

# Legislative Council

Thursday, 7 November 1991

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

## JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

### *Report - Emergency Powers*

HON TOM HELM (Mining and Pastoral) [2.31 pm]: I present the report of the Joint Standing Committee on Delegated Legislation. The report took three years to put together and contains recommendations arrived at after we considered matters ranging from an atomic powered satellite falling on the State to the unloading of ammonia. I urge the House to consider the recommendations of the report carefully and to recognise that the committee was careful to ensure that emergency powers would become part of an Act of this Parliament rather than part of the delegated legislation. I move -

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

Question put and passed.

[See paper No 843.]

The PRESIDENT: The honourable member is not supposed to make a speech when presenting a report. I hope he remembers that next time.

## MOTION - ELECTIONS, CONDUCT OF

HON R.G. PIKE (North Metropolitan) [2.36 pm]: I move -

That this House notes the advertisement in *The West Australian* on 21 September 1991 inserted by the Commonwealth Parliament's Joint Standing Committee on Electoral Matters and having as item 3 of its terms of reference "the practicality, cost-effectiveness, efficiency and social desirability of a single electoral body to conduct all Federal and State elections".

Therefore, this House affirms that any decisions relating to the conduct of elections for this Parliament are a matter for this Parliament alone and this House rejects any proposal to give or consider giving to the Commonwealth Government the State Electoral Department's power and administrative functions to conduct State elections.

Further, the House considers that deliberation on the matter by a Joint Standing Committee of the Commonwealth Parliament is inconsistent with the comity that should exist between the sovereign Parliaments of Australia, and directs the President to communicate the views of this House to the Presiding Officers of all other Houses of Parliament in Australia.

I draw the attention of the House to an advertisement which appeared in *The West Australian* on Saturday, 21 September, headed "Parliament of the Commonwealth of Australia", followed by a subheading "Joint Standing Committee on Electoral Matters" and the major heading "Inquiry into Resource Sharing in the Conduct of Elections", which states -

On 9 September 1991 the Minister for Administrative Services, Senator the Hon Nick Bolkus, referred the following matter to the Joint Standing Committee on Electoral Matters for inquiry and report:

- (i) the cost of running all Federal and State elections,
- (ii) the opportunities for further resource sharing between Commonwealth and State electoral bodies which could lead to savings for both the Commonwealth and State governments, and
- (iii) the practicality, cost-effectiveness, efficiency and social desirability of a single electoral body to conduct all Federal and State elections.

Members of the public were asked to make their submissions to that committee not later than Friday, 25 October 1991. Bearing in mind that this matter has been on the Notice Paper for

about three weeks, I ask the House to consider finalising this resolution today because it is my understanding that both the Government and the Opposition are fundamentally concerned about this quite serious intrusion into the sovereign rights of Western Australia and particularly the rights of the Government and Parliament of Western Australia. The matter therefore should be handled with despatch. Item (iii) of the advertisement reads -

the practicality, cost-effectiveness, efficiency and social desirability of a single electoral body to conduct all Federal and State elections.

We are opposed to that, because the Federal Minister for Administrative Services, Hon Nick Bolkus, has referred the matter to the Commonwealth Joint Standing Committee on Electoral Matters for inquiry and report. We must ask ourselves what this indicates. This indicates that the Commonwealth is considering this proposal, and based on the history of successive Commonwealth Governments gelding State powers, this proposal will eventually come down to whether the Commonwealth will be responsible for conducting State and Federal elections. We must ask ourselves, in regard to the conduct of Federal and State elections, which power will next come under the control of the Commonwealth.

The ultimate test for this proposal is to turn it around and ask the Commonwealth whether it is happy for the States to conduct all elections on its behalf, both State and Commonwealth. We know the answer to that already. Western Australia must fight now and survive, or compromise now and die later. The Premier will be looking at federalism at the special Premiers' Conference, and if federalism is to survive in the Commonwealth we must have plural centres of political and economic power; they are absolutely necessary to protect individual rights and liberties. More importantly, if this proposal were implemented it would represent one of the most significant inroads into federalism, because it would facilitate the control of our electoral process by Canberra. The bigger and more powerful the central Government, the less power the people have.

It is ironic that the recent changes in the Soviet Union and Eastern Europe illustrate to people that real, democratic rights are best protected by real divisions of power, and that has been discovered in the hard school of about 90 years' practical experience; centralised power and control represent a threat to individual rights. This is a most important point. Significant hypocrisy is evident, because what began as an allegedly simple Commonwealth proposal for a joint Commonwealth-State electoral roll is now in danger of becoming a complete centralisation of the State Electoral Commission. This will have been achieved by gradualism and attrition in the best Fabian manner. I was one of those who opposed the Commonwealth proposition. If this proposal to control State elections succeeds, the Commonwealth Government, in the name of so-called resource sharing - because that is the basis upon which this proposal is to be considered - will establish a blueprint which will enable the Commonwealth eventually to have de facto control of all State Governments. This is clearly not the intention of the Constitution of the Commonwealth of Australia.

Do members remember when Australian banknotes had on them "Commonwealth of Australia"? Do members remember that the first article of the Constitution of the Commonwealth says that it shall be called the Commonwealth of Australia? Do members remember that it used to be called the Commonwealth Government? It is now called the Australian Government. Do members remember when the Australian Taxation Office was called the Commonwealth Taxation Office? By a process of attrition and erosion the Commonwealth Government has instigated a mind set in regard to Government in Australia where State Governments are becoming in some instances mere lackeys of the Commonwealth. We will see that again at the forthcoming Premiers' Conference. It is acknowledged worldwide that, after the French Government, the Commonwealth Government is one of the most effective centralised bureaucracies in the world. It is dead set on making itself the hub of the wheel of control, and State Governments are becoming significantly less and less important. Credit must be given to the Labor Premiers and to the Liberal Premiers who recently met in Adelaide and will meet again in this State to get their act together before approaching the Commonwealth Government. The States realise that if they do not unite now they will most certainly die later.

I have given members those few examples so that we can all contemplate exactly what is

happening in regard to massively centralised Government in Australia. We must realise that this is merely the thin end of the wedge in regard to control. I ask members to contemplate, in regard to their own elections, the prospect that they will be dealing with a Commonwealth Government department which will be solely responsible for the rolls and for the conduct of elections, and that electoral process is the heartblood of any democracy.

Finally, it is completely improper to consider that a matter so fundamental to the make-up of our Parliament, which is exactly what this proposal by the Commonwealth Government is, can be done without our leave. It is like walking into a private house and telling the occupants how to conduct their private lives. This will destroy the comity which ought to exist between sovereign Governments. We are a sovereign State, and here is the Commonwealth Government setting itself out, willy nilly, to arbitrate, without so much as a by your leave, a proposition which will mean that it is considering taking over our Electoral Commission.

