Firstly, why not implement a system whereby the restraining orders are not registered, and there is automatic application in Western Australia of any order made in any other State? A person would then know immediately that an order made in New South Wales automatically applied in Western Australia. I understand some States have that provision. Apparently, the implementation of the legislation varies from State to State.

Hon N.D. Griffiths: I think it should be uniform.

Hon PETER FOSS: But it is not.

Hon N.D. Griffiths: The Government in Western Australia should advocate that it be uniform with the perpetrators being given notice.

Hon PETER FOSS: They cannot be given notice in this respect.

Hon N.D. Griffiths: They should be given notice that a restraining order has been made.

Hon PETER FOSS: That is the next point. Assuming a restraining order has been made and it applies, we all agree that the State in which it has been registered should not be identified. It would be wrong to do so. If a restraining order automatically applied throughout Australia, the person against whom it had been taken out would have notice, because the law would give notice that it applied in every State and Territory automatically. If every State agreed to that, people would have notice that as soon as an order was made in New South Wales, for example, it would apply throughout Australia.

Hon N.D. Griffiths: That is the best way.

Hon PETER FOSS: It may be. That would not be a uniform method, because other States ahead of Western Australia have adopted different methods. One of the advantages of this method, and why it is appreciated in Western Australia, is that it has two other effects. Firstly, the police can be alerted. When a restraining order is made in this State the police are generally notified and can enforce it. That is fairly important, because if every restraining order in the whole of Australia applied automatically in this State, we would lose the benefit of notification to the police. The dilemma would be

either to notify the police of all interstate orders or not notify them of any. Many of these restraining orders might never have effect in Western Australia. That would lose the effectiveness of the ability to prevent a breach of the peace. One is not so much interested in penalising a person after he has breached a restraining order but in seeing that there is no breach. Secondly, it allows an amendment of a restraining order to take place before the courts. As soon as it takes place that is the effective one. Another reason it is useful is that under this legislation, if it is varied in another State, it is not until the variation arrives and is registered here that it applies here. There is a protection for people here. The effective registration is the one registered here, and one can vary it here or register a variation here. That has some benefits, and each scheme has benefits and drawbacks, which is probably why they have both been adopted. The point Hon Nick Griffiths makes is that if one has an ex parte order, will it be effective here? I do not think it can. If the member looks at section 175 and the time when it all becomes effective, it states -

If an order under this Part imposing restraints on a defendant or a variation of such an order is made in the presence of the defendant it comes into force for the purposes of section 173(1) as from the time when it is made . . .

If he is there and it is made in his presence, it comes into effect immediately. It continues -

. . . but otherwise such an order or variation comes into force as from the time when a copy of the order or the variation order is served on him under section 178.

One registers the order, and then the amendment states -

On registering an interstate restraint order a Clerk of Petty Sessions is to -

- (a) notify the court which made the order of the registration; and
- (b) provide the Commissioner of Police with a copy of the order.

Proposed section 181 states -

- (1) Subject to this Part, a registered interstate restraint order -
 - (a) has the same effect in this State as it has in the State or Territory in which it was made; and
 - (b) has that effect as if it were an order of justices made under Part VII and as if the order had been served under section 178.

The problem with that, as the member has pointed out, is that it deems the order to have been served. The way to do it may possibly be that if it has been served in the other State it has effect as if it were an order under section 178. That may be a slightly better way of doing it. If it only has the first part, it has the same effect as in the State or Territory in which it was made. If one could enforce an ex parte order, that defect in the law would be brought here. If they had the same provision as we had, the service would make it effective. In new section 181 they are trying to pick up how it can be effective when the service is prior to being made. If it is served in the other States one would not have any problem. The difficulty is that proposed section 181(1)(b), if it has not been served in the other State, virtually deems it to have been served here. That is a problem.

Hon N.D. Griffiths: That is my concern.

Hon PETER FOSS: We need to have the situation where it is not necessary for it to be served here if it has already been served.

Hon N.D. Griffiths: I think you and I agree. How will we overcome the problem?

Hon PETER FOSS: I might have to go back with that one. We need to make certain there is no need for further service. That is the important point. We need something perhaps to the effect that "it has effect as if it were an order of the justices made under Part VII and, if it has already been serviced in that other State, as if it has already been

served under section 178". That is what we need. I do not believe that appears anywhere else in this Bill. I will check it. Perhaps when we move into Committee I will be able to take advice from the adviser. If I believe it is not dealt with, we will be able to seek leave to continue with it at a later stage. If there is an answer I can give it straight away; if there is no answer, I can come back later if an amendment is necessary. There may be a difficulty. Obviously when I have an adviser I will be in a better position to respond.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon W.N. Stretch) in the Chair; Hon Peter Foss (Minister for Health) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Part VIIA inserted -

Hon PETER FOSS: Under new section 181(1)(a) the restraining order can have no more effect than in the other jurisdiction. What is being proposed by Hon Nick Griffiths will take place only if in the other jurisdiction that order has the capacity to have effect without being served. The argument may then be raised about whether full faith and credit is given to the law in the other jurisdiction, or whether we say that in our jurisdiction we should insist on our method, which is to require the giving of notice.

Hon N.D. GRIFFITHS: I agree with the Minister and ask him and his colleagues to urge the Attorney General to take up the matter so that those who live in Western Australia have the benefit of natural justice.

Progress

Progress reported and leave given to sit again, on motion by Hon Peter Foss (Minister for Health).

FORREST PLACE AND CITY STATION DEVELOPMENT AMENDMENT BILL

Second Reading

Resumed from 23 November.

HON KIM CHANCE (Agricultural) [5.32 pm]: The Opposition will not oppose the Bill. The Bill relates to the City Place concourse complex at the Perth Railway Station at the level above the ground floor. The Bill will amend the Forrest Place and City Station Development Act 1985. The purpose of the amendment is to enable Westrail to treat the above ground level floor of the concourse as if it were part of the railway station for the purpose of maintaining law and order. The principal Act provides for pedestrian access for Westrail passengers and employees from the concourse to the railway station. Unfortunately, the schedule of that Act indicates that Westrail has control only of the ground floor and that that control ceases at the first step ascending to the level above the ground floor. The effect of that is that Westrail and its security employees are hindered in their duty to provide security services for passengers and other Westrail employees.

The second reading speech makes it clear that the Police Department and the City of Perth are keen to see Westrail continue to provide security services in the area. Clause 3, which is effectively the only functional clause of the Bill, will insert new section 19A into the Act. That section will extend the physical limits of government railways within Perth lots 969 and 978 for the purpose of the Government Railways Act and any other provision of the Act which relates to the exercise of the provision of security services. The Opposition recognises the importance of Westrail contributing to the security services in that busy and important area. It is an area with which most would be familiar, although I must admit I have walked across it only once or twice.

Hon Tom Helm: I always catch the Hedland train there!

Hon KIM CHANCE: The area is quite busy even late at night because it forms a

pedestrian access between Northbridge and the city of Perth. It is an area in which we strongly support Westrail's security staff being able to operate without the hindrance that results from the absence of any legal indemnity should that area continue not to be railway land for the purposes of the Act. The Opposition supports the Bill.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [5.35 pm]: I thank Hon Kim Chance for his comments. This is a simple Bill. It will provide Westrail with the necessary legal standing, as Hon Kim Chance said. I will move an amendment to clause 3 at the appropriate time which will amend a simple drafting issue which was brought to my attention since the introduction of the Bill. Line 14 on page 2 of the Bill should include reference to Barrack Street. In making the change for the upper level to be incorporated in the concourse, the difficulty was that by not including Barrack Street the area covered would not be extended in length as well. Therefore, there could be a legal problem. It was always envisaged that Barrack Street would be included; however, that was omitted in the drafting.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon Murray Montgomery) in the Chair; Hon E.J. Charlton (Minister for Transport) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 19A inserted -

Hon E.J. CHARLTON: I move -

Page 2, line 14 - To insert after "Roe" the following ", Barrack,".

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported, with an amendment.

MOTION - SELECT COMMITTEE ON CAPE RANGE NATIONAL PARK AND NINGALOO MARINE PARK, APPOINTMENT

Motion, as Amended

Resumed from 22 November.

HON GRAHAM EDWARDS (North Metropolitan) [5.40 pm]: The Opposition does not oppose the amendments made to the motion. Indeed, I thank the Government for agreeing to the appointment of this select committee. I believe the committee will have the capacity to report on an important natural feature of this State and I look forward to getting on with the job.

Question put and passed.

SELECT COMMITTEE ON CAPE RANGE NATIONAL PARK AND NINGALOO MARINE PARK

Appointment of Committee Members

HON GRAHAM EDWARDS (North Metropolitan) [5.41 pm]: I move -

That the committee comprise: Hon Graham Edwards, Hon Tom Stephens, Hon P.H. Lockyer, Hon P.R. Lightfoot and Hon M.J. Criddle, and that the committee be chaired by Hon Graham Edwards.

HON GEORGE CASH (North Metropolitan - Leader of the House) [5.42 pm]: The Government supports the membership and also the chairmanship proposed by

Hon Graham Edwards. I am not sure why Hon Graham Edwards decided to move the chairmanship now rather than at the first meeting of the committee, but I understand that he clearly had an absolute majority and that all members would have appointed him the chairman anyway.

Hon Graham Edwards: That was the case; that is why I moved it.

Hon GEORGE CASH: I understand that. The reason I have risen at this stage is to make it clear to the House that as part of the ongoing discussions between the Government and the Opposition, Hon John Halden and I have had some preliminary talks about the position of pairs in the Legislative Council and I believe that next week there may be an opportunity for both Hon John Halden and me to make a statement in that regard. That obviously can be left until next week, but I wanted to take this opportunity of saying to the House that those discussions are progressing.

Question put and passed.

CRIMINAL LAW AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon George Cash (Leader of the House), read a first time.

Second Reading

HON GEORGE CASH (North Metropolitan - Leader of the House) [5.46 pm]: I move -

That the Bill be now read a second time.

The coalition Government was elected in February last year on a reform agenda committed to implementing a tough but fair approach to law and order in Western Australia. Western Australia's criminal justice system has been the subject of much public controversy. There is a widespread concern that the courts are not reflecting community expectations and penalties are seen to be neither consistent nor in keeping with the gravity of some crimes. Confidence in our criminal justice system must be maintained. Many of the reforms which did not require legislation have been introduced over the past 18 months as part of the Government's strategy to ensure implementation of its reform agenda.

Since its election, the Government has worked steadily towards the goal of providing a fair and impartial justice system that protects individuals' rights and responds to community needs. On 22 August the Attorney General announced that the Government would present a serious crime package to State Parliament during the current session as part of its ongoing commitment to combat serious crime. The Criminal Law Amendment Bill together with the Victims of Crime Bill, the Pawnbrokers Bill, a Bill to regulate the activities of nightclub and hotel bouncers, the Young Offenders Bill, the Firearms Bill and an amendment to the Offenders Community Corrections Act regulations form the serious crime package. The amendment to the Offenders Community Corrections Act regulations gives effect to the Government's intention to abolish the practice of awarding a 10 per cent reduction of the minimum term on parole sentences. This means that all persons serving a paroled sentence will stay in prison longer.

The Criminal Law Amendment Bill allows for the creation of an offence of unlawful stalking together with appropriate penalties for this type of offence; increased penalties for breaches of restraining orders; increased penalties for unlawful wounding; increased penalties for assaults on public officers; the setting of minimum terms and increases in the periods before people found guilty of murder or wilful murder become eligible for review for release on parole; and detention in a work camp or other particular facilities for young adult offenders aged between 18 and 21 years.

In addition, the Bill contains a number of other major reforms including the establishment of statutory sentencing principles; provision for a plea of guilty after a jury has been sworn; trial by judge alone without a jury; provision for the Full Court of the

Supreme Court or the Court of Criminal Appeal to give guideline judgments; and a right of appeal by the prosecution against a decision by a judge staying or adjourning proceedings on an indictment.

Also to be introduced is the Victims of Crime Bill, a related piece of legislation which will provide, for the first time, statutory guidelines to ensure victims' needs are a fundamental part of decision making in the justice system. The reforms are an important part of the Government's response to an unacceptably high rate of violent crime. They draw together a range of measures that will help reassure the public of Western Australia that the criminal justice system can and will protect them and their families.

The changes add to those already introduced to address the crime problem, such as amendments to the Bail Act to ensure that juveniles can be bailed only to a responsible

adult; amendments to the Child Welfare Act to allow courts to hold parents responsible for their children's fines and restitution orders; the Young Offenders Bill which is also part of the serious crime package and is currently being considered by a committee of the Legislative Council; and legislation to close loopholes in the trading of stolen goods through pawn shops.

The next stage of the package will include a review of criminal penalties currently being undertaken by Mr Paul Nichols with the aim of providing a consistent pattern of penalties for serious, violent crimes including sexual assault, domestic violence, child abuse and the activities of paedophiles; and the development of a comprehensive state crime prevention strategy.

Apart from the legislative changes being made, I highlight other significant achievements such as the extension of the home detention program to Aboriginal communities in the Pilbara, Kimberley, eastern goldfields and Murchison regions; Aboriginal community involvement in the supervision of selected Aboriginal offenders and the training of justice staff in Aboriginal cross-cultural awareness; and the involvement of Aboriginal communities in the Central Desert to identify suitable programs for Aboriginal offenders with special emphasis on solvent abuse and petrol sniffing.