The last section of the motion reads -

... the House considers the deliberation on the matter by a Joint Standing Committee of the Commonwealth Parliament is inconsistent with the comity that should exist between the sovereign Parliaments of Australia, and directs the President to communicate the views of this House to the Presiding Officers of all other Houses of Parliament in Australia.

That means the Speaker in our Legislative Assembly and the Presiding Officers in other Houses of Parliament, including the Senate. This is very much a manifestation of the intrusion which the Commonwealth seeks to impose on the States, and the Presiding Officers in those Parliaments should be aware of what is happening.

Members may ask why I am not proposing in this motion that we should make a submission to this Commonwealth Government committee. The answer is, because it is none of its business. For us even to contemplate making a submission to this committee would be a tacit recognition that the Commonwealth has power or authority or right or prerogative in this matter. It is quite simply none of the Commonwealth Government's business. This is no different from the Presiding Officer of the Senate making a determination as to how the Standing Orders of the Senate should be applied to the Legislative Council of Western Australia. It is none of the business of the Commonwealth Government. I understand that the Government fully supports the initiative displayed in this matter, and I ask the House to support the motion.

#### *Adjournment of Debate*

**HON FRED McKENZIE** (East Metropolitan) [2.49 pm]: I move -

That the debate be adjourned.

#### *Division*

Question put and a division taken with the following result -

#### *Ayes (27)*

Hon J.M. Berinson  
Hon J.M. Brown  
Hon T.G. Butler  
Hon J.N. Caldwell  
Hon George Cash  
Hon E.J. Charlton  
Hon Cheryl Davenport  
Hon Reg Davies  
Hon Graham Edwards  
Hon Max Evans

Hon Peter Foss  
Hon John Halden  
Hon Tom Helm  
Hon Barry House  
Hon B.L. Jones  
Hon Garry Kelly  
Hon P.H. Lockyer  
Hon Margaret McAleer  
Hon Murray Montgomery  
Hon Mark Nevill

Hon Muriel Patterson  
Hon P.G. Pandal  
Hon Sam Piantadosi  
Hon Tom Stephens  
Hon W.N. Stretch  
Hon Doug Wenn  
Hon Fred McKenzie  
(Teller)

#### *Noes (2)*

Hon R.G. Pike

Hon D.J. Wordsworth  
(Teller)

Pairs

Hon Kay Hallahan  
Hon Bob Thomas

Hon N.F. Moore  
Hon Derrick Tomlinson

Question thus passed.

Debate adjourned.

# **MOTION - OCCUPATIONAL HEALTH, SAFETY AND WELFARE AMENDMENT REGULATIONS (No 5)**

## *Disallowance*

**HON TOM HELM** (Mining and Pastoral) [2.55 pm]: I urge the House not to disallow the Occupational Health, Safety and Welfare amendment regulations. This is probably one of the few times I have asked the House not to disallow regulations; I have probably spent more time than any other member in this place asking for the disallowance of Government regulations. The reasons I ask the House not to disallow the regulations are threefold: First, the Joint Standing Committee on Delegated Legislation has dealt with this matter, but I must emphasise that I do not speak as chairman of that committee. The Delegated Legislation Committee takes no stance on this issue. Second, probably I am the person in this place who has the most recent experience as a manual worker.

Hon Graham Edwards: Cut it out!

Hon D.J. Wordsworth: When?

Hon TOM HELM: Five years ago I was a rigger.

Hon P.G. Pandal: What sort of rigger?

Hon TOM HELM: The member would need to read the Industrial Relations Act to find out. I was a licensed rigger. I speak now as a proud member of the Metal Workers Union.

The Joint Standing Committee on Delegated Legislation was invited to interview a man called Merv Mason, a bricklayer by trade. He is a small businessman who has severe back injuries. He feels strongly about the regulations relating to manual work. Mr Mason attended a committee hearing at the WANG Building and brought in a pallet of bricks including breeze blocks of substantial size, together with a number of examples of the kind of material he must use as a bricklayer. He explained that the ordinary house bricks come on site in a pallet and must be split and taken up to the job by hand. As a result of the repetitious nature of the work, handing up and lowering bricks, and as a result of modern technology and the material in modern bricks, Mr Mason's body had been seriously affected. He submitted X-rays of his back, hips and arms, which showed the bone structure of his body was completely deformed, and in some areas destroyed.

Mr Mason is about 50 years of age and looks fit but he has been told by his doctor that if he returns to the trade that he loves he will die shortly. He has taken up the challenge of alerting society to the dangers of manual handling accidents and of trying to make society more careful, by advising people younger than himself that they should take a great deal of care of their bodies, particularly in the workplace, and to make every effort to protect their bone structure.

Hon J.N. Caldwell: People do not die from bad backs, but they do suffer pain.

Hon B.L. Jones: They can have a heart attack from strain.

Hon TOM HELM: I thank Hon Beryl Jones for that interjection. Mr Mason could die because not only his back is involved; strain is placed on his hip and on his muscles through his trying to compensate for his bone and muscle deformity.

Modern technology has changed the specifications of the common house brick and Merv Mason explained to the committee that the changes have been for the worse rather than the better. He thought there should be a responsibility on employees as well as employers to protect themselves in the workplace. People must be aware of the injuries they can cause themselves over a prolonged period of time. He told us that he played football until he was 47 years of age and had enjoyed playing a game of golf, but his X-rays proved that not only his hip, but also his back and knee have gone. He will have to contemplate in the near future

having hip and knee replacements because of the damage he did to himself over a period.

The DEPUTY PRESIDENT (Hon Doug Wenn): Order! Honourable members, it is almost like being down in the city mall. People are coming and going everywhere and if the level of conversation is reaching the degree where I am having difficulty hearing, then the Hansard reporter certainly would be in the same position.

Hon TOM HELM: Mr Mason was invited to give evidence to the committee by Hon Reg Davies. Committee members would agree that Mr Mason demonstrated and articulated, more than any other witness we have had, his point of view. The conclusion Mr Mason left with the committee was that these regulations did not go far enough.

Hon Derrick Tomlinson: He may have carried you away with his eloquence.

Hon TOM HELM: He was quite articulate.

Hon E.J. Charlton: He had a lifting restriction on him.

Hon TOM HELM: We will obviously get some fools who will make some comments about a person who feels so strongly about an issue -

Hon John Halden: Do you mean that David is interjecting again?

Hon TOM HELM: - and make him the butt of jokes, but let us get back to what Mr Mason told the committee.

Hon D.J. Wordsworth interjected.

Hon John Halden: You are the biggest old joker around.