The present package sets the scene for the sentencing Bill, and the sentence administration Bill which will be introduced in the current session of Parliament. These Bills will look at the whole area of sentencing and will include within one Act all the general provisions that allow courts to sentence offenders.

I will now outline the specific reforms contained in the Criminal Law Amendment Bill.

Stalking: The current laws on stalking and restraining orders are inadequate and do not reflect modern community concerns. Most people understand stalking to mean surveillance, harassment and/or intimidation, without any currently recognised form of offence being committed. In particular, the current law takes no account of the mental strain and fear that stalking can cause an individual. Stalking has become an increasingly difficult problem, especially where it involves women who have been victims of domestic violence. This Bill reflects the Government's determination to tackle the problem.

Section 550 of the Criminal Code presently creates the offence of intimidation or annoyance by violence or otherwise. This makes unlawful the use of violence or threats of violence, the persistent following of a person from place to place, the hiding of the property of any person, the watching of the place of residence or employment of any person, or the following of another person by two or more persons to stop any person from doing any act which that person may lawfully do. However, as it stands, section 550 does not provide for the alternative mental element of intention to cause physical or mental harm or apprehension or fear to the other person or a third person. In addition, the penalties for such intimidation are out of date. They currently stand at imprisonment for three months or a fine of \$40.

To overcome these problems, this Bill creates a new offence of unlawful stalking. This is defined also to include the alternative mental element of causing physical or mental harm to a person or apprehension or fear in a person. The Bill also recognises the seriousness of the offence by substantially increasing the penalty for such a crime to eight years' imprisonment where the offence is committed in circumstances of aggravation - such as involving a weapon or in breach of a restraining order - and three years' imprisonment in any other case. The summary conviction penalties are imprisonment for two years or a fine of \$8 000, and imprisonment for 18 months or a fine of \$6 000 respectively.

Great care has been taken in defining the term "stalking" so as to ensure that it covers an appropriate range of circumstances, such as persistently following a person; depriving a person of his property or use of his property; and tormenting a person by keeping watch on his house, place of employment or business, or the nearby vicinity. The new offence of unlawful stalking is prescribed in the Bill as a "serious offence" under schedule 2 of the Bail Act 1982 so as to deny a suspected offender's right to bail if he or she is alleged

to have committed a serious offence while already on bail on a charge of stalking.

Increased penalties for breach of restraining orders: It is obvious that the community has become increasingly concerned about the effectiveness of restraining orders. Currently, the penalty for the breach of a restraining order under the Justices Act 1902 is a fine of \$1 000 or imprisonment for six months. This level of penalty is not adequate for such serious criminal behaviour. The community depends on the criminal justice system offering adequate protection. This Bill brings the penalty for breach of a restraining order into line with the proposed summary conviction penalty for unlawful stalking; that is, 18 months' imprisonment or a fine of \$6 000. The offence of breach of a restraining order will also be included as a serious offence under schedule 2 of the Bail Act 1982.

Increased penalties for unlawful wounding: Under our current Criminal Code, different penalties apply for unlawful wounding and assault occasioning bodily harm. The proposed changes acknowledge their similarity with provision to make equal penalties for each offence. Unlawful wounding must be dealt with on indictment and has a maximum penalty of three years' imprisonment. However, assault occasioning bodily harm has a maximum penalty of five years' imprisonment but can be dealt with by a summary conviction penalty of two years' imprisonment or a \$8 000 fine. Because of this, most assaults occasioning bodily harm are dealt with in the Court of Petty Sessions.

This Bill increases the penalty for unlawful wounding to five years' imprisonment. It also creates a summary conviction penalty for the offence of unlawful wounding so that, like the offence of assault occasioning bodily harm, it can be dealt with in the Court of Petty Sessions. It is expected that this change will allow the less serious cases to be heard in the lower courts, which will greatly help in reducing delays in the hearing of criminal cases.

Increased penalties for assaults on public officers: Public officers have an important job to do. In order to promote respect for the law, public officers must be protected from assault while carrying out their public duties. In this context, the current penalties for assaults on public officers, of five years' imprisonment, and, in the case of summary conviction, two years' imprisonment or a fine of \$7 500, are clearly inadequate. Attacks on public officers carrying out their duties will not be tolerated. We must demonstrate how seriously the community views such assault as part of our move to provide greater protection for the community. To do this, the Bill provides for an increase in penalties for offences under the relevant sections of the Criminal Code. A person convicted of an offence of assault on a public officer will be liable to a penalty of 10 years' imprisonment if found guilty on indictment. The summary conviction penalty will be increased to three years' imprisonment or a fine of \$12 000.

Amendments about sentences for murder and wilful murder: In June 1988 the review periods in the Offenders Community Corrections Act for persons sentenced to life imprisonment for murder, life imprisonment for wilful murder and strict security life imprisonment for wilful murder were set at seven, 12 and 20 years respectively. These review periods do not reflect the horrific nature of many of the offences. In addition, the discontinuous range of penalties limits the court's capacity to truly reflect the seriousness of the offence. It is submitted that a scale of penalties be set. At the low end of the scale it is proposed that courts may set a minimum term of between seven and 14 years before a person sentenced to life imprisonment for murder may be considered for review for release to parole.

In cases of life imprisonment for wilful murder and strict security life imprisonment for wilful murder it is proposed that the minimum term before a person who has received such a sentence should be eligible for consideration for release to parole should be set by the court, and should be between 15 and 19 years' and between 20 and 30 years' imprisonment respectively.

Detention of young adults: The Young Offenders Bill provides for a particular type of detention order which will enable courts to sentence young offenders with detention; this will include a requirement that they undertake a particular type of activity. This is to allow for placement of juvenile offenders in a work camp or any other alternative form of

detention which may be developed in the future. This Bill makes similar provision for young adults who are at least 18 years of age but aged not more than 21 years when the sentence is imposed, to be detained for four months in a facility of the kind referred to in section 119 of the Young Offenders Bill, and subject to the relevant sections of that Bill. Only offenders who have not previously served a sentence of imprisonment or detention or have been convicted of an offence to be prescribed in regulations under the Young Offenders Act will be eligible. As in the case of juveniles, young adult offenders must first agree to this form of placement before an order can be made.

The reason for the new form of detention is to provide young offenders who are on the verge of receiving a prison term with the opportunity to make constructive changes in their lives. The mix of firm but fair discipline, physical exercise, rehabilitation and hard work could provide what is needed to divert some young offenders from re-offending - a necessary circuit breaker.

Sentencing principles: The coalition's law and justice policy statement undertook to provide for principles to be applied by courts when sentencing offenders. It promised to look at the basis on which courts make sentencing decisions and to work towards a more consistent approach to sentencing offenders. Public confidence in the criminal justice system has been weakened over recent years and the Government is committed to restoring this confidence. One of the ways in which this can be done is to help people understand how sentences are determined and to give courts clear guidelines on what is expected of them.

Although courts understand and know that sentencing is determined on the basis of principles derived from the common law, most members of the public do not understand the process. This Bill allows for a set of principles which are very particular, yet at the same time give the courts the flexibility to exercise discretion. In this way the courts are given guidance while not being too restricted in the sentencing options available. In particular the Bill makes it clear that imprisonment should be imposed where there is no other option. Prisons in this State currently have an unacceptably high number of prisoners who do not pose a threat to the community. Among other things this means that an unnecessary financial burden is placed on taxpayers. A prison sentence should be imposed only where the protection of the community demands it, or the seriousness of the offence is such that no other sentence can be justified. The severity of the penalty should also be in proportion to the seriousness of the offence.

The Sentencing Bill, to which I referred earlier, will allow for a wider range of community-based sentencing options as an alternative to imprisonment for many less serious offenders.

Guideline judgments: Society has long accepted that the punishment should fit the crime. This Bill will allow the Full Court of the Supreme Court or the Court of Criminal Appeal to give a judgment containing guidelines for the courts to take into account when sentencing offenders. This proposal was a commitment in the coalition's law and justice policy statement. In effect this means that the Full Court of the Supreme Court or the Court of Criminal Appeal can give "guideline judgments" to help courts, in particular the lower courts, determine appropriate sentences, making sure sentences handed out in different courts for similar crimes are comparable. This provision was a recommendation in the August 1991 report of the Joint Select Committee on Parole, of which the Attorney General was a member, based upon submissions by the Chief Justice. The Bill will help set out the factors that should be taken into account by the courts when considering sentences for particular types of offences. This should also reduce the requirement for the use of the appeal process.

Plea of guilty after a jury has been sworn: Currently the Criminal Code has no flexibility where an accused person pleads not guilty to a charge on indictment, and subsequently, after the jury has been empanelled, changes his plea to guilty. As the law stands, the judge must direct the jury to base its verdict on the accused's original plea. The trial judge cannot simply discharge the jury and record the accused's change of plea, which wastes both time and money. The Criminal Law Amendment Bill allows for the jury to

be discharged by the court in such circumstances. This change is consistent with the approach recommended in the Murray report titled "The Criminal Code: A General Review".

Trial by judge alone: Another of the commitments made by the coalition in its law and justice policy was to give an accused person the right to elect trial by judge alone; that is, without a jury. Trial by judge alone has been a right in Canada for many years. The concept was introduced in South Australia in 1984, in New South Wales in 1990 and in the Australian Capital Territory in 1993. Although the Bill provides this right it also includes some safeguards such as:

- The accused person is the only one who waives the right to trial by jury;
- the prosecution must consent to the trial proceeding without a jury;
- the accused cannot delay a case in the hope of appearing before a particular judge;
- accused persons jointly charged must both choose trial by judge alone and an accused person charged with more than one offence can choose trial by judge alone only in respect of all offences;
- the same principles of law, practice and procedure apply as would be applied if the trial was before a jury; and
- any verdict of acquittal given by a judge alone and any judgment founded on that verdict may be subject to appeal.

There are a number of benefits from this reform. Apart from difficulties for jurors in highly technical and complex trials and concerns about publicity affecting a trial, time and costs associated with trials may be reduced.

Appeal against a decision by a judge staying proceedings on an indictment: Under current law an accused may apply for a stay of proceedings where he or she seeks to argue that the indictment amounts to an abuse of process or that for some reason the trial would be unfair. Examples might be where there has been excessive publicity which is adverse and prejudicial to the accused; an excessive delay in the accused being brought to trial to the prejudice of his or her defence; or, the accused being denied legal representation for serious charges because of poverty. If such an application is refused, the accused may, following conviction, appeal to the Court of Criminal Appeal. There is, however, no appeal currently available to the Crown if a trial judge wrongly grants a stay of proceedings to an accused, and although in the District Court it has been possible to effectively appeal from a decision to stay by use of the District Court Act section 84 - *R v Healy* (1990) 2 WAR 297 - the continued use of that section to achieve the result may now be in doubt in view of later developments - *Re Gunning ex parte Connell* (White J; 22 September 1993) and *Connell v Gunning and Director of Public Prosecutions* (Rowland J; 1 October 1993). However it is now plain that no such provisions apply to the Supreme Court (*Connell v R*). This Bill provides for the prosecution to appeal to the Court of Criminal Appeal against a decision by a judge staying proceedings on indictment, or an adjournment of proceedings which may effectively amount to a stay.

The Criminal Law Amendment Bill 1994 will bring into force many of the commitments given by the Government in its promise to combat the incidence of violent crime and to introduce reforms to the criminal justice system in respect of sentencing and court procedures. The Bill recognises that no one measure can offer the community the protection it so rightly demands. In putting together this comprehensive package of reforms the Government is demonstrating that it is serious about completing an overhaul of the law and justice system which places the highest priority on the needs of the people. I am confident that the Bill will achieve the intended outcomes I have outlined. I commend the Bill to the House.

Debate adjourned, on motion by Hon Tom Helm.

House adjourned at 6.07 pm

APPENDIX A

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

**STATUTES (REPEALS AND MINOR
AMENDMENTS) BILL 1994**

EXPLANATORY NOTES

A BILL FOR

**AN ACT to revise the statute law by repealing
miscellaneous spent, unnecessary or superseded
enactments and by making miscellaneous minor
amendments to various enactments.**

The Parliament of Western Australia enacts as follows:

Short title

- 1. States the short title of the Act.**

Statutes (Repeals and Minor Amendments)
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cl. 2

Commencement

2. States when the Act comes into operation.

Repeal of various enactments

- 5 3. (1) The Acts and ordinances being repealed by Schedule 1 are generally obsolete or unnecessary, having, for example, been superseded by other enactments, or their provisions having been spent.
- 10 (2) The Water Authority of Western Australia has interests in 9 reserves created under *The Water Supply Act 1893* and vested in the Authority under the *Land Act 1933*. Although the repeal of *The Water Supply Act 1893* should not affect those interests, this subclause ensures the continuation of the interests.

Amendment of various Acts

- 15 4. Schedule 2 contains a range of minor corrections and other minor amendments.