Hon TOM HELM: I hope that Mr Mason's points are not lost. Employers must apply commonsense in the workplaces they control, and employees must use the same commonsense. In answer to a question from Hon Bob Wiese, who is a very valuable member of our committee, about what Mr Mason thought caused his injuries, whether it was dragging his barrow around or bending over picking up a seven pound brick and bending over for the mortar 2 000 times a day, Mr Mason told us that he thought it would be both. Mr Mason kept his remarks to what he knew best. For 40 years he had been a bricklayer and he had employed bricklayers. He is an expert in his field and he was asking members of the committee to consider the regulations bearing in mind what he had told them - not whether to allow or disallow them. He also made a comment about the shearing industry and suggested that some of the problems that shearers have relate to posture, the workplace environment and the way it can affect a person's wellbeing. The practical application of the regulations is to protect employees in the workplace and to apply a commonsense attitude, which I suggest most workplaces already do, or I hope they do. From my work experience in this State most of my employers showed a general duty of care to their employees, and provided safe places in which to work. This House must agree that every employee can expect to go to work in the morning and return home at night time safely and that every effort is made to ensure that his workplace is safe.

Hon D.J. Wordsworth: Have you read the regulations?

Hon TOM HELM: I have read them.

Hon D.J. Wordsworth: Is that all they have to do?

Hon TOM HELM: Does Hon David Wordsworth want a copy of the regulations?

Hon D.J. Wordsworth: No, I have a copy of the regulations in my hand.

Hon TOM HELM: They are not the regulations. No matter how often one tells a person something it takes a lot of time for it to sink in. It is a pity that some people do not understand or do not want to understand.

Hon D.J. Wordsworth: I have the regulations here.

Hon TOM HELM: Hon David Wordsworth is misinformed.

Hon D.J. Wordsworth: The regulations are on page 5 of the manual handling code of practice.

Hon TOM HELM: The code of practice contains some of the regulations, but it is an educational document; it does not have the force of law. That is a myth that has been spread,

in some cases intentionally but in most cases unintentionally. In most cases it grabs a good headline to talk about a 16 kilogram weight load or that nobody should lift more than 55 kilograms. As Hon John Halden pointed out to the House nothing in the regulations determines a maximum lifting weight. Something weighing only one or two kilograms located in an awkward place or lifted awkwardly may cause serious injury. My own experience of that was when I dropped a fork during dinner and when I bent down to pick up the fork I suffered a severe back injury.

Hon Derrick Tomlinson: What were you having for dinner?

Hon J.N. Caldwell: It was a pitchfork for his hay.

Hon TOM HELM: I am trying to demonstrate to the House that there should not be any limits on the weights that people can lift, or a recommended weight load, because of the circumstances I have just outlined. There are ways of doing things and the manual handling regulations try to encourage safety measures. Members are entitled to ask whether we need regulations because some people do not recognise that some workplaces take workers' safety more seriously than others. In this competitive world it has been demonstrated that anyone who can cut back on expenses has an advantage. Some employers may cut back in the safety aspects of their work environment thinking they will have an advantage over their competitors. However, it has been demonstrated in Victoria and New South Wales that employers who spend more money making the working environment safer will save money because of reduced workers' compensation premiums. The regulations, if applied with commonsense, will apply in the same way to everyone.

Hon Mark Nevill: You should stress the point about the 16 kilograms again.

Hon TOM HELM: The major argument against the regulations is based on the myth that 16 kilograms will be the heaviest weight that anyone will be allowed to lift. Hon John Halden made this point clear yesterday, but so there is no misunderstanding I repeat that no great restrictions can be prescribed in the regulations and there is no need for an upper or lower limit for the weight people can lift.

Hon Mark Nevill: It is too arbitrary.

Hon TOM HELM: The important factor is how a person lifts an object. It does not matter how heavy an object is, it is how it is lifted. That point has had to be repeated. Claims have also been made that employers and employees will be forced to purchase and read the manual handling code of practice which gives a measurement to their activities in the workplace.

Hon D.J. Wordsworth: They must get it by law.

Hon TOM HELM: An employee does not have to purchase a copy of the code of practice. The regulations do not enforce that. The regulations have only been gazetted.

Hon D.J. Wordsworth: This is the last day on which the regulations can be stopped, but the regulations are in force now and have been for months.

Hon TOM HELM: The regulations cannot be enforced until we allow them.

Hon D.J. Wordsworth: They are in force now.

Hon TOM HELM: If these regulations are disallowed they will not be in force at all.

Hon D.J. Wordsworth: But they are in force now.

The DEPUTY PRESIDENT (Hon Doug Wenn): Order!

Hon TOM HELM: Perhaps Hon David Wordsworth can explain what he means when he says the regulations are in force? Perhaps he can explain how a person will be prosecuted if he breaches the regulations? What will he be prosecuted for?

Hon George Cash: For a breach of the regulations.

Hon TOM HELM: Which regulations?

Hon George Cash: The regulations that are tabled in this House and are in force.

Hon TOM HELM: Which regulations are enforceable by law?

Hon George Cash: The very regulations you happen to be speaking to.

The DEPUTY PRESIDENT: Order! Question time is at 4.00 pm. I ask that at this stage the member direct his comments to the Chair.

Hon TOM HELM: When Hon George Cash was debating the disallowance motion he did not point out what regulations he thought would make people liable to prosecution. The regulations and code of practice only allow recommendations to go from the Commissioner for Occupational Health, Safety and Welfare to the Minister. Another red herring Hon George Cash raised yesterday was that shearers would be forced to shear sheep in cradles. Employers will not be forced to install those devices in the workplace and Hon George Cash seems to have missed the point. It is the way the people shear sheep that causes their back problems. I would like Hon George Cash to demonstrate where the regulations force people to provide those cradles or slings.

Hon John Halden: They don't.

Hon TOM HELM: He also wanted to know what was the Government's "hidden agenda" and what were the Minister's aims. The Minister is trying to put in place these gazetted regulations and he was probably embarrassed because they do not go far enough. They are nowhere near as severe as the regulations that have been put in place in New South Wales. Members should remember that a Liberal Government is in power in New South Wales; not a left wing Liberal Government but a conservative Government that takes the health and welfare of its workers seriously. The trade union movement would like this Labor Government to introduce regulations similar to those in New South Wales. However, our regulations do not go anywhere near as far as the regulations in New South Wales; they encourage us to use commonsense. They allow the Commissioner for Occupational Health, Safety and Welfare to recommend to the Minister what should happen in various workplaces and how workplaces could be made safer. That is the hidden agenda. The Minister could not explain the lobbying that had been taking place. Hon John Halden also pointed out yesterday that these regulations are part of a national approach to occupational health, safety and welfare. This Government is trying to introduce regulations that are similar to the regulations of other States.

Hon D.J. Wordsworth: They brought in the regulations.

Hon TOM HELM: That is right; and if we do not agree to the regulations we will disallow them. If we disallow the regulations we will be acting differently from the way the conservative Government in New South Wales has acted. The conservative members in this House are asking us to disallow regulations that are not as tough as those put together by a conservative Government in New South Wales. Why do they want to do that? Why are Opposition members afraid? We all agree that employers want safe workplaces because it means lower insurance premiums.