Statutes (Repeals and Minor Amendments)
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Sch. 1

SCHEDULE 1

[Section 3]

ACTS AND ORDINANCES REPEALED

	<i>Year</i>	<i>Act or ordinance</i>	<i>Explanatory notes</i>
5	1896	60 Vict. No. 30	Only section 1 is operative and this section is impliedly repealed by the <i>Justices Act 1902</i> .
10	1934	No. 28 of 1934	Obsolete, having been superseded by such enactments as the <i>Death Duty Act 1973</i> and the <i>Death Duty Assessment Act 1973</i> .
	1938	No. 10 of 1938	Obsolete, the fund referred to in the Act having been wound up in 1988.
	1911	No. 18 of 1911	Obsolete.
15	1946	No. 57 of 1946	Obsolete, having had no application since 1955.
	1919	No. 44 of 1919	Obsolete.
	1948	No. 33 of 1948	Obsolete.
20	1989	No. 36 of 1989	This Act cannot come into operation as its commencement provision refers to a Commonwealth Act, the <i>Co-operative Scheme Legislation Amendment Act 1989</i> , that has been repealed.
	1979	No. 90 of 1979	Obsolete.
25	1895	59 Vict. No. 24	Obsolete, having been superseded by the Commonwealth's <i>Copyright Act 1968</i> .
	1845	9 Vict. No. 2	Obsolete.

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Sch. 1

	1902	2 Edw. VII No. 7	Obsolete, the land referred to in the Act being now under the <i>Land Act 1933</i> .
5	1909	No. 33 of 1909	Obsolete, the lease referred to in the Act having been surrendered in 1973 and the reserve referred to having been cancelled in 1975.
	1921	No. 12 of 1921	Obsolete.
	1939	No. 40 of 1939	Obsolete, the fund referred to in Act having been abolished.
10	1942	No. 13 of 1942	Obsolete, having provisions that apply to time of war.
	1861	25 Vict. No. 8	Obsolete.
	1950	No. 15 of 1950	Obsolete.
15	1976	No. 90 of 1976	Obsolete, the Act's provisions having been spent.
	1973	No. 79 of 1973	Obsolete, the Act's provisions having been spent.
	1926	No. 28 of 1926	Obsolete, the Act having applied to a lease that expired in 1957.
20	1965	No. 52 of 1965	Obsolete.
	1893	57 Vict. No. 20	Obsolete, subject to the saving provision in clause 3(2).
	1887	51 Vict. No. 6	Obsolete, having been superseded by the Commonwealth's <i>Navigation Act 1912</i> .

Statutes (Repeals and Minor Amendments)
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Sch. 2

SCHEDULE 2

[Section 4]

VARIOUS ACTS AMENDED

	<i>Short title of Act</i>	<i>Provision amended</i>	<i>Explanatory notes</i>
5	<i>Art Gallery Act 1959</i>	s. 29 (2) (b)	Paragraph (b) should refer to "common seal".
10	<i>Artificial Conception Act 1985</i>	s. 7 (1)	The part of subsection (1) commencing "then, in a case to which" was incorrectly included in paragraph (b).
15	<i>Builders Registration Act 1939</i>	s. 9A (1) (c)	A minor textual correction.
		s. 40 (2)	A minor textual correction.
		Schedule, item 2	A minor textual correction.
20	<i>Casino Control Act 1984</i>	s. 21A (1) (b)	A minor textual correction.
		s. 28 (3)	A minor textual correction.
		s. 30 (2)	A minor textual correction.
		s. 36 (4) (a)	A minor textual correction.
25		Schedule 1	This Schedule was given effect to by section 5, which has been repealed.
	<i>Conservation and Land Management Act 1984</i>	s. 148	There are 2 subsections designated "(2)".

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	<i>Constitution Acts Amendment Act 1899</i>	Schedule V, Part 3	Amendments to bring Schedule V up to date.
5	<i>The Criminal Code</i>	s. 118	Deletes obsolete terms and replaces them with a current term.
		s. 121	
		s. 122	The words being deleted in these 4 sections are unnecessary because of the discretion to impose a fine given
10		s. 139	in section 19(3) of the Code.
		s. 173	
		s. 343A (1) (a)	A minor textual correction.
		s. 414	A minor textual correction.
		s. 579	A minor textual correction.
15		s. 656A (6), in paragraph (b) of the definition of "convicted"	Refers to a repealed section (26) of the <i>Child Welfare Act 1947</i>.
		s. 693 (1)	A minor textual correction.
20		s. 697 (b)	A minor textual correction.
		s. 716A, in paragraph (b) of the definition of "convicted"	Refers to a repealed section (26) of the <i>Child Welfare Act 1947</i>.
25		s. 729	A minor textual correction.
	<i>Criminal Injuries Compensation Act 1985</i>	s. 50 (5)	A minor textual correction.
30			

Statutes (Repeals and Minor Amendments)
Sch. 2 Bill 1994 — Explanatory Notes

	<i>Declarations and Attestations Act 1913</i>	Schedule	Allows licensed surveyors and registered patent attorneys to, for example, witness statutory declarations.
5	<i>Environmental Protection Act 1986</i>	s. 73 (4) (b)	The part of paragraph (b) commencing "by action in a court" was incorrectly included in subparagraph (ii).
10		s. 74 (3)	Makes clearer what activities the subsection applies to.
		s. 100 (1) (d)	A minor textual correction.
	<i>Evidence Act 1906</i>	s. 3	Amends the definition of "court" to refer to the principal WA courts.
		s. 119	A minor textual correction.
15	<i>Firearms Act 1973</i>	s. 3 (1)	Amends the title of the Schedule, to comply with the current drafting practice.
		s. 11	A minor textual correction.
20		s. 33 (3)	The part of subsection (3) commencing "any fees due and owing" was incorrectly included in paragraph (b).
25		First Schedule	Amends the heading of the Schedule, to comply with the current drafting practice.
	<i>Fire Brigades Act 1942</i>	s. 29 (1)	Deletes an obsolete reference.
		s. 29 (2)	Deletes an obsolete reference.
30		s. 54 (3) (b)	Paragraph (b) should refer to "proclaimed day".

Statutes (Repeals and Minor Amendments)
Sch. 2 *Bill 1994 — Explanatory Notes*

	<i>Fluoridation of Public Water Supplies Act 1966</i>	s. 5 (4)	Subsection (4) amended to make its meaning clearer
5	<i>Freedom of Information Act 1992</i>		The amendments to this Act involve a "tidying-up" exercise resulting from some amendments made to the Act during its final stages in Parliament.
10	<i>Gold Corporation Act 1987</i>	s. 3 (1)	Some incorrect references amended.
		s. 4 (5)	Deletes reference to section 27, which has been repealed.
15		s. 6 (8)	A minor textual correction.
		s. 79	Section repealed because it refers to a Schedule that has been deleted.
20	<i>Government Employees Superannuation Act 1987</i>	Schedule 4, clause 1A	The new subclause (5) explains the extended meaning given to "final salary".
	<i>Health Act 1911</i>	s. 3	Amends an incorrect reference.
		s. 297 (4)	A minor textual correction.
25	<i>Herd Improvement Service Act 1984</i>	Schedule, clause 2 (4)	A m e n d m e n t m e a n s t h a t appointments to vacant offices on the Board are not limited to the residue of the previous office holder's term of office.
30	<i>Horticultural Produce Commission Act 1988</i>	s. 12 (5)	Subsection repealed because it refers to section 10(8) of the Act, which has itself been repealed.

Statutes (Repeals and Minor Amendments)
Bill 1994 — Explanatory Notes

Sch. 2

	<i>Hospitals Act 1927</i>	s. 7A (f)	Deletes a reference to a provision that has been repealed of the Commonwealth's <i>Health Insurance Act 1973</i> .
5		s. 10 (2) (c)	A minor textual correction.
		s. 12A (4)	A minor textual correction.
10		s. 18 (1c)	Subsection repealed because it refers to a repealed provision of the Commonwealth's <i>Health Insurance Act 1973</i> .
		s. 33A (2)	A minor textual correction.
		s. 33A (2) (b)	A minor textual correction.
15		s. 33A (2) (c)	Paragraph deleted because it refers to a repealed provision of the Commonwealth's <i>Health Insurance Act 1973</i> .
20		s. 33A (13)	Definition deleted because it refers to a repealed provision of the Commonwealth's <i>Health Insurance Act 1973</i> .
		s. 37 (2d) (a)	A minor textual correction.
25		s. 37 (2d) (b)	Paragraph deleted because it refers to a repealed provision of the Commonwealth's <i>Health Insurance Act 1973</i> .
		s. 37 (2f) (c)	A minor textual correction.
	<i>Interpretation Act 1984</i>	s. 5	To facilitate legislative references to the Family Court.
30		s. 10	Allows references to gender to include the "neuter" gender (in the case, for example, of a body corporate) if the context permits.

Sch. 2		<i>Statutes (Repeals and Minor Amendments)</i>	
		<i>Bill 1994 — Explanatory Notes</i>	
		s. 46	Helps explain the meaning of "A reference in a written law to a written law, etc." in section 46(1).
5	<i>Juries Act 1957</i>	s. 34A (3)	Deletes superfluous words.
	<i>Justices Act 1902</i>	s. 6	A minor textual correction.
	Second Schedule		A minor textual correction.
10	<i>Land Tax Relief Act 1991</i>	s. 2	A minor textual correction.
	<i>Legal Practitioner's Act 1893</i>	s. 19 (2)	Makes clear what provision of the Act is referred to by "herein prescribed".
15		s. 31E (2) (c) (ii)	Inserts words that were omitted from paragraph (c), to give the paragraph its intended meaning.
		Part VI	Minor textual corrections.
20		s. 71	Makes clear what is meant by "last preceding section".
		s. 78 (1)	Makes clear what is meant by "last preceding section".
	<i>Liquor Licensing Act 1988</i>	s. 96 (6) (b) (ii)	A minor textual correction.
25		s. 167 (2) (a)	A minor textual correction.
	<i>Local Government Act 1960</i>	Second Schedule	The 4 Acts referred to are being repealed in Schedule 1 to this Bill.

Sch. 2 *Statutes (Repeals and Minor Amendments)*
 Bill 1994 — Explanatory Notes

	<i>Metropolitan (Perth) Passenger Transport Trust Act 1957</i>		A minor textual correction.
5			
	<i>Metropolitan Region Town Planning Scheme Act 1959</i>	s. 43 (3)	A minor textual correction.
10			
	<i>Mining Act 1978</i>	s. 70 (8a) (a)	A minor textual correction.
	<i>Misuse of Drugs Act 1981</i>	s. 9 (1)	Subsection repealed because it is not necessary to state that simple offences under the Act are to be dealt with in courts of petty sessions.
15			
		s. 9 (2) (a)	Minor textual corrections.
		s. 9 (2) (b)	Minor textual corrections.
20	<i>Motor Vehicle Dealers Act 1973</i>	s. 5 (6)	Section 39 has been repealed.
		s. 30 (3) (b)	Section 39 has been repealed.
		s. 32 (2)	Section 39 has been repealed.
		s. 41B	A minor textual correction.
25	<i>Parks and Reserves Act 1895</i>	s. 12B (4)	Subsections repealed because they depend on provisions of the <i>Dog Act 1976</i> that have been repealed.
		s. 12B (5)	
	<i>Parliamentary Commissioner Act 1971</i>	s. 4	A minor textual correction.
30	<i>The Schedule</i>	Schedule amended to remove references to abolished bodies and to	

Statutes (Repeals and Minor Amendments)
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			amend references to incorrectly described bodies.
5	<i>Petroleum Act 1967</i>	s. 16 (1)	Amendments are required because of the abolition of trustees of public cemeteries and the creation of cemetery boards under the <i>Cemeteries Act 1986</i> .
10	<i>Petroleum Pipelines Act 1969</i>	s. 4	The part of the definition of "owner" in section 4 commencing "and "owned" and like expressions" was incorrectly included in paragraph (c) of that definition.
15	<i>Petroleum (Submerged Lands) Act 1982</i>	s. 81 (13) (a)	Corrects a reference to the <i>Acts Amendment (Petroleum) Act 1990</i> .
	<i>Police Act 1892</i>	s. 2	Deletes unnecessary definitions (because they are in the <i>Interpretation Act 1984</i>) and makes minor textual corrections.
20	<i>Potato Growing Industry Trust Fund Act 1947</i>	s. 6 (4) (ii)	Deletes superfluous words.
25	<i>Public Trustee Act 1941</i>	s. 53 (2) (d)	Conforms with the changes made to all such references in a range of statutes.
	<i>Public Works Act 1902</i>	s. 33G (2)	Amends an incorrect reference.
30	<i>R & I Bank Amendment Act 1994</i>	s. 11	Amends an incorrect reference.
	<i>Racing Penalties (Appeals) Act 1990</i>	s. 29	A minor textual correction.

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	<i>Rates and</i>	s. 3 (1)	Minor textual corrections.
	<i>Charges</i>	s. 6 (1)	
	<i>(Rebates and</i>	s. 6 (2)	
	<i>Deferments)</i>	s. 6 (3)	
5	<i>Act 1992</i>		
	<i>Real Property</i>	s. 3 (1)	Amends to a metric system
	<i>(Foreign</i>		expression.
	<i>Governments)</i>		
	<i>Act 1951</i>		
10	<i>Registration of</i>	s. 6 (5)	A minor textual correction.
	<i>Births, Deaths</i>		
	<i>and Marriages</i>		
	<i>Act 1961</i>		
		s. 28 (3)	Makes clear what section is being
15			referred to in subsection (3)
		s. 44 (4)	A minor textual correction.
		s. 44 (5)	A minor textual correction.
	<i>Retail Trading</i>	s. 42 (1)	A minor textual correction.
	<i>Hours Act 1987</i>		
20	<i>Salaries and</i>	s. 6B (2)	A minor textual correction.
	<i>Allowances</i>		
	<i>Act 1975</i>		
		s. 10 (2)	A minor textual correction.
	<i>Settlement</i>	s. 108 (a)	Section 109 has been repealed.
25	<i>Agents</i>		
	<i>Act 1981</i>		
	<i>Shearer's</i>	s. 17 (2) (d)	Deletes superfluous words.
	<i>Accommodation</i>		
	<i>Act 1912</i>		
30	<i>Small Business</i>	s. 5 (7)	Amendment means that
	<i>Development</i>		appointments to vacant offices on the
	<i>Corporation</i>		Corporation are not limited to the
	<i>Act 1983</i>		unexpired portion of the previous
			office holder's term of office.