Hon John Halden: The incidence of manual handling injuries is increasing.

Hon TOM HELM: That is a valid point and the Opposition is ignoring it. What is Hon George Cash's hidden agenda? What is the Opposition afraid of? Is it afraid that the regulations are not as tough as those in another State? I suggest that the Opposition is afraid because it is like a little child and is afraid of what it does not understand. Therefore, it wants to disallow the regulations.

Hon W.N. Stretch: We understand bankruptcy and unemployment and that is where you are pointing us.

Hon TOM HELM: Bankruptcy is important and the health of workers affects bankruptcy. I should talk about dollars because the Opposition can understand that better than the safety and welfare of workers. A healthy and safe workplace is a cheap workplace.

Hon W.N. Stretch: We do not need your hacks to tell us that.

Hon TOM HELM: Do not ask my hacks. Five years ago, before I came into this place, I was working as a rigger in the iron ore industry and I was employed by Hamersley Iron Pty Ltd. It had an excellent safety record and it also had an excellent record in consulting its work force to make the workplace a safer place. We were proud of that company, but its hidden agenda had something to do with dollars. However, members opposite would not understand that. The company's ability to pay its insurance premiums would have been enhanced by the fact that the insurance company would have been able to insure it with

limited premiums. I ask members opposite what is wrong with educating and training people to understand the dangers in some workplaces? Some places in which people must work are extremely dangerous. As a rigger, I understand that climbing on steel -

Hon W.N. Stretch: We agree with you.

The DEPUTY PRESIDENT (Hon Doug Wenn): Order!

Hon TOM HELM: It is not possible to make a rigger's job 100 per cent safe or as safe as a farmer's job - even that is not safe. Safety nets can be provided to make it safer for the rigger and he can be provided with all the necessary ropes, but we have to recognise that a rigger's job has a dangerous element to it. The only way to make a workplace safer is to provide education and training programs which are relevant to that job, and that is exactly what these regulations will do.

Hon W.N. Stretch: And other things.

Hon John Halden: What other things?

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon TOM HELM: Like a lot of people in this State I wonder how judges can make the determinations they do. However, after listening to Hon Peter Foss, one of our lawyer friends, I can understand why judges make decisions which are not relevant to society.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon TOM HELM: Anyone who does not realise that it is important to have education and training programs in the workplace -

Hon Peter Foss: You missed my point.

Hon TOM HELM: I am stunned and amazed.

Several members interjected.

The DEPUTY PRESIDENT: Order! I have called order a number of times and I would appreciate it if members would respond to my call. We do allow interjections to a certain degree, but if they do not cease when I call order I will have to take further action.

Hon TOM HELM: Yesterday Hon John Halden stressed in the strongest possible terms that 25 per cent of all accidents in the workplace are caused by manual handling.

Hon John Halden: It is 30 per cent.

Hon TOM HELM: It is a conservative figure, but do we sit by and let this happen? Is it a fact that \$100 million is paid out each year in workers' compensation payments because of manual handling accidents? Are members opposite asking the Government to sit by and let it happen? What would a conservative Government put in its place to make the workplace safer? Members opposite are silent. All they say is that we cannot do it. What they are actually saying is that we cannot have a safe working place.

I reiterate that 30 per cent of accidents in the workplace each year are manual handling related accidents, and \$100 million in workers' compensation is paid each year as a result of those accidents. In spite of this, members opposite say that we should not have a training and education program in the work force to improve the safety of the workplace. Do they not understand that their children and their grandchildren need the protection of a safe workplace? Do they not understand that some businesses - factories, farms and iron ore mines - must learn that it is economically sensible to have low insurance premiums which will reduce their productivity costs? We have a duty to ensure that there is safety in the workplace and that labour costs are as cheap as they possibly can be. To achieve that end the insurance cost must be reduced. I ask this House not to disallow these regulations.

HON PETER FOSS (East Metropolitan) [3.26 pm]: Unfortunately Hon Tom Helm does not know the difference between education and prosecution. He seems to think that if a regulation is passed people are instantly educated; somehow, the light descends upon people when the Parliament or, even more so, the bureaucrats pass a regulation, and knowledge comes to the multitude.



Hon George Cash: Is that the reason we have had an increase in regulations lately?

Hon PETER FOSS: Exactly. The Opposition agrees that there should be education programs and it agrees with the sentiments expressed by Hon Tom Helm. However, it does not agree with him that these things can be achieved by bringing in this sort of regulation. Hon Tom Helm may choose to misinterpret my interjection but I advise him that I was trying to draw his attention to the fact that he said earlier there was no relationship between the code of practice and the regulation. He was trying to draw this to the attention of Hon David Wordsworth. However, I picked him up when he mentioned his support for the code of practice and he thought I had missed the point. I am afraid that the Government has completely missed the point. The code of practice may very well be one of the documents used in the course of education, but the bringing down of a code of practice and regulations is not education; it is part of the nanny State attitude that we legislate to make people exercise commonsense. We have to teach people.

Hon John Halden: What do you think has been happening over the last four years?

Hon PETER FOSS: The Government thinks that the best way to handle this situation is to pass legislation and then it can wash its hands like Pontius Pilate and say, "It is not our problem. We passed a regulation." The fact that the regulation is, in many ways, incapable of being implemented by employers and does not teach any good sense whatsoever, has nothing to do with it as far as the Government is concerned. It has passed the regulation and it thinks that is the end of the matter. As far as I am concerned the Government is starting at the wrong end.

Hon John Halden: Why is it that 50 per cent of businesses are members of the Confederation of Western Australian Industry and they want this regulation? It flies in the face of your argument.

Hon PETER FOSS: I have no idea where the 50 per cent of businesses come from, because people have been coming to me saying that this legislation is ludicrous. Perhaps the Government's statistics are incorrect. I draw to the attention of the Government that the Occupational, Health and Safety Amendment Regulations (No 5) of 1991 which I have in front of me -

Hon Tom Helm: Do you understand them?

Hon PETER FOSS: Yes, I do. They are the same regulations that Hon David Wordsworth referred to when he was referring to the document published by the Department of Occupational Health, Safety and Welfare in June 1991.

Hon Mark Nevill: Are you saying that it is not educational?

Hon PETER FOSS: I am not saying that: I am saying that passing a regulation does not educate people. I said earlier that this pamphlet could very well be part of the education process, but I want members to understand that there is a difference between this pamphlet and these regulations. However, I am concerned that regulation No 360 states that -

Nothing in the Code of Practice for Manual Handling, approved as a code of practice under section 57 of the Act, detracts from this Division.

That is an interesting statement because it seems to indicate that someone might think that this code of practice could detract from the division. How could a code of practice - which, according to Hon Tom Helm, was merely a guideline or an educational document - detract from a regulation? As soon as one makes such a statement, it raises the question of whether one is assuming that the code of practice has some status in respect of the standards that are to be applied by the regulations. That is the matter that concerned Hon Murray Montgomery.