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	<i>Soil and Land Conservation Act 1945</i>	s. 42	Corrects the subsection designations to conform with the current drafting practice.
5	<i>Stipendiary Magistrates Act 1957</i>	s. 4 (7) s. 6 (1)	Amends incorrect references.
	<i>Stock (Brands and Movement) Act 1970</i>	s. 18 (1) (d)	A minor textual correction.
10	<i>Superannuation and Family Benefits Act 1938</i>	s. 37 (5) (b) (iii)	Amends to a metric system expression.
15	<i>Swan River Trust Act 1988</i>	s. 49	There are 2 subsections designated "(4)".
20	<i>Technology and Industry Development Act 1983</i>	Schedule 2, clause 2 (4)	Amendment means that appointments to vacant offices on the WA Technology and Industry Advisory Council are not limited to the residue of the previous office holder's term of office.
	<i>The Sale of Goods Act 1895</i>	s. 33	A minor textual correction.
25	<i>Totalisator Agency Board Betting Act 1960</i>	s. 17	A minor textual correction.
		s. 23A (2) (c)	A minor textual correction.
30		s. 28	1. There are 2 subsections designated "(6)". 2. Corrects a reference to the <i>Racing Penalties (Appeals) Act 1990</i> .

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	<i>Unclaimed Money Act 1990</i>	s. 4 (4)	Repealed subsection refers to "savings banks", under the Commonwealth's <i>Banking Act 1959</i> , that no longer exist.
5		s. 6 (1)	Deletes the reference to the repealed section 4(4).
		s. 9 (1) (v) (ii)	Corrects a reference to the <i>Financial Administration and Audit Act 1985</i> .
10	<i>Water Authority Act 1984</i>	s. 5 (1)	Deletes a reference to an Act that is repealed (<i>The Water Supply Act 1893</i>) in Schedule 1 to this Bill.
	<i>Weights and Measures Act 1915</i>	s. 4 (7) (b)	A minor textual correction.
15	<i>Western Australian Land Authority Act 1992</i>	s. 6 (4) (b)	Deletes superfluous words.
20	<i>Western Australian Tourism Commission Act 1983</i>	s. 5 (7)	Amendment means that appointments to vacant offices on the Commission are not limited to the unexpired portion of the previous office holder's term of office.
25	<i>Western Australian Trotting Association Act 1946</i>	s. 2	Amends to metric system expression.

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	<i>Wildlife Conservation Act 1950</i>	s. 15 (1b) (a)	A minor textual correction; the Authority referred to no longer exists.
5	<i>Zoological Gardens Act 1972</i>	s. 5 (4)	A minor textual correction; the reference should be to the Zoological Gardens Board.

QUESTIONS ON NOTICE

WOOL INDUSTRY - QUALITY PILOT PROJECTS, BUDGET ALLOCATION
National Animal Health Information System, Budget Allocation

865. Hon KIM CHANCE to the Minister for Transport representing the Minister for Primary Industry:

What funds have been allocated from this year's Budget for -

- (a) pilot projects for quality in the wool industry; and
- (b) introduction of a new national animal health information system?

Hon E.J. CHARLTON replied:

The Minister for Primary Industry has provided the following reply -

- (a) Approximately \$670 000 has been allocated from the 1994-95 consolidated fund budget for the wool pilot projects. These include -

development of quality management systems;
 evaluation of the processing performance of Western Australian wools;
 the creation of market linkages between focused wool processors and Western Australian woolgrowers.

- (b) \$50 000.

FISHERIES - KALBARRI, ROCK LOBSTER AND FISH CATCH

1058. Hon GRAHAM EDWARDS to the Minister for Transport representing the Minister for Fisheries:

Can the Minister for Fisheries advise the annual value of the crayfish and fish catch landed at Kalbarri for the financial years of 1991-92, 1992-93 and 1993-94?

Hon E.J. CHARLTON replied:

The Minister for Fisheries has provided the following reply -

Year	Rock Lobster	All Other Species (including Finfish/Molluscs/Crustaceans)
1991-92	\$13 609 000	\$905 000
1992-93	\$14 378 000	\$1 750 000
1993-94*	\$19 184 000	\$1 562 000

*Preliminary values

**LAND ADMINISTRATION, DEPARTMENT OF - SEARCH ORDERING
 PROCESS**

1159. Hon N.D. GRIFFITHS to the Minister for Lands:

- (1) How many full time equivalents are engaged in the search ordering process at the Department of Land Administration in Midland?
- (2) How many full time equivalents are engaged in the search ordering process other than at the Department of Land Administration in Midland?

Hon GEORGE CASH replied:

- (1) Thirty one full time equivalents.
- (2) Nil; however, searches may be ordered at the Department of Land Administration's regional offices located in Bunbury and Kununurra.

GOVERNMENT DEPARTMENTS AND AGENCIES - CHIEF EXECUTIVE OFFICERS, ACTING

1169. Hon GRAHAM EDWARDS to the Minister for Lands:

For each department and agency or statutory authority under the Minister's portfolio -

- (1) Which chief executive officers are currently employed in an acting capacity in that position?
- (2) When did they commence acting in the position?
- (3) Which of them has applied for appointment to the substantive position?
- (4) When did they apply for this appointment?
- (5) What is the reason for any delay in confirming any of these appointments?

Hon GEORGE CASH replied:

Department of Land Administration -

(1)-(5) Not applicable to the Department of Land Administration.

Western Australian Land Authority -

(1)-(5) Not applicable to the Western Australian Land Authority.

GOVERNMENT DEPARTMENTS AND AGENCIES - CHIEF EXECUTIVE OFFICERS, ACTING

1195. Hon GRAHAM EDWARDS to the Minister for Health representing the Minister for Heritage:

For each department and agency or statutory authority under the Minister for Heritage's portfolio -

- (1) Which chief executive officers are currently employed in an acting capacity in that position?
- (2) When did they commence acting in the position?
- (3) Which of them has applied for appointment to the substantive position?
- (4) When did they apply for this appointment?
- (5) What is the reason for any delay in confirming any of these appointments?

Hon PETER FOSS replied:

(1) None.

(2)-(5) Not applicable.

GAMING MACHINES - MERREDIN CLUB (INC) INSTALLATION REQUEST

1261. Hon KIM CHANCE to the Minister for Racing and Gaming:

- (1) Has the Minister received a request from the Merredin Club (Inc) seeking the installation of coin operated gaming machines in fully licensed clubs in Western Australia?
- (2) Will the Minister consider the request on the basis of the difficulty clubs are having in maintaining services for sporting facilities due to falling bar receipts, and also that clubs such as Merredin's are remote from similar gaming facilities in Perth?

Hon MAX EVANS replied:

- (1) No. However, the Minister is aware of the request by the Merredin Club (Inc) for the installation of gaming machines.
- (2) The Casino (Burswood Island) Agreement Act, negotiated by the Labor Government, prohibits the introduction outside of the Burswood Casino of any gaming machines played at the casino or commonly played in any other casino in Australia or elsewhere.

MEDIA DECISIONS WA - GOVERNMENT PAYMENTS

1276. Hon N.D. GRIFFITHS to the Minister for Health representing the Minister for Heritage:

With respect to the Minister for Heritage's department and each of the bodies administered within that department, what is the total of payments of media accounts made to Media Decisions Western Australia in each of the following months -

- (a) December 1993
- (b) January 1994
- (c) February 1994
- (d) March 1994
- (e) April 1994
- (f) May 1994
- (g) June 1994
- (h) July 1994
- (i) August 1994
- (j) September 1994
- (k) October 1994?

Hon PETER FOSS replied:

The Heritage Council of Western Australia has not made any payments to Media Decisions Western Australia in the months specified.

MEDIA DECISIONS WA - GOVERNMENT PAYMENTS

1297. Hon N.D. GRIFFITHS to the Minister for Mines:

With respect to the Minister's department and each of the bodies administered within that department, what is the total of payments of media accounts made to Media Decisions Western Australia in each of the following months -

- (a) December 1993
- (b) January 1994
- (c) February 1994
- (d) March 1994
- (e) April 1994
- (f) May 1994
- (g) June 1994
- (h) July 1994
- (i) August 1994
- (j) September 1994
- (k) October 1994?

Hon GEORGE CASH replied:

(a)-(k) Nil.

GOVERNMENT DEPARTMENTS AND AGENCIES - PRIVATISATION OF FUNCTIONS

1313. Hon N.D. GRIFFITHS to the Minister for Health representing the Minister for Heritage:

With respect to the Minister for Heritage's department and to each of the bodies administered within that department -

- (1) What functions have been wholly or partly privatised since 6 February 1993?
- (2) As a result of that, how many full time equivalents have left the public sector?

Hon PETER FOSS replied:

- (1) None.
- (2) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES - PRIVATISATION OF FUNCTIONS

1314. Hon N.D. GRIFFITHS to the Minister for the Arts:

With respect to the Minister's department and to each of the bodies administered within that department -

- (1) What functions have been wholly or partly privatised since 6 February 1993?
- (2) As a result of that, how many full time equivalents have left the public sector?

Hon PETER FOSS replied:

- (1) No functions have been privatised.
- (2) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES - PRIVATISATION OF FUNCTIONS

1326. Hon N.D. GRIFFITHS to the Minister for Transport representing the Minister for Primary Industry:

With respect to the Minister for Primary Industry's department and to each of the bodies administered within that department -

- (1) What functions have been wholly or partly privatised since 6 February 1993?
- (2) As a result of that, how many full time equivalents have left the public sector?

Hon E.J. CHARLTON replied:

The Minister for Primary Industry has provided the following reply -

- (1) None.
- (2) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES - PRIVATISATION OF FUNCTIONS

1327. Hon N.D. GRIFFITHS to the Minister for Transport representing the Minister for Fisheries:

With respect to the Minister for Fisheries' department and to each of the bodies administered within that department -

- (1) What functions have been wholly or partly privatised since 6 February 1993?
- (2) As a result of that, how many full time equivalents have left the public sector?

Hon E.J. CHARLTON replied:

The Minister for Fisheries has provided the following reply -

- (1) Within the Fisheries Department head office some word processing duties have been contracted to private personnel agencies since 6 February 1993.
- (2) None. Officers from the word processing section have taken other clerical positions within the department.

GOVERNMENT DEPARTMENTS AND AGENCIES - PRIVATISATION OF FUNCTIONS

1341. Hon N.D. GRIFFITHS to the Minister for Finance representing the Minister for Water Resources:

With respect to the Minister for Water Resources' department and to each of the bodies administered within that department -

- (1) What functions have been wholly or partly privatised since 6 February 1993?
- (2) As a result of that, how many full time equivalents have left the public sector?

Hon MAX EVANS replied:

The Minister for Water Resources has provided the following reply -

- (1) The Water Authority has introduced a number of initiatives to further improve productivity including contracting and CTC of a number of activities including support services and construction.
- (2) Total reduction since 6 February 1993 from all initiatives is 428.

GOVERNMENT DEPARTMENTS AND AGENCIES - PRIVATISATION OF FUNCTIONS

1347. Hon N.D. GRIFFITHS to the Minister for the Arts:

With respect to the Minister's department and to each of the bodies administered within that department -

- (1) What functions have been wholly or party privatised since the coming into operation of the Public Sector Management Act 1994?
- (2) As a result of that, how many full time equivalents have left the public sector?

Hon PETER FOSS replied:

- (1) No functions have been privatised.
- (2) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES - PRIVATISATION OF FUNCTIONS

1353. Hon N.D. GRIFFITHS to the Minister for Health representing the Minister for Heritage:

With respect to the Minister for Heritage's department and to each of the bodies administered within that department -

- (1) What functions have been wholly or party privatised since the coming into operation of the Public Sector Management Act 1994?

- (2) As a result of that, how many full time equivalents have left the public sector?

Hon PETER FOSS replied:

- (1) None.
(2) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES - PRIVATISATION OF FUNCTIONS

1364. Hon N.D. GRIFFITHS to the Minister for Transport representing the Minister for Fisheries:

With respect to the Minister for Fisheries' department and to each of the bodies administered within that department -

- (1) What functions have been wholly or partly privatised since the coming into operation of the Public Sector Management Act 1994?
(2) As a result of that, how many full time equivalents have left the public sector?

Hon E.J. CHARLTON replied:

The Minister for Fisheries has provided the following reply -

- (1) Within the Fisheries Department head office some word processing duties have been contracted to private personnel agencies since 6 February 1993.
(2) None. Officers from the word processing section have taken other clerical positions within the department.

GOVERNMENT DEPARTMENTS AND AGENCIES - PRIVATISATION OF FUNCTIONS

1368. Hon N.D. GRIFFITHS to the Minister for Transport representing the Minister for Primary Industry:

With respect to the Minister for Primary Industry's department and to each of the bodies administered within that department -

- (1) What functions have been wholly or partly privatised since the coming into operation of the Public Sector Management Act 1994?
(2) As a result of that, how many full time equivalents have left the public sector?

Hon E.J. CHARLTON replied:

The Minister for Fisheries has provided the following reply -

- (1) None.
(2) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES - PRIVATISATION OF FUNCTIONS

1379. Hon N.D. GRIFFITHS to the Minister for Finance representing the Minister for Water Resources:

With respect to the Minister for Water Resources' department and to each of the bodies administered within that department -

- (1) What functions have been wholly or partly privatised since the coming into operation of the Public Sector Management Act 1994?
(2) As a result of that, how many full time equivalents have left the public sector?

Hon MAX EVANS replied:

The Minister for Water Resources has provided the following reply -

- (1) The only function wholly privatised in the Water Authority since 1 October 1994 has been the Materials Testing Laboratory at the Engineering Research Station in Floreat Park.
- (2) As a consequence of contracting out this activity, two full time equivalents have left the public sector.

• HOTELS - KUKERIN, REOPENING ASSISTANCE

1404. Hon KIM CHANCE to the Minister for Racing and Gaming:

- (1) Has the Minister been requested by a community group at Kukerin to assist them in their efforts to re-establish a licensed hotel in that town?
- (2) Has the Minister sought a legal opinion with regard to the action of the owner in closing the hotel and failing to appoint a manager, and if so, what was the nature of that opinion and will the Minister provide me with a copy of that opinion?
- (3) What action has the Licensing Court taken to ensure the owner reopens the hotel, if this is required by law?
- (4) Is the Minister prepared to assist the Kukerin community to have their hotel reopened?

Hon MAX EVANS replied:

- (1) Yes.
- (2) No.
- (3) None, as there is no legal obligation on the owner to apply to operate the licence.
- (4) The Liquor Licensing Division of the Office of Racing and Gaming has contacted the owners on a number of occasions to facilitate the reopening of the premises. The division is confident that the hotel will reopen shortly.

SHEEP - AND LAMBS, SLAUGHTERED IN ABATTOIRS STATISTICS

1409. Hon KIM CHANCE to the Minister for Transport representing the Minister for Primary Industry:

How many -

- (a) lambs; and
- (b) other sheep

have been slaughtered in Western Australian abattoirs during the months -

- (i) January;
- (ii) February;
- (iii) March;
- (iv) April;
- (v) May;
- (vi) June;
- (vii) July;
- (viii) August;
- (ix) September;

- (x) October; and
- (xi) November 1994?

Hon E.J. CHARLTON replied:

The Minister for Primary Industry has provided the following reply -

1994	Lambs	Sheep
January	81 474	216 909
February	100 466	241 353
March	137 821	254 573
April	133 492	216 150
May	137 808	216 276
June	74 423	161 835
July	48 206	141 951
August	86 588	206 240
September	169 316	252 948
October	184 460	241 375
November	Not available	

SHEEP - AND LAMBS, SLAUGHTERED IN ABATTOIRS, STATISTICS

1410. Hon KIM CHANCE to the Minister for Transport representing the Minister for Primary Industry:

How many -

- (a) lambs; and
- (b) other sheep

have been slaughtered in Western Australian abattoirs in each month of the years 1975 to 1993 inclusive?

Hon E.J. CHARLTON replied:

The Minister for Primary Industry has provided the following reply -

The member is referred to the publication "Monthly Summary of Statistics - Western Australia" (Cat No 1305.5) of the Australian Bureau of Statistics which provides the information sought.

SHEEP - AND LAMBS, SLAUGHTERED IN TAMMIN ABATTOIR

1411. Hon KIM CHANCE to the Minister for Transport representing the Minister for Primary Industry:

How many -

- (a) lambs; and
- (b) other sheep

have been slaughtered in the Tammin abattoir in each month of the years 1986 to the end of November 1994?

Hon E.J. CHARLTON replied:

The Minister for Primary Industry has provided the following reply -

This question relates to the activities of a private company which has provided information in confidence to the Western Australian Meat Industry Authority and as such, I believe that the member should be directing his inquiry to the proprietors of the abattoir.

MOTOR VEHICLES, GOVERNMENT - ALBANY OFFICE

1435. Hon BOB THOMAS to the Minister for Health:

- (1) Since March 1993, what new vehicles have been acquired by officers of the Minister's department in Albany?
- (2) How many of those vehicles were fitted with roo bars or bull bars and were any supplied by Albany businesses?
- (3) How many of those vehicles were fitted with tow bars and were any supplied by Albany businesses?
- (4) How many of those vehicles were fitted with window tinting and were any supplied by Albany businesses?
- (5) What is the Government policy for the purchase of the extras listed in parts (2), (3) and (4) above for vehicles to be based in country areas?

Hon PETER FOSS replied:

- (1) In the period March 1993 to June 1994 three vehicles were acquired by the great southern regional office. Since July 1994 the newly formed Southern Health Authority has acquired four cars.
- (2) Four of the seven vehicles have been fitted with roo bars and of these four vehicles two were supplied by Albany businesses.
- (3) Two of the seven vehicles have been fitted with tow bars, one of which was fitted by an Albany business.
- (4) Three of the seven vehicles were fitted with window tinting, two of which were fitted by Albany businesses.
- (5) The government policy for the purchasing of vehicles is to place the order with FleetWest which includes the provision for optional accessories.

FleetWest uses the supplier nominated by the local Health Department office. This nomination depends on the availability of the required car locally. Should there be a need for an accessory after initial purchase of the vehicle has been completed, local businesses within Albany are generally utilised to meet this requirement.

MINISTERS OF THE CROWN - INVITATIONS TO COMMUNITY FUNCTIONS, INVOLVEMENT IN OFFICIAL PROCEEDINGS

1457. Hon GRAHAM EDWARDS to the Minister for Finance:

When the Minister receives an invitation from a community group to attend a function, does the Minister or his office in any way insist that the Minister, or his representative, officiate or be involved in official proceedings at that function?

Hon MAX EVANS replied:

No.

MINISTERS OF THE CROWN - INVITATIONS TO COMMUNITY FUNCTIONS, INVOLVEMENT IN OFFICIAL PROCEEDINGS

1464. Hon GRAHAM EDWARDS to the Minister for Health representing the Minister for Planning:

When the Minister for Planning receives an invitation from a community group to attend a function, does the Minister or his office in any way insist that the Minister, or his representative, officiate or be involved in official proceedings at that function?

Hon PETER FOSS replied:

No.

**AGRICULTURE PROTECTION BOARD - STORED WATER CATCHMENT
AREAS**

Bait Laying for Feral Pigs

1490. Hon SAM PIANTADOSI to the Minister for Transport representing the Minister for Primary Industry:

- (1) Can the Minister for Primary Industry confirm that officers of the Agriculture Protection Board have been involved in bait laying for feral pigs in stored water catchment areas?
- (2) If yes, when did the project commence and is it still current?

Hon E.J. CHARLTON replied:

The Minister for Primary Industry has provided the following reply -

- (1) In the period from 1 January 1993 to now, APB files show that officers have not been involved in bait laying for feral pig control in water catchments.
- (2) Not applicable.

**AGRICULTURE PROTECTION BOARD - STORED WATER CATCHMENT
AREAS**

Defoliants

1491. Hon SAM PIANTADOSI to the Minister for Transport representing the Minister for Primary Industry:

- (1) Have officers of the Agriculture Protection Board used defoliants in stored water catchment areas?
- (2) When did this process commence?
- (3) Has it been an effective process?

Hon E.J. CHARLTON replied:

The Minister for Primary Industry has provided the following reply -

- (1) For 1994 and subsequent years the Agriculture Protection Board is required to report to the Health Department by 31 March in the following year a record of all herbicides used on water catchments.

Without a detailed request to all field staff, I am unable to ascertain if any usage has occurred from 31 March to the present.

The Pesticides Advisory Committee of the Health Department has specified the herbicides which may be used and the methods of application and other restrictions on use. All herbicides specified are intended to result directly in death of the whole plant and therefore are not classified as defoliants. Therefore, defoliants are not used by the APB on water catchments.

- (2)-(3) Not applicable.

HOSPITALS - ROYAL PERTH

Patient Care Assistants Agreement, Withdrawal

1505. Hon A.J.G. MacTIERNAN to the Minister for Health:

What will be the impact on the Royal Perth Hospital of the Government's decision to withdraw from the Royal Perth Hospital patient care assistants agreement?

Hon PETER FOSS replied:

In answering the member's question I must correct the premise that there was an agreement to withdraw from. All hospitals are aware and have been advised that they are not to enter into any industrial agreement until

the agreement has been considered by the Cabinet industrial relations subcommittee and endorsed by Cabinet. This is a longstanding procedure of which the Opposition would be aware.

The current status is that the full implementation of patient care assistants into Royal Perth Hospital, has been delayed while the Government awaits the outcome of the appeal against the interim federal award. This does not prevent RPH from exploring or implementing other means of achieving the reforms.

**STATE EMPLOYMENT AND SKILLS DEVELOPMENT AUTHORITY -
DELEGATION OF POWERS AND FUNCTIONS TO STATE TRAINING BOARD**

1506. Hon JOHN HALDEN to the Minister for Education:

- (1) Is it correct that the Minister directed the chair of the State Employment and Skills Development Authority to delegate all its powers and functions to an unincorporated body responsible to the Minister?
- (2) If yes, what is the name of that body, who are its members and who appointed them?

Hon N.F. MOORE replied:

(1)-(2)

The authority resolved at its fortieth meeting held on 22 December 1993 to authorise the chairman to sign an instrument of delegation delegating its powers and functions under the State Employment and Skills Development Authority Act, with effect from 1 January 1994, to the members of the interim State Training Board. The authorisation by the chair was subject to his receipt of the written consent of each member present at the fortieth meeting.

The chairman contacted the Minister's office on 24 December 1993 advising that one member was not at that time prepared to provide written consent. To resolve the impasse the chairman recommended that the Minister direct him to sign the instrument of delegation. The Minister agreed to the chairman's request and issued a direction dated 24 December 1993. The chairman did not act on the direction immediately as he was hopeful of a resolution to the matter which had caused one member to withhold his approval.

This matter was subsequently resolved, written consent of the member obtained and the chairman signed the instrument of delegation on 21 January 1994. Because the delegation was achieved by consent of authority members, the ministerial direction became unnecessary. The delegation was extended to the members of the State Training Board. As the board is an unincorporated body pending passage of delegation, the delegation names individual members severally. At the time they were -

Mr Ian Williams, Chair
Mr Harvey McLeod
Mr Lyndon Rowe
Dr Lynn Allen
Mr Rob Meecham
Mr Tim McDonald
Mr Graham Laitt
Mrs Shirley Thorn
Ms Michelle Dolin

The members were appointed on 20 December 1993 by Cabinet on the recommendation of the Minister for Education; Employment and Training.

The current membership of the State Training Board is -

	Appointed
Mr Harry Sorensen, Chair	26.9.94
Mr Harvey McLeod, Deputy Chair	20.12.93
Dr Lynn Allen	20.12.93
Mr Peter Eggleston	21.11.94
Mr Rob Meecham	20.12.93
Ms Diana Mitchell	26.9.94
Mr Lyndon Rowe	20.12.93
Mrs Shirley Thorn	20.12.93
Mr Russell Williams	21.11.94

The chairman of the State Employment and Skills Development Authority has advised me that he is arranging to extend the delegation of the authority's powers and functions to those members not listed on the original instrument, namely Mr Sorensen, Mr Eggleston, Ms Mitchell and Mr R. Williams. I am advised that the board is reviewing its recent agenda to ensure that any matters requiring decision under the terms of the SESDA delegation will be ratified once all members are formally delegated.

WITTENOOM - LIQUOR LICENCE APPLICATION, REFUSAL

1510. Hon MARK NEVILL to the Minister for Racing and Gaming:

- (1) On what basis has a liquor licence application for the town of Wittenoom been refused?
- (2) If the licence has been refused, on what section of the Liquor Licensing Act 1988 has the Director of Liquor Licensing relied?

Hon MAX EVANS replied:

- (1)-(2) An application for a liquor store licence for Wittenoom has not been refused. The Director of Liquor Licensing has asked the applicant to address the public interest issues raised in the report of the select committee appointed to consider the future of Wittenoom. The applicant requested that the matter not be determined until 30 January 1995.

PLANNING AND URBAN DEVELOPMENT, DEPARTMENT OF - ANNUAL REPORT

Scott Four Colour Print, Payment

1515. Hon N.D. GRIFFITHS to the Minister for Health representing the Minister for Planning:

What was Scott Four Colour Print paid for its involvement in the production of the annual report 1994 of the State Planning Commission Department of Planning and Urban Development?

Hon PETER FOSS replied:

\$25 210.

STATE PLANNING COMMISSION - ADVERTISING EXPENDITURE, INCREASE

1516. Hon N.D. GRIFFITHS to the Minister for Health representing the Minister for Planning:

Why has the administrative expense of advertising of the State Planning Commission increased from \$23 901 in 1992-93 to \$48 344 in 1993-94?

Hon PETER FOSS replied:

Additional advertising costs were due to the advertising of the metropolitan region scheme amendments in 1993-94.