Hon John Halden: It is a convoluted legal argument; nothing more.

Hon PETER FOSS: Members opposite are the ones who want these regulations. They are the ones who seem to think that the answer to every problem is to pass a regulation; they then say, having passed the regulation, that it is a convoluted legal argument!

Hon John Halden: No; your argument is convoluted.

Hon PETER FOSS: Why do members opposite pass convoluted legal documents like these regulations if they think it is a matter of commonsense? Why do they not stick with

commonsense, because in the end that is what it is all about? One cannot legislate for commonsense. Hon John Halden seems to think one can legislate for commonsense, but I do not agree.

The regulations impose an obligation on an employer to ensure that, so far as is practicable - and I suppose "so far as is practicable" means that he does not have to ensure it, but he has to look around to see what he might be able to do - the plant and containers used in the workplace are designed, constructed and maintained so as to be free of risk when handled manually. The problem with that is that it instantly means that if someone is injured when he is handling something manually, the obligation will be on the employer to show that, so far as is practicable, he did everything that was necessary to prevent that injury. Commonsense should not be based on the principle that an employer is liable every time someone is injured.

Hon Tom Helm: What does he do now?

Hon PETER FOSS: I hope he uses commonsense. Members opposite say they want to cut down insurance premiums. However, they will not cut down insurance premiums by making an employer liable unless he can prove that he did everything that is practicable to prevent an injury. The first thing that happens now is that an employee must prove that there was negligence on the part of the employer. The employer does not have to prove that he was not negligent. If the member cannot understand the difference between those two statements, then one of these days we will put him in the dock in a criminal case and ask him to prove his innocence!

Hon Mark Nevill: How is that different from the general duty of care provision in the Act?

Hon PETER FOSS: The Government has now put in this last regulation, and that is the one that is of considerable concern. We have already had our say about what we think of the Act. I believe the Act has severe problems.

Hon John Halden: Has there ever been an Act about which you did not think that?

Hon PETER FOSS: Some very good Bills come before the House. Unfortunately, we never get to deal with them. For some reason, the Leader of the House does not want to deal with the good Bills on the Notice Paper.

Hon John Halden: We do not want to read *Alice in Wonderland* either.

Hon PETER FOSS: I can assure the member it is one of the Attorney General's favourite reading materials; or so I understand from the Royal Commission.

The DEPUTY PRESIDENT (Hon Doug Wenn): Order! I ask Hon John Halden to come to order and to cease interjecting, as I do also all members.

Hon PETER FOSS: One of the concerns I have about regulation No 360 is that it seems to indicate that the code of practice has some status; in other words, to state that nothing in the code of practice detracts from this division seems to indicate that the code of practice may be a lesser standard than that which is intended by this regulation, because otherwise the regulation would be framed the other way around: Nothing in the regulations detracts from the code of practice. The regulation seems to indicate that the standard that is being proposed here is a more severe standard than the code of practice.

That raises the concern that was expressed by Hon Murray Montgomery in respect of the weights that are referred to in the manual handling pamphlet. It is interesting that the manual handling pamphlet does not seem to acknowledge that there is a difference between men and women - and I suppose that is very gender equal - in respect of their capacity to lift weights. Section 4.23 on page 20 refers to weights from 16 kilograms up to 55 kilograms. An example has been given of a wool bale, which may weigh 160 kilograms, in which case we would need 10 people to lift it. I do not know whether we could get 10 people around a wool bale, but supposedly we would need 10 people.

I conclude by asking a question: How many people does it take to change a light bulb in Western Australia? The answer is 10; one person to change the light bulb and nine other persons to ensure compliance with the Occupational Health, Safety and Welfare Amendment Regulations (No 5) 1991.

**HON D.J. WORDSWORTH** (Agricultural) [3.36 pm]: Members will be aware that when we pass an Act in this House, we are able to state in that Act exactly what it means.

Unfortunately, under certain circumstances it is necessary to have regulations, which follow after and explain what is in an Act. In this case, we approved of an Act, and we all agreed with the sentiments expressed in it. None of us can be accused of wanting people to be injured in the workplace, and all of us want to reduce the risks. No-one can argue with that. However, we have no control over regulations that are passed under an Act, and, when we debate a Bill, we do not know what regulations will be passed under the Act. However, we have now gone one step further because, the regulations having been passed, we now have a code of practice which is even more divorced from the Act. Unfortunately, this House cannot amend regulations. We have only one option; namely, to disallow them.

We are not saying that we disagree with everything that is in regulations, but we are concerned about their application under certain circumstances. Perhaps we did not fully appreciate when we agreed to this Act what others might regard as the definition of "manual handling", and the definition, which I do not believe has been read out -

Hon John Halden: You accused me of reading it yesterday. You do not need to read it again.

Hon D.J. WORDSWORTH: I will. I am not sure that the member did read it. Manual handling is defined in the occupational health, safety and welfare regulations as "any activity requiring the use of force exerted by a person to lift, lower, push, pull, carry or otherwise move, hold or restrain a person, animal or thing". What a beautiful definition that is.

Hon John Halden: It sounds like manual handling to me.

Hon D.J. WORDSWORTH: I am glad it does. That could apply to anything from a bull to a pencil. I am not necessarily criticising the wording, but when one reads it one realises exactly what we are trying to take on.

Hon John Halden: So you want to exclude from the definition some things that are manually handled?

Hon D.J. WORDSWORTH: We might have to. There is nothing wrong with 99 per cent of it. This manual handling code of practice has great illustrations of how to adjust an architect's table, or change the height of shelves, or use a hose, which is all good commonsense. However, it says nothing about how to weigh bulls. Country people in this Chamber are becoming concerned.

Hon John Halden: What is the issue about weighing bulls?

Hon D.J. WORDSWORTH: Manual handling includes lifting, lowering, moving and prodding an animal or a thing, so if I have to weigh a bull that is manual handling. I can see why members of the Western Australian Chamber of Commerce and Industry agree with this code of practice, because in their workplace they are able to control the activities of their workers far more easily. They are doing something which can be put on paper and planned fairly easily. They can see the movements of people, where they will sit or stand, and whether they will lift something one or two inches. However, it is different when we try to apply the same rules to the agricultural industry, and I think the Parliamentary Secretary must agree that it is the agricultural people who are concerned about the application of these regulations to that industry. I might be wrong, but it appears that it is the National Party members and the country members in the Liberal Party who are concerned, because they can see the application of these regulations to the activities of the industry they represent.

Hon John Halden: But workers in the agricultural sector can still suffer and sustain manual handling injuries.

Hon D.J. WORDSWORTH: Of course they can, and I do not want that to happen. I do not want my workers to be hurt, because if they are they will not be able to do the job and I will have to do it.