**STATE PLANNING COMMISSION - MAPS AND PUBLICATIONS WRITE-OFF
EXPENDITURE, INCREASE**

1517. Hon N.D. GRIFFITHS to the Minister for Health representing the Minister for Planning:

Why has the administrative expense of maps and publications write-off of the State Planning Commission increased from \$6 350 in 1992-93 to \$69 613 in 1993-94?

Hon PETER FOSS replied:

At 30 June 1993 a major review was carried out on the stocks of maps and publications held by the commission. Stock items numbering 10 871, the majority of which had been superseded or had a minimum sales potential, were identified and submitted for write off in 1993-94; these publications were in the main produced in the period to December 1992.

In 1992-93, 1 307 stock items were written off.

STATE PLANNING COMMISSION - COMPUTING COSTS, INCREASE

1518. Hon N.D. GRIFFITHS to the Minister for Health representing the Minister for Planning:

Why has the administrative expense of computing costs of the State Planning Commission increased from \$52 674 in 1992-93 to \$178 826 in 1993-94?

Hon PETER FOSS replied:

The increased costs in computing for the State Planning Commission were as a result of substantially upgrading the main computing facilities for the processing of subdivisional and development applications as well as other corporate information systems.

STATE PLANNING COMMISSION - INSURANCE EXPENDITURE, INCREASE

1519. Hon N.D. GRIFFITHS to the Minister for Health representing the Minister for Planning:

Why has the administrative expense of insurance of the State Planning Commission increased from \$17 099 in 1992-93 to \$37 552 in 1993-94?

Hon PETER FOSS replied:

The premium charged by the State Government Insurance Commission for public liability cover increased by \$19 917 in 1993-94.

**STATE PLANNING COMMISSION - FINANCIAL INSTITUTIONS DUTY,
INCREASE**

1520. Hon N.D. GRIFFITHS to the Minister for Health representing the Minister for Planning:

Why has the administrative expense of financial institutions duty of the State Planning Commission increased from nil in 1992-93 to \$11 000 in 1993-94?

Hon PETER FOSS replied:

From 1 July 1993, the State Planning Commission became liable for financial institutions duty on all dutiable receipts.

STATE PLANNING COMMISSION - AUDITOR'S FEES, INCREASE

1521. Hon N.D. GRIFFITHS to the Minister for Health representing the Minister for Planning:

Why has the administrative expense of auditor's fees of the State Planning Commission increased from nil in 1992-93 to \$35 000 in 1993-94?

Hon PETER FOSS replied:

Under section 92 of the Financial Administration and Audit Act 1985, the Auditor General determined that a fee should be charged for the audit of the State Planning Commission. The \$35 000 fee for the 1992-93 financial year was paid in 1993-94.

STATE PLANNING COMMISSION - ANNUAL REPORT

Bad Debtors; Write-offs

1522. Hon N.D. GRIFFITHS to the Minister for Health representing the Minister for Planning:

Who are the bad debtors and in each case what amount was written off with respect to the sum of \$130 581 written off during 1993-94 in the finances of the State Planning Commission, referred to on page 73 of the annual report 1994?

Hon PETER FOSS replied:

Debtor	Amount written off \$
G. Gunn	1 000.60
C. Book	1 230.91
G. Jones	650.77
T. and G. Dye	2 178.73
K. Vernon	236.68
P. Limb	345.00
M. M'mbijiwe	339.00
G. Chandler	12.00
A. McLeod	339.10
J. Merrick	326.10
J. Birkett	377.39
F. Walters	118.00
Dahyu Pty Ltd	.70
G. Twomey and T. Pham	1 895.91
Homeswest	114 885.69
M. Girdler and M. Brown	724.11
W. Taylor	4 048.86
Bonadine Nominees Pty Ltd	386.00
D. Oxe	100.00
B. Smith	1 385.00

PERTH CITY COUNCIL COMMISSIONERS - MEETING FEES

1540. Hon A.J.G. MacTIERNAN to the Minister for Transport representing the Minister for Local Government:

- (1) Can the Minister for Local Government confirm that the Commissioners for the City of Perth are receiving meeting fees?
- (2) If so, how much are these fees and who are they paid to?
- (3) What is the total amount paid in fees to each of the commissioners so far this year?
- (4) Apart from the annual payment of \$35 000 per commissioner and \$40 000 to the chairman, what other fees or benefits are enjoyed by the commissioners?
- (5) What is the estimated value of the additional benefits?
- (6) Is it correct that the chairman, apart from his \$40 000 a year from ratepayers, received a further \$60 000 from the Ministry of Premier and Cabinet?

- (7) Is it correct that a consultant to the commission, ex Perth City Council chief executive Reg Dawson, is receiving \$6 000 a month in his part-time position?
- (8) Is it correct that another consultant, Ralph Fardon, is receiving a similar income paid into a superannuation fund?

Hon E.J. CHARLTON replied:

The Minister for Local Government has provided the following reply -

- (1)-(3) The Commissioners of the City of Perth represent the council on a variety of bodies responsible to various Ministers. Some committees may pay meeting fees, others may not. Where fees are paid they are in accordance with the prescribed fees. The commissioners do not receive meeting fees for commission meetings.
- (4) The commissioners receive benefits consistent with those enjoyed by the previous councillors of the City of Perth, including home phone/fax arrangement and parking facilities on council business. In addition, the council is obliged to make a superannuation payment on behalf of the commissioners under federal legislation.
- (5) As the value may vary among the commissioners, as it did among the Perth City Councillors, such benefits are difficult to assess. In relation to the car parking, this is valued at \$2 100 per annum while the superannuation payment equates to 5 per cent of the remuneration paid by the councils to the commissioners.
- (6) Mr Lawrence receives \$2 300.61 per fortnight from the Ministry of the Premier and Cabinet. Over a 12 month period this would equate to \$60 000.

(7)-(8) No.

WATER AUTHORITY OF WESTERN AUSTRALIA - WATER RESTRICTIONS

1542. Hon Sam Piantadosi to the Minister for Finance representing the Minister for Water Resources:

- (1) Can the Minister for Water Resources confirm that the Western Australian Water Authority Board of Management decided at one of its meetings the following -
 - (a) there would be no water restrictions this summer; and
 - (b) that there should be greater use of stored water in preference to ground water for the metropolitan scheme?
- (2) If yes, were these decisions a major contributing factor to the current imposition of water restrictions?

Hon MAX EVANS replied:

The Minister for Water Resources has provided the following reply -

- (1) (a)-(b) Since I have been Minister for Water Resources there has been no such decision by the board of the Water Authority.
- (2) Not applicable.

**STATE EMPLOYMENT AND SKILLS DEVELOPMENT AUTHORITY -
DELEGATION OF FUNCTIONS AND POWERS**

1545. Hon JOHN HALDEN to the Minister for Education:

Notwithstanding the delegation made by the State Employment and Skills Development Authority to the Interim State Training Board at the Minister's direction, does the Minister acknowledge that SESDA itself

may still at any time exercise any of the functions or powers that it has delegated?

Hon N.F. MOORE replied:

The delegation referred to by the member was made by consent of members of the authority, not at ministerial direction. Having clarified that, I advise that the answer is yes, I am advised by the Crown Solicitor that the authority may still exercise its authority under the Act, including those powers or functions which it has delegated.

NATIONAL MEDICAL ENTERPRISES INC - MALPRACTICE ALLEGATIONS

1552. Hon N.D. GRIFFITHS to the Minister for Health:

- (1) Is the Minister aware of allegations of malpractice being made against National Medical Enterprises Inc by the Friends of Prince Henry Hospital?
- (2) What contracts, if any, does the Health Department or any public hospital have with National Medical Enterprises Inc?

Hon PETER FOSS replied:

- (1) Yes. The Health Department of Western Australia continues to closely monitor all allegations in relation to National Medical Enterprises. However, there is currently no evidence that Australian Medical Enterprises, a subsidiary company of National Medical Enterprises, is in breach of any licensing or ethical requirements in Western Australia, or that any patients have been, or are likely to be, at risk.
- (2) There are no contracts in place between the Health Department, or any public hospitals, and National Medical Enterprises Inc.

DWELLINGUP - CARAVAN PARK PROJECT

1555. Hon REG DAVIES to the Minister for Health representing the Minister for Planning:

With regard to Dwellingup caravan park project -

- (1) Will the Minister for Planning table full details of a proposed caravan park project on state forest land controlled by Conservation and Land Management at Dwellingup, including -
 - (a) the length of the lease, and all other terms and conditions, including the developer's right to sell the lease;
 - (b) a detailed scale map of the area to be developed;
 - (c) CALM's financial commitment to the project, past and planned; and
 - (d) the legal status of the land concerned at present?
- (2) Is the Minister aware that the proposed development will effectively double the size of this small town, from its current population of around 400 people?
- (3) Is the Minister aware that the CALM-selected developer, Mr Paul Ogilvie, addressed a meeting of the Dwellingup Progress Association two years ago, and revealed well developed plans for a caravan park with space for 400 people, including semi-permanent residents, as well as a licensed restaurant for 100 people, swimming pool and large ablution block?
- (4) Is the Minister aware that Dwellingup is unsewered, and that the proposed development is -

- (a) in close proximity to the Dwellingup town dam whose water supply is used by tens of thousands of tourists annually; and
 - (b) on top of underground streams that also drain into the South Dandalup Dam, an importance source of Perth's water supply?
- (5) Will this development, near the Dwellingup saw mill, place severe strain on local water resources and rubbish disposal facilities and also create severe traffic hazards by mixing caravans and logging trucks on narrow and hilly roads?
 - (6) Is the Minister aware that over 100 Dwellingup electors signed a petition to the previous Government against the development at this location because of these concerns?
 - (7) Is the Minister aware that the proposed site would mean park residents would be forced to drive through the centre of Dwellingup to reach popular local river recreation places, adding to present heavy traffic problems at holiday times?
 - (8) Is the Minister aware that Dwellingup electors would welcome a caravan park at another location, further out of town, and nearer to local tourist attractions like the river and Lane Poole reserve?
 - (9) Has the Shire of Murray been given the opportunity to examine this scheme in detail?
 - (10) Has the scheme been put before the Water Authority?
 - (11) If so, will the Minister table a copy of the documents sent to the Water Authority, together with its response?
 - (12) Is the Minister aware that CALM's director, Dr Syd Shea, admitted in a radio interview on 6PR with Bob Maumill on 7 November 1992 that some "general chemicals" were buried somewhere in the proposed development site?
 - (13) Was the Water Authority advised of this chemical disposal and its location?
 - (14) Is the Minister aware laboratory analysis of the Dwellingup town dam (State Chemistry Centre report, 24 February, 1992) has already revealed pollution by the chemicals chlordane, DDT and its breakdown-product metabolites, as well as dieldrin and heptachlor?
 - (15) Will the Minister table a full set of reports on analyses of Dwellingup town dam water for the past 10 years to the current month?
 - (16) Was Dr Syd Shea employed by the former Forests Department at Dwellingup and for what period?
 - (17) When was the late Mr Len Miller employed by the Agriculture Protection Board supervising herbicide spraying in the forest at Dwellingup?
 - (18) Is the Minister aware that Len Miller was hospitalised after being splashed while mixing some of this herbicide, said to be Agent Orange, for nine months and died of cancer 15 years later after treatment in the Hollywood Hospital?
 - (19) Is it correct that Mr Miller's medical records were lost for a long period?
 - (20) Is the Minister aware that the herbicide being mixed by Len Miller and his team was subsequently buried by CALM employees in

drums on CALM land at Dwellingup in the area of the proposed caravan park?

- (21) Is the Minister aware that CALM claims to have no record of the disposal, yet was able to conduct a so called "drilling test" of a small area of the proposed caravan park site, and declare that no herbicide contamination had been found?
- (22) How was the target area selected and what was its size?
- (23) Will the Minister table a copy of this drilling report including scale maps?
- (24) Will the Minister table a copy of a report entitled "Report of analysis of 12 samples of soil and one water from suspected chemical dump Dwellingup" sent to CALM by the Chemistry Centre, Department of Mines, dated 10 June 1992 with accompanying maps, including the one marked "Chemical Dump site State Forest 23"?
- (25) Will the Minister table all Environmental Protection Authority reports relating to tests for chemicals on this site, including those that state 24D, 245T and Vorox were found in samples tested, contrary to CALM public statements?
- (26) Will the developer, Paul Ogilvie, have the right to expand the caravan park in future into adjoining jarrah forest, which has a great variety of flora, especially orchids and old jarrah trees frequented by red and white tailed black cockatoos and other birds?
- (27) Is the Minister aware that this area adjoins the Bibbulmun track, and is an important recreational facility for tourists as well as local electors?
- (28) If the development proceeds, will it be fenced to protect adjoining forest?
- (29) What is the name of Paul Ogilvie's company, is it a public limited liability company and what are its assets?
- (30) Does this person have the experience necessary for a development on the scale proposed?
- (31) Is he the same Paul Ogilvie who was formerly employed as a shop assistant in the Home Base store at Rockingham?
- (32) Will the Minister table full details of the proposed contractual arrangement between CALM and the Ogilvie company?
- (33) In view of the petition against this scheme by local residents, will the Minister give an undertaking that this proposal will be explained fully to a well-advertised public meeting of Dwellingup electors outside working hours?
- (34) If not, why not?
- (35) In view of these above serious concerns, and in the interest of good planning, is the Minister prepared to defer this scheme until completion of the current land capability assessment now under way in the Peel Region?
- (36) If not, why not?