Hon John Halden: I understand that attitude; the landed gentry have had it for a number of centuries.

Hon Mark Nevill: He is not gentry!

Hon D.J. WORDSWORTH: Let us return to the regulations. The first regulation which I read out gives a definition of handling, and we can all see the implications of that. The next regulation, No 357, relates to design and says in part -

- (1) An employer shall ensure that, so far as is practicable -
  - (a) the plant and containers used in the workplace are designed, constructed and maintained so as to be free of risk when handled manually;

It goes on to use the words "designed, implemented and maintained" quite often. One had not really thought of the matter of design coming into it.

Hon Mark Nevill: That is a requirement under the Act, a general duty of care. Even without this regulation you would still have that same duty.

Hon D.J. WORDSWORTH: But this regulation then describes the exact interpretation of that. We might have read that in the Bill and not fully comprehended it. According to the regulations we must do the designing and then we must make a risk assessment, as follows -

358. (1) An employer shall identify and assess any manual handling that may be a risk.

So, having found out that manual handling is handling everything from a bull to a pencil, we must then do the designing and assess what the risk is likely to be. I do not disagree that the risk should be assessed. It sounds very nice, but what does it mean? Page 7 of the manual handling code of practice gives the general principles of design and then says -

- 2.5 Purchasing specifications should specify the uses or functions of the plant and equipment, and, where possible, the general performance characteristics required to reduce the risk to health and safety.

I am interested in this point because I have just ordered and bought a pair of farm scales with which to weigh the farm cattle, and by having done so I am completely breaking the law, according to this regulation.

*Sitting suspended from 3.45 to 4.00 pm*

**[Questions without notice taken.]**

Hon D.J. WORDSWORTH: Regulation 356 contains a description of manual handling and I have explained to the House how it could be applied to a vast range of activities. One can understand how these regulations, if applied in a factory or confined space to a given group of people over a considerable period of time, would be effective and necessary. However, the people who represent agricultural producers are concerned about the application of these regulations in agricultural industries. Rather than operating within the confines of a factory, the agricultural industry operates over thousands of acres and employers cannot be expected to inspect or supervise to the same extent as other employers. Indeed, most employees in the agricultural industries work alone and often entirely without supervision. That is not the case in other industries.

Regulation 357 - Design - states that an employer shall ensure that work practices involving manual handling are designed, implemented and maintained so as to be free of risk. Regulation 358 - Risk Assessment - states that an employer shall identify and assess any manual handling that may be a risk. This is a major responsibility, and it was not mentioned at all by Hon Tom Helm. He seemed to think this had something to do with training. Under this regulation on page 5 are set out the various assessments which must be taken into account. On page 7 of the regulations the general principles of design are provided and they include purchasing specifications and what must be done when the purchase of equipment is planned. Paragraph (3) of regulation 358 states -

The assessment is to be made in consultation with the employees . . .

I do not disagree with that, except that it is a requirement that employees be brought into the assessment. That would normally be done, although on a farm it would be in a rather informal manner. Once again, Hon Tom Helm seemed to deny the existence of that regulation. Paragraph (4) of regulation 358 states -

An employer who contravenes subregulation (1), (2), or (3), commits an offence.

A similar subregulation is included under regulation 357. Regulation 359 - Risk Control - reasonably follows the risk assessment regulation. Having assessed a risk one would certainly want to engage in risk control. This regulation includes redesigning the task or, if

that is impracticable or until it is completed, providing and arranging mechanical aids, personal protective equipment and team lifting. Once again, a paragraph is included to the effect that an employer who contravenes this regulation commits an offence. One difficulty I can see with these regulations is that, although they may be complied with, following an accident or workers' compensation claim, on a farm, for example, where very few people are employed, the steps taken would not necessarily be recorded. The provisions of this regulation are expanded in the code of practice which indicates the records that must be kept of any changes made. That involves a number of questions which must answered.

In illustration of the point I am trying to make, I advise the House that three workers' compensation claims have been made by employees on my farm this year. In the previous five years not one claim was made. In one case a person stepped off a ladder after inspecting equipment, caught his ankle and ricked his back. He was absent for one and a half days. Another case involved a female employee working in the cattle yard who closed the gate and in some way twisted and hurt her back. The third employee was tightening a bolt with a spanner which slipped. The wound he suffered required stitches and he was absent for approximately three hours. Under the code of practice an employer is obliged - particularly when an accident has occurred and a workers' compensation claim has been made - to go through the steps listed and to record those actions. The following requirement is set out on page 12 of the regulations -

Records associated with the implementation of the Occupational Health, Safety and Welfare Regulations should be maintained in a central location and be available to relevant health and safety representatives and/or committees.

It then details the various information that may be provided. We are not trying to stop workers from being trained. We are trying to prevent accidents. The problem is maintaining what is outlined in this code of practice on a small scale farming property covering a large area, because that cannot be done. One cannot lay out the path that employees will follow or say whether they should lift something one way or another as specified in the code. It outlines whether something should be lifted by bending the knee or held above the head. That may be all right for General Motors-Holden's manufacturing motor cars where there are risk assessors laying out a code of practice, but that is not possible in the rural industry. These conditions should not apply, as such, to the rural industry. That is the feeling held by agricultural representatives. Problems may also arise for small shopkeepers and industries. I am referring specifically to agricultural industry because I employ people in that industry. We are reaching the ridiculous stage where the amount of records kept and the number of inspectors required to police the Act and regulations are getting out of hand.

We are not against the general principle involved, but we are against the manner in which the code is to be implemented. Hon Tom Helm seems to think that regulations are not in force, but they are, and it is an offence not to implement those regulations. One of my concerns is that if a person has not implemented all the requirements of the code such as consultation, filling in forms and having men available for an inspector what will happen when his next workers' compensation claim arises? The insurance company will say, "You are not complying with the law. You have an unsafe workplace. You are not doing anything like this." What happens the next time a person has an accident? Does the employer suddenly become responsible? Does his insurance company start to balk at paying? I know this already happens with public risk insurance. If a fire on a property starts as a result of a fire lit by an employee when he should not have lit one the insurer stands aside saying, "Bad luck. You carry the responsibility because you broke the law."

I am concerned that every farmer will be breaking the law if he does not fill in these forms and have them available at all times. No way is available for every farmer and small businessman to do that. That is why the Opposition is against the Bill. If an employer has one or two employees and one has an accident when stepping off a ladder the employer must attend a training course on how the employee should step off a ladder. I do not know how one implements that requirement. I suppose one has to get a psychologist and have a conference with him and take a day off while one goes through the whole procedure. That is applicable in a big factory situation but not in a small business.

Hon John Halden: It is totally applicable in small business.