Hon PETER FOSS replied:

- (1)-(36) No such proposal has been placed before the Minister for Planning. A proposal of this nature would require the consent of the local authority. It would not require the rezoning of land and accordingly the Department of

Planning and Urban Development would have no role to play in its assessment.

MINISTERIAL OFFICES - MOBILE PHONES AND PAGING DEVICES

1577. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Housing:

- (1) What number of mobile phones are currently available for use in the Minister for Housing's office for the use of the Minister and his staff?
- (2) What number of mobile phones were in use last financial year and what was the cost of the mobile phone accounts associated with the Minister's office during the last financial year?
- (3) What is the anticipated cost of mobile phone accounts associated with the Minister's office for the current financial year?
- (4) What number of paging devices are paid for from the budget for the Minister's office?

Hon MAX EVANS replied:

The Minister for Housing has provided the following reply -

- (1) Four.
- (2) Four - \$2 988.
- (3) \$4 840.
- (4) Three.

MINISTERIAL OFFICES - MOBILE PHONES AND PAGING DEVICES

1585. Hon TOM STEPHENS to the Minister for Health:

- (1) What number of mobile phones are currently available for use in the Minister's office for the use of the Minister and his staff?
- (2) What number of mobile phones were in use last financial year and what was the cost of the mobile phone accounts associated with the Minister's office during the last financial year?
- (3) What is the anticipated cost of mobile phone accounts associated with the Minister's office for the current financial year?
- (4) What number of paging devices are paid for from the budget for the Minister's office?

Hon PETER FOSS replied:

- (1) Four mobile phones.
- (2) Four mobile phones, and the total cost of the mobile phone accounts for last financial year, 1993-94, was \$3 741.85.
- (3) Approximately the same as last financial year.
- (4) Two paging devices.

WASTE DISPOSAL - SITES

Harvey, Bunbury, Collie, Manjimup, Augusta-Margaret River, Capel

1608. Hon DOUG WENN to the Minister for Health:

- (1) How many waste disposal sites have been permitted by the Health Department in the past two years in the Towns or Shires of Harvey, Bunbury, Collie, Manjimup, Augusta-Margaret River and Capel?
- (2) How many of those permitted sites have been properly lined to eradicate any seepage into the surrounding areas in the Towns or Shires of Harvey, Bunbury, Collie, Manjimup, Augusta-Margaret River and Capel?

- (3) What material has been used to line these pits?
- (4) How often does the Health Department carry out inspections for seepage into the surrounding environment at rubbish disposal sites in the Towns or Shires of Harvey, Bunbury, Collie, Manjimup, Augusta-Margaret River and Capel?
- (5) How many new applications are before the Minister for proposed new rubbish sites in the Towns or Shires of Harvey, Bunbury, Collie, Manjimup, Augusta-Margaret River and Capel?

Hon PETER FOSS replied:

- (1) I am advised that no new waste disposal sites have been gazetted under the Health Act within the boundaries of the local authorities listed by the member in the past two years. In the case of the Shire of Margaret River-Augusta it is likely that a new site will be gazetted in the near future, following agreement on environmental and public health conditions.

- (2) Not applicable, as no new sites have been approved. However, I am advised it is true to say that very few rural landfills are lined with either synthetic or clay liners. This is because the majority of sites are small and have little potential for significant environmental impact. Also, in many cases the natural soils act as a liner.

The Department of Environmental Protection, which, through the Office of Waste Management, is the agency now responsible for regulating landfills, is about to publish a code of practice for rural landfills which will for the first time propose standards for the design and management of rural landfills. The code requires all landfill operators to address the issue of whether lining is necessary.

- (3) Not applicable.
- (4) I am advised that responsibility for inspection of sites rests with the Office of Waste Management in the Department of Environmental Protection. Where it is believed a potential exists for significant off-site pollution from seepage, operators are required to install monitoring bores. The Department of Environmental Protection typically monitors these bores on one to two occasions each year. However, the frequency varies depending on the size and location of the site and the risk to ground water. Landfill sites in the south west of the State are typically inspected about once every 12 months to monitor performance.
- (5) I am advised the only application actually being currently considered is from the Shire of Margaret River-Augusta. When opened, this new site will replace more than 10 existing sites of lower standard. The new site will not be lined but is located in impermeable soils which act as a natural liner.

FREEDOM OF INFORMATION - COORDINATING OFFICER FOR GOVERNMENT DEPARTMENTS AND AGENCIES

1667. Hon TOM STEPHENS to the Minister for Education representing the Minister for Aboriginal Affairs:

What is the name of the freedom of information coordinating officer for each department or agency within the Minister for Aboriginal Affairs' portfolio areas as at 30 November 1994?

Hon N.F. MOORE replied:

The Minister for Aboriginal Affairs has provided the following reply -
Jenny Carter.

QUESTIONS WITHOUT NOTICE

**STATE TRAINING BOARD - CREATED OUTSIDE STATE EMPLOYMENT
AND SKILLS DEVELOPMENT AUTHORITY ACT**

734. Hon JOHN HALDEN to the Minister for Education:

Can the Minister clarify whether the interim State Training Board was created inside or outside the State Employment and Skills Development Authority Act, and if inside the SESDA Act, by whom was it created?

Hon N.F. MOORE replied:

My recollection of the formation of the interim State Training Board is that it was outside the SESDA Act and it was not set up as a subcommittee of SESDA. If there is any variation to that, I will advise the member.

**STATE EMPLOYMENT AND SKILLS DEVELOPMENT AUTHORITY ACT -
NULLIFICATION, LEGAL OPINION**

735. Hon JOHN HALDEN to the Minister for Education:

I have previously given the Minister notice of this question.

(1) Has the Minister been provided with any legal opinion, particularly an opinion signed by the Solicitor General, which discusses the constitutional propriety of introducing a scheme which has the intention and the effect of nullifying the intention of the State Employment and Skills Development Authority Act?

(2) If so, will he table the opinion or indicate the nature of the advice?

Hon N.F. MOORE replied:

I have been provided with answers to a number of questions, but I do not have the question the member has asked. I have obtained the answers to all the questions which were asked a week or so ago.

(1)-(2) I am unable to respond to the first part of the question. I will not table the opinion. In my haste to assist the member last week I inadvertently tabled Crown Law advice, which is against a longstanding tradition of Governments of both persuasions. If the member will put the first part of the question on notice, I will obtain an answer for him.

**STATE EMPLOYMENT AND SKILLS DEVELOPMENT AUTHORITY -
FUNDS TRANSFER ARRANGEMENT**

736. Hon JOHN HALDEN to the Minister for Education:

Given that the State Employment and Skills Development Authority effectively ceased operations on 21 January 1994, has the Minister arranged for SESDA funds appropriated in the financial year 1993-94 to be transferred in terms of section 25 of the Financial Administration and Audit Act; and, if so, will he table the Treasurer's approval?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. When the instrument of delegation of functions to the State Training Board took effect as from 21 January 1994, the SESDA account was suspended. I am advised that \$192 000 is being held in that account. The 1993-94 Budget papers made reference to an estimated appropriation of \$3.3m to SESDA. With the establishment of the Department of Training on 1 December 1993, an appropriation was made to that department, as in the current financial year, to expend for the purpose of administering the provisions of the SESDA Act - industry employment and training council grants,

accreditation, registration etc. As the Department of Training was able to fulfil the statutory obligations under the SESDA Act from within its own budgetary appropriation, it was not necessary to seek approval for a transfer under section 25 of the Financial Administration and Audit Act, particularly in view of the fact that the SESDA Act remained in place.

FRETTING MORTAR - TECHNICAL SUBCOMMITTEE

737. Hon A.J.G. MacTIERNAN to the Minister for Fair Trading:

- (1) Who has been appointed to the technical subcommittee of the Fretting Mortar Steering Committee?
- (2) What are their relevant qualifications?
- (3) By whom are they employed or, if self-employed, what is the name of their firm or business?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) A technical subcommittee of the Fretting Mortar Steering Committee is in the process of being formed but no persons have yet been appointed.
- (2)-(3) Not applicable.

GOVERNMENT EMPLOYEES SUPERANNUATION ACT - AMENDMENTS *Superannuation and Family Benefits Fund Contributors*

738. Hon SAM PLANTADOSI to the Minister for Finance:

I refer to the proposed amendments to the Government Employees Superannuation Act.

- (1) How many members of the old superannuation fund - current contributors to the superannuation and family benefits fund - will be affected by the Government's privatisation proposals?
- (2) Is the Minister aware that, under the proposed amendments to the Government Employees Superannuation Act, contributors to the old pension scheme - Superannuation and Family Benefits Act 1938 - will lose significant amounts of retirement income if they are obliged to join the lump sum scheme on privatisation or retrenchment.

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) As at 30 June 1994 there were 1 634 contributors to the pension scheme across the public sector. The number of contributors affected will be dependent on the timing and implementation of the Government's ongoing program of public sector reform.
- (2) The proposed amendments will significantly increase the amount of superannuation benefit payable to contributors on retrenchment or transfer to the private sector compared with the benefits otherwise available under the current Superannuation and Family Benefits Act.

SCHOOLS - ABORIGINAL STUDIES PROGRAMS

739. Hon TOM STEPHENS to the Minister for Education:

- (1) What number of -
 - (a) government primary schools;
 - (b) non-government primary schools;

- (c) government secondary schools; and
- (d) non-government secondary schools

have Aboriginal studies programs operating in the current calendar year?

- (2) What number of schools in each of the above categories intend to introduce Aboriginal studies programs in 1995?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) (a) 32.
- (c) 75.

(b)-(d) The 14 Catholic schools - seven K-7, six K-10 and one year 8-12 - based in the Kimberley and the 13 Aboriginal independent community schools all offer Aboriginal studies. However, it is not possible to provide the member with the information without surveying all non-government primary and secondary schools - 263 in total - due to the fact that many schools already offer elements of Aboriginal studies and these offerings are expanding.

The Catholic Education Commission is responsible for 151 Catholic schools and has adopted the policy of introducing Aboriginal studies into all primary and secondary schools over the next two to three years, with 70 to 80 per cent of all Catholic primary schools having undertaken in-service training with a view to progressively offering Aboriginal studies over the next two years. In the case of Catholic secondary schools, while elements of Aboriginal studies are already offered in many schools, full implementation will proceed when the relevant curriculum materials have been completed.

- (2) This figure is unknown because of the availability of curriculum materials and funding assistance. Therefore, no formal invitations have been extended. Anticipating government primary - 100; anticipating government secondary - 100 approximately.

SCHOOLS - ABORIGINAL STUDIES PROGRAMS

740. Hon TOM STEPHENS to the Minister for Education:

- (1) Has the Minister now approved the use of commonwealth funds to expand the Aboriginal studies program throughout schools in Western Australia in 1995?
- (2) What is the amount allocated by the Commonwealth for this purpose?
- (3) Can the Minister explain how the commonwealth funds will be used?
- (4) How much additional funding is being made available by the State Government towards the development of Aboriginal studies curriculum materials and programs for 1995?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) A meeting with relevant officials from the Education Department and the Minister is scheduled for 14 December to discuss approval of the Aboriginal studies materials.

- (2) \$219 900 in 1995.
- (3) For the designated purpose; that is, Aboriginal studies.
- (4) \$260 000.

POLICE - MULTANOVA CAMERAS

741. Hon GRAHAM EDWARDS to the Leader of the House representing the Minister for Police:

I ask this question as a supporter of police surveillance on our roads.

- (1) Can the Minister advise how many times Multanova cameras have been used on Perth's freeways in the past three months?
- (2) At what times of the day have they been used on the freeways?
- (3) How many motorists were booked?
- (4) What was the range of speeds for which motorists were booked?

Hon GEORGE CASH replied:

Regrettably, the information will take some time to collate as there has been insufficient time for the Police Department to prepare a response for question time today. If the member is good enough to put the question on the Notice Paper, I will provide the answer as soon as practicable.

FORESTS - REHABILITATED, POST HARVESTING FIELD STUDIES

742. Hon J.A. SCOTT to the Minister for Education representing the Minister for the Environment:

In relation to field study assessment of rehabilitated forest post clear-felling or heavy cut selection -

- (1) Have any of the field studies been completed?
- (2) Have any of these been in jarrah forests?
- (3) Where have they been carried out and are these studies presently available for examination?

Hon N.F. MOORE replied:

- (1)-(3) There have been many field studies over the last 20 years which involve aspects of forestry associated with harvesting. The results are generally summarised in the *Jarrah* book and *The Karri Forest* book. Within the notice given, I am not able to advise which studies are available for examination in the field. However, I am happy to arrange a briefing for the member with a relevant Department of Conservation and Land Management research officer so that he can see which studies are under way, which have been completed and which are available for field inspections.

SCHOOLS - RATIONALISATION

743. Hon BOB THOMAS to the Minister for Education:

- (1) Is the Minister aware that in his introduction to the schools rationalisation document, he claimed there were over 600 vacant classrooms in the WA schools system?
- (2) Is he also aware that in his answer to question on notice 1715 of 22 March 1994 he advised that there were 1 576 vacant classrooms in the system?
- (3) Is he also aware that a follow-up question 1904 placed on notice by me on 6 April 1994 on this issue was not answered before the Parliament was prorogued on 3 May 1994?
- (4) Is the Minister also aware that he did not observe the conventional

courtesy of providing me with a written answer to the question after Parliament was prorogued?