Hon D.J. WORDSWORTH: I am glad Hon John Halden says he feels it should be applied

because that makes me think all the more strongly it cannot be applied. Farmers in Western Australia presently have a negative income of \$20 000 a year, yet the Parliamentary Secretary says he wants them to fill out all these forms. Sooner or later this country will go broke because of this foolishness. People will no longer be in business. Wherever I go businessmen are saying, "I'm getting out. I've had it. I can't keep up with the regulations coming from Government today."

Hon John Halden: Employers talk about the burden of workers' compensation payments, but this is a way to reduce that burden. The member should not trivialise that fact and increase tension.

Hon D.J. WORDSWORTH: If a number of accidents happened on one property I would agree, but little incidents occur here, there and everywhere.

Hon John Halden: Thirty per cent of accidents happen in the workplace. They are manual handling injuries.

Hon D.J. WORDSWORTH: I do not disagree with that.

Hon John Halden: What are you disagreeing with?

Hon D.J. WORDSWORTH: The Minister's statement on the code of practice indicates that she believes 38 per cent of accidents are caused by over-exertion. I do not know what that is. What is that?

Hon John Halden: That is over-exertion which has to do with manual handling. If the member does not just read what he wants to see he will find that over-exertion has to do with manual handling.

Hon D.J. WORDSWORTH: We are talking about workers' compensation claims. I have just given three examples, none of which involved over-exertion.

Hon John Halden: They did not seem to be.

Hon D.J. WORDSWORTH: I do not think training would do any good for those people. If I buy a set of scales I must take my employees with me and fill out all these forms. I must also do numerous other things. Also, the forms must be kept in the office so that if an inspector comes along they are available. This applies to any purchase or change of practice, such things as redefining a sheep yard. That is what I read in the manual. That is the reason why so many members on this side of the House object to these regulations. We believe that the interpretation of the Act is satisfactory for industry but unsatisfactory for agriculture. At the back of the book are illustrations showing how mechanical assistance can modify a task. Frankly, they are so elementary as to be almost pathetic. They may apply to one thing, but members must realise that in a firm employing 100 000 or more employees the chances of fitting one of these diagrams to a task is minimal. I feel strongly about this matter. I am not against the legislation, but I am against the manner in which the regulations can be applied to small industry and to agriculture in particular.

HON W.N. STRETCH (South West) [4.48 pm]: I support strongly the disallowance of these regulations. I do not do this with the intention to make the workplace a less safe place to be in but because any improvement in the workplace occurs only through goodwill on the part of both employer and employee. To understand this Department of Occupational Health, Safety and Welfare legislation one must look at where the Government is coming from. A misconception is abroad that the Australian Labor Party is a political party. It is not, it is a political wing of the union movement. It makes no apologies for that, and I have no difficulty with it. However, people must understand where this legislation is coming from and at what it is directed so that they can understand its thrust and why it is here. I disagree with that approach. I do not believe that legislation which uses the heavy hammer on employers is any more acceptable than an employer using the heavy hammer on his employees. Modern work practices and performance are the product of cooperation and not enforcement by using more and more legislation. The Government has gone legislation happy. The union movement, because of the power it has over the ALP, naturally believes that the legislation it wants will be enacted. Rather sadly, that is the way the Government has gone. Since 1983, we have had a plethora of industrial legislation.

Hon Garry Kelly: This is being implemented as a national standard. Every State has adopted it, with the exception of Western Australia.

Hon W.N. STRETCH: Has the member studied all the legislation in the other States? I do not care where the member studies; he can study in Geneva or in Timbuktu, or wherever he likes; I am looking now at Western Australia. Thanks to this Administration, we are now looking at an unemployment rate of 11.6 per cent, and members opposite wonder why this is happening. It is happening because this Government is making it increasingly difficult for employers to employ people, particularly apprentices and young people. Members opposite have insisted on ridiculous controls which are out of touch with the reality of the marketplace and out of the realms of the demands of industry. The high level of unemployment is a direct result of the Government's misreading of the workplace. I am sure that Hon Tom Butler does not disagree with me. Mr Deputy President, Hon Tom Butler cannot say anything because that would be disorderly -

The DEPUTY PRESIDENT (Hon Doug Wenn): Absolutely.

Hon W.N. STRETCH: - but that is the position from which the Labor Party is coming; and that is quite normal. Hon Tom Butler is a former President of the Labor Party and of the union movement. It is quite proper that Hon Tom Butler and his colleagues take the attitude that they take. However, I take the attitude, as a small employer of labour, that we must increase production and productivity without leaning on individual people by putting excessive demands on either ourselves or our employees.

I have always said that I do not make deals, but I am prepared to come to an agreement with Hon Tom Helm. I am sorry he is not here. I know nothing about rigging, and I get very uncomfortable if my feet are more than 10 to 15 feet off the ground unless they are in a large aeroplane.

Hon E.J. Charlton: The Labor Party knows all about rigging!

Hon W.N. STRETCH: Yes, but I actually meant rigging in the construction industry. I note that the "Minister for Rigging" is now back in the Chamber, and I will repeat my offer. I will say nothing about rigging because I know nothing about it. Equally, it would be proper if Hon Tom Helm said very little about shearing and the farming industry, because I doubt whether he has any knowledge of it. I recall the comment made by the President of this Chamber that the strength of the parliamentary system lies not in the intellectual make up of the members of the Chamber but in the fact that they come from a wide range of occupations and can bring to bear on many issues a different point of view. Hon David Wordsworth, Hon Murray Montgomery, Hon Eric Charlton, Hon Margaret McAleer and myself, and several other rural-based people, can bring to the Chamber the point of view of small employers in the agricultural industry.

Hon Mark Nevill: The rural industry has a dreadful safety record.

Hon D.J. Wordsworth: It does not.

Hon W.N. STRETCH: I will disagree slightly with my colleague Hon David Wordsworth because I think the statistics demonstrate that the agricultural industry, broadly speaking, is quite a risk prone area.

Hon E.J. Charlton: The reason is that we cannot pass on our costs and sack everyone like they have.

Hon W.N. STRETCH: I do not even accept that. I believe it is a risk prone industry because of its diverse nature. I am one of the 60 per cent or 70 per cent of farmers who suffer from a bad back. However, the worst injury that occurs to farmers is caused not by lifting but by twisting. The worst injury I do to myself is probably caused when I have to catch small lambs, which do not weigh more than 10 or 12 kilograms, but where I have to dodge around.

Hon Mark Nevill: What about tractor vibration?

Hon W.N. STRETCH: That used to be a problem but it is not much of a problem now because of modern tractors; any injuries are caused by long hours sitting in a fixed position or in a reasonably fixed position. There is a host of reasons that farmers are accident prone, but it is not due to carelessness, and it cannot be prevented by farmers imposing on their employees unworkable situations.

Hon Mark Nevill: The mining industry used to say the same thing, yet the accident rate has dropped 30 per cent in each of the last two years because of these sorts of measures.

Hon W.N. STRETCH: Because of educational programs and the Worksafe ethic.