- (5) Is the Minister aware that question on notice 590 relating to the same issue was given notice on 29 June 1994?
- (6) As it is now over five months since question on notice 590 was placed on notice, when will the Minister provide the House with an answer to this question which requires him to be accountable for public statements he has made on the issue of schools rationalisation?

Hon N.F. MOORE replied:

I will attempt to answer all six questions. It would have been easier for me to be given notice as I could then have provided the correct answers.

- (1) Yes.
- (2) The number of empty classrooms depends on the definition used for an empty classroom. The Education Department uses a number from time to time depending on the circumstances. In some schools, classrooms are used for a variety of purposes which would not be normally available to the schools based on the formula. For example, some primary schools use an empty room as a science room when primary schools are not provided with science rooms. If a strict definition were used, those rooms would be considered to be empty. Therefore, the figure of 1 500 was used in that context. Many of those rooms are used for other purposes. In the definitions used in the rationalisation document, a number of above-formula class usages are accepted and not taken into account for the purposes of schools rationalisation. Therefore, there is a variation in the number of empty classrooms.
- (3) I am aware that the member put a question on notice before prorogation.
- (4) The member has suggested that a traditional courtesy was not extended to him. Having been here longer than him, I can tell him that traditional courtesy depends on the circumstances. I have asked many questions in my time in this place which have never been answered or seen the light of day and there was never any intention by the Minister to respond to many of them.
- (5) I assume what the member says in the question is correct. I have no way of knowing, without checking, whether it was on notice on that date, but I will take the member's word for it.
- (6) I will provide the member with an answer as soon as possible.

GOVERNMENT EMPLOYEES SUPERANNUATION ACT - AMENDMENTS
Superannuation and Family Benefits Fund Contributors

744. Hon SAM PLANTADOSI to the Minister for Finance:

In relation to the proposed amendments to the Government Employees Superannuation Act -

- (1) Why does the Minister believe that contributors to the superannuation and family benefits fund who chose previously in 1987 and 1990 not to relinquish their pensions for a lump sum would now accept a lump sum offer in the event of privatisation or retrenchment?
- (2) On what basis does the Minister consider the current offer to members of the current superannuation and benefits fund who are affected by privatisation to be a generous and equitable response?

- (3) Is the Minister aware of the differences in circumstances between the current offer to pension fund contributors and the offers for transfer into the lump sum superannuation fund in 1987 and 1990?
- (4) How does the Minister intend to treat the contributor to the superannuation and family benefits fund who does not wish to accept the lump sum offer?

Hon MAX EVANS replied:

- (1) Contributors to the pension scheme under the Superannuation and Family Benefits Act do not qualify for a pension until age 55. Under the current rules, if a contributor under age 55 were to be retrenched or transferred to the private sector, he would qualify for a benefit equal only to his contributions plus nominal interest, plus, if he has greater than 10 years' service, a state funded benefit of 2.5 times his contributions. The transfer offer provides contributors to a benefit equal to a refund of their contributions, plus interest at 10 per cent per annum, plus a state funded benefit of 12 per cent of salary per year of past service. Where the benefits provided under the transfer offer are greater than a contributor's entitlements under the pension scheme, I would expect him to accept the offer.
- (2) The transfer offer increases the benefit otherwise payable under the pension scheme and is the same offer made twice previously to public sector employees.
- (3) In 1987 and 1989, a large number of pension scheme members transferred out of the scheme on the basis that the lump sum scheme provided for preservation and vesting of benefits in the event of cessation of employment before retirement age. The circumstances today are no different.
- (4) If a contributor facing retrenchment or transfer to the private sector does not take up the transfer offer, he will be subject to the provisions of the Superannuation and Family Benefits Act.

PATHOLOGY SERVICES, PUBLIC SECTOR - INFORMATION SHEET No 6

745. Hon KIM CHANCE to the Minister for Health:

- (1) Is the Minister aware of information sheet No 6 put out by Public Sector Pathology Services at Queen Elizabeth II Medical Centre?
- (2) Is it the case, as stated in the information sheet, that approval has been given for the establishment of several joint venture pilot schemes in the branches?
- (3) If yes -
 - (a) which are the branches;
 - (b) what are the joint venture schemes that have been agreed;
 - (c) how can such schemes be agreed before the Hospital Amendment Bill 1994 passes through the Parliament and is proclaimed;
 - (d) has a full and open tender process been followed on the scheme?

Hon PETER FOSS replied:

I thank the member for no notice of the question.

- (1)-(3) I am not aware of information sheet No 6 put out by Public Sector Pathology Services. However, there is a proposal to establish several joint venture pilot schemes in the branches. I cannot say which branches without checking. However, nothing is to occur or can occur until the Hospital Amendment Bill passes through

Parliament. That is what is giving that Bill some urgency - not just the branches so much, as the principle service itself, which has the problem of being a three part joint venture of its own between the university, Sir Charles Gairdner Hospital and State Health Laboratory Services. That is the urgency for that. The amalgamation has worked well and has made a big difference. However, the constitution of the legal entities to allow that to go ahead is the most important part. The management is keen to progress the other parts. The tender process will be an open process.

**STATE EMPLOYMENT AND SKILLS DEVELOPMENT AUTHORITY -
ANNUAL REPORT, APPROVAL**

746. Hon JOHN HALDEN to the Minister for Education; Employment and Training:

In relation to the meeting of 24 August 1994 convened to consider approving the State Employment and Skills Development Authority's annual report, will the Minister confirm that the authority did approve the annual report.

Hon N.F. MOORE replied:

At the 24 August meeting the SESDA board resolved to make some minor amendments to the draft 1993-94 annual report. I am advised that the final report was approved on 31 August 1994 by circular resolution. The report is awaiting the comments of the Auditor General. On receipt of these it will be tabled.

DENTAL SERVICES - DENTAL THERAPY REVIEW

747. Hon KIM CHANCE to the Minister for Health:

- (1) Has the Minister made a decision in respect of the review of dental therapy?
- (2) If yes, when was the decision made?
- (3) What is the decision?
- (4) What will be the implications for the dental therapy course at Curtin University of Technology?
- (5) Why has no public announcement been made about this matter?

Hon PETER FOSS replied:

- (1) Yes.
- (2) Some time ago. What happened was that almost immediately after the decision was made the University of Western Australia commenced a review of the future of the Perth Dental School.
- (3)-(5) The decision was this: Dental therapy would become a postgraduate course, with dental hygiene being the undergraduate course. Initially all people would take the dental hygiene course and then those wishing to go on to a position in public health would do dental therapy as a postgraduate course. I informed the university of that. The reason it has gone into limbo since then is that there is considerable concern whether the Perth Dental Hospital is a viable operation. What has come out of that is a proposal that all the educational institutions involved in training, in association with dentistry should get together to have, virtually, a dental institute. That would involve the University of Western Australia, Curtin University of Technology, and TAFE. It was suggested at the time these courses were first set up that it would be economical and viable, and sensible in terms of quality of education, that they be put together. That is now in the process of being developed by the various interests. I have

informed the university of my agreement to the dental therapy review, but it is really in the hands of the educational authorities to decide what they will do and how they will do it. So, it is back in the melting pot, but I think the member can assume that dental therapy will become a postgraduate course and dental hygiene will be the undergraduate course.

**STATE EMPLOYMENT AND SKILLS DEVELOPMENT AUTHORITY -
DELEGATION OF FUNCTIONS TO STATE TRAINING BOARD**

748. Hon JOHN HALDEN to the Minister for Education; Employment and Training:

Pursuant to the resolution signed on 21 January 1994 by the chair of the State Employment and Skills Development Authority to delegate all the functions of SESDA to the interim State Training Board, I ask the Minister whether he can categorically assure the House that the condition of this delegation - that is, the delegation is conditional upon circulation to each member of SESDA of all proposed resolutions of the State Training Board no less than 14 days before any such resolution is made absolute - has been complied with since 21 January 1994?

Hon N.F. MOORE replied:

I thank the member for some notice of the question. I understand that although these arrangements are now in place, this has not always been the case. State Training Board resolutions were duly circulated for the months of January and February 1994. Due to a changeover of staff, circulation was overlooked for the months of March, April and May. Since then the provisions of the instrument of delegation have been adhered to, including circulation of items overlooked during the period mentioned.

RETAIL TRADING HOURS ACT - REVIEW, TABLING DATE

749. Hon N.D. GRIFFITHS to the Minister for Fair Trading:

When does he expect that section 41 of the Retail Trading Hours Act 1987 will be complied with?

Hon PETER FOSS replied:

Earlier this week in reply to a question from the member I said that if he wanted me to read this section again I would do so. I did not realise that he did. If he is referring to when the review will be tabled in Parliament, the answer is shortly.

SCHOOLS - DEANMORE PRIMARY
Future

750. Hon JOHN HALDEN to the Minister for Education:

- (1) Is the Minister aware that the Scarborough district superintendent, Mr George Halleen, recently praised parents at Deanmore Primary School, saying that they "deserved a big tick" for being so well informed about options and proposals for the future of the school?
- (2) Is the Minister also aware that in a newsletter yesterday, parents were informed that they were not sufficiently informed on the issues to be allowed to vote?
- (3) In view of the fact that more than 99 per cent of parents have already indicated that having considered all the options, they now want the school to remain open, will the Minister take steps to ensure that the department honours the commitment he has given to parents and allow them to decide the issue by ballot on 8 December 1994 so that parents and students will know the outcome prior to the end of the school year?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Yes. Following every meeting, the superintendent has been asked if the process had been followed. Mr Halleen has been able to respond that the policy was being followed at each meeting. At no time has he been asked whether he considered the process had been completed.
- (2) Yes. In the proposals and documents submitted to the Education Department, little reference was made to facilities and curriculum enhancements at host schools, other than Newborough, and where in excess of 90 students could possibly attend. No indication was given whether all host schools would be able and willing to implement 15 of the proposals submitted. In this context, parents may have been well informed about their proposals but not informed whether such proposals could and would be put in place.
- (3) The 99 per cent referred to occurred before a consultation committee had been formed and any proposals had been developed.
- (4) Parents were invited to propose a timeline for the review process and informed that the voting procedure would take place only when all parents were fully informed. Parents cannot be fully informed when many of the proposals have not yet been agreed to by the Education Department and host school principals. Every possible endeavour is being made by both the Education Department and the Deanmore consultative committee to complete the process to enable voting to take place in 1994. As soon as the process outlined in the policy and operations manual have been complied with, the parents will vote.

I do not recall the Minister having made a commitment that a ballot would be held by 8 December 1994; I do not believe such a commitment was made.

I feel I should make this point: Up till now I have appreciated the support of the Opposition in this rationalisation process. It is a pity that for some reason the decision at Deanmore is being promoted in a confrontationist way. I hope that the processes that have been put in place will be allowed to continue and that when the processes of consideration and consultation have been completed a vote will be taken in the proper environment. I hope, probably more so than most, that the vote will be held this year.

RINDOS, DR DAVID - UNIVERSITY OF WESTERN AUSTRALIA, SACKING

751. Hon MARK NEVILL to the Minister for Education:

Is the Minister able to answer my questions relating to the delay in receiving responses to answers referring to the sacking of Dr David Rindos from the archeology department at the University of Western Australia?

Hon N.F. MOORE replied:

I checked the questions on notice today in view of some comments made yesterday about a delay in answering some of them. In respect of the Dr Rindos questions, I have had further discussions with Professor Stanley, who is my adviser on these matters, and I will be providing answers next week. However, I need to make the point that the internal workings of the University of Western Australia do not come within the capacity of the Minister for Education to make directions. Also, I understand that the question of Dr Rindos' appointment is before the Industrial Relations

Commission, so it may be inappropriate for me to say anything about the issues that are being considered by the commission. I am aware of the concerns expressed by the member, but he needs to understand that universities jealously guard the independence with which they operate.

However, from time to time they must be made aware of the fact that they are funded by the taxpayer. On the few occasions that I have reminded them of that, they have sought to assure me they are prepared to be cooperative wherever possible. The question of Rindos' appointment is very difficult. The decisions were ultimately agreed to by the senate, which is the governing body of the university. It would therefore be inappropriate for a Minister to override a decision of the senate.

WITTENOOM AIRPORT - TIMEWELL, FRANK, REIMBURSEMENT

752. Hon MARK NEVILL to the Minister for Transport:

Will Mr Frank Timewell be paid for his caretaker duties at the Wittenoom Airport?

Hon E.J. CHARLTON replied:

As I mentioned previously to the member, I have tried to find a mechanism for reimbursing Mr Timewell for the time he spent there. I also want to ensure that any time spent in the future looking after the interests of people who want to use that facility can be done without compromising the liability of people employed in that area. Although I cannot give any indication today of any success, I am attempting to resolve that issue.

Hon Mark Nevill: Perhaps you can pay the money to the Commonwealth, which in turn will pay him, as it has done over the past 30 years.

Hon E.J. CHARLTON: We have certainly tried to facilitate it through that mechanism. However, the problem of liability keeps arising and we are told that the Commonwealth has nothing to do with it any more and that it is our responsibility. Under that basis, whoever pays is liable. I have not wiped my hands of the matter and neither has the Minister for Commerce and Trade. We are trying to resolve this sad situation. It is not my responsibility, but it was only when I went there some time ago that I endeavoured to find a resolution.