Hon Mark Nevill: Exactly. The regulations are only part of it.

Hon W.N. STRETCH: The regulations have little place.

Hon Mark Nevill: They have saved the mining industry money.

Hon W.N. STRETCH: Of course. In respect of the code of practice for manual handling, in the agricultural industry we have developed codes of practice for many areas because that is the sensible way to go. Despite the great wisdom of the members of both Houses of this Parliament, no legislation is foolproof. That has been proved time and time again.

Hon Mark Nevill: The code of practice is not prescriptive and a person cannot be fined.

Hon W.N. STRETCH: I am sorry; it is prescriptive. The employer will have to prove that he took steps to avoid injury to his employees.

Hon Mark Nevill: Section 57(9) of the Act provides that an employer cannot be fined. An employer can be fined for a breach of the regulations, but he cannot be fined for a breach of the code of practice.

Hon W.N. STRETCH: I am not sure whether Hon Mark Nevill has spoken, but he will have the opportunity. Mr Deputy President, I would appreciate the protection of the Chair to make my point of view.

The DEPUTY PRESIDENT: That is granted. I ask the member not to interject.

Hon W.N. STRETCH: The agricultural, farming and pastoral industries have reverted to a code of practice to overcome many of the perceived problems of the industry; and this is yet another. My industry has no difficulty with the code of practice or with educational programs, and we welcome safety schools and various measures that can be taken to ensure that our employees enjoy the same working conditions that we enjoy.

The interesting thing about the agricultural industry is that in 90 per cent of cases, the employer works alongside his or her employees, and the relationship between the employer in the bush and his employees is so close that one cannot differentiate between them, and what is good for one is good for the other. We are interdependent. We cannot do our work without good, healthy, and well intentioned employees, and they need their job as badly as does anyone else. The agricultural and pastoral industries have a lot to be proud of. We acknowledge that we work in a high risk area, but we cannot be expected to work and survive if this additional cost of regulation is imposed on the industry. I do not know where the Government has been if it has not heard about the difficulties that are facing the rural export producing industries at present. Any cost that is imposed at present will be just one more straw to burden the back of the industry, and will lead ultimately to more failures in the industry. We do not need regulation. We do need education, and to implement better methods of lifting.

We are making major adjustments in the industry. I do not know how long it is since I physically lifted a bale of wool, but I would be happy if I never lifted another. We now have mechanical assistance throughout the agricultural and pastoral industries; it has been implemented as a matter of commonsense. Front end loaders usually load two bales at a time up to four bales high. When I started working in shearing sheds we were rolling bales and lifting them manually with two men up to the third and fourth tiers. That was extremely hard work, and by the end of the day we knew we had done a day's work.

Hon E.J. Charlton: It is very difficult on your own.

Hon W.N. STRETCH: It is very difficult; we ended up rolling them up planks of wood and slipping to our knees. It is surprising there were not more accidents. Hon Eric Charlton and I have no doubt shared many similar experiences. My four year old son was rolled over backwards by a bale of wool because it was sitting on a ramp ready to be loaded. Like all kids, he was playing on the bales and he rolled down the ramp. He let out a bit of a yell but he was all right. I do not know what would happen now; I suppose now he would be racing off to a court of law claiming injury from his father. We will not go too far down that track.

Hon P.G. Pendal: He should have done that years ago.

Hon W.N. STRETCH: That is just the sort of help I need.



Hon P.G. Pandal: Sorry.

Hon W.N. STRETCH: This is a very serious matter. It is quite unnecessary to have these regulations. Educational courses are being accepted throughout the industry; indeed the industry is seeking out such courses to run. I attend several forestry safety awards, and the improvements taking place in that industry as a result of education are quite noticeable. We should remember that many of the people coming into this industry, like those who come into the agricultural industry, have no prior training. The safety officers are doing a very good job of making the new workers aware of the risks. They are teaching them to keep an eye on each other when working in the bush and to anticipate when accidents are likely to happen. They are teaching them to avoid hazardous situations.

My grandfather had a very wise saying: We must always bear in mind it is very dangerous to be alive. Many accidents are waiting to happen. However much we legislate here, we will never regulate or legislate to eliminate risk. Through education we can encourage workers and employers to make their workplaces safer, and that is what they are doing. It has been rightly pointed out that productivity depends on better educated work people.

Hon Sam Piantadosi: How many of your employers carry out educational training projects on the job?

Hon W.N. STRETCH: In the agricultural areas, all I know of do. There is only one way to operate a machine these days and that is safely. If someone operates a machine in an unsafe condition, he will either lose down time -

Several members interjected.

Hon E.J. Charlton: If you do that again you will be down the road.

Hon W.N. STRETCH: That is one way, but most farmers that I have seen go to a great deal of trouble to ensure that their employees understand what they are doing. We must remember that it is quite normal on a farming property to have a casual worker take charge of a piece of machinery worth \$100 000. One does not put a guy in charge of that sort of machinery without instruction and without warning him of the hazards. It is in the interests of the boss as much as the employee to make sure that the employee operates that machine safely and well. There is no joy in seeing somebody injured. We have all seen minor injuries. Touch wood, I have never had a major accident happen to me or to any of my employees on the farm because we are reasonably careful; we warn of hazards and we try to encourage our people to avoid them and create safe ways of doing things rather than unsafe ways.

I will not comment on the remarks made by Hon Tom Helm or by Hon Sam Piantadosi about their industries.

Hon Sam Piantadosi: What is my industry?

Hon W.N. STRETCH: I am not sure what it is now, but I do not think the honourable member has had any major accidents in his current employment.

Hon E.J. Charlton: Nomination for the Labor Party.

Hon W.N. STRETCH: That is a little accident prone.

Several members interjected.

Hon W.N. STRETCH: I am speaking on behalf of the industry in the electorate which I represent, which is predominantly agricultural and small business. In all the industries I call on, safety is very much paramount because it is tied to productivity, and productivity is tied to profit. Whether one is working or employing, the key word is still profit and enjoyment. One cannot enjoy one's work unless one is making a quid, and vice versa.

I hope that various speakers have made their points that the regulations are not necessary. The code of practice is acceptable, and the illustrations set out in the back of the manual are very useful. There is a proper and safe way to do most tasks, and there are ways to adapt our workplace practices.

Turning to the shearing industry, there is no shearing cradle and so I do not know what the Minister is talking about. There are crutching cradles, which are excellent, and they have been widely accepted because they provide a safe way of working and increased

productivity. Shearing cradles are not at this stage practical. There is a robotic shearing machine, and if anyone wants to use that and see what happens in the shearing industry, that is another thing.

This motion is just another manifestation of a beautiful socialist dream. It means nothing except more regulation, more cost to industry and no productivity. I urge all employers and employees to rely on a duty of care, the code of practice, general education, and to look for the improvements which all industries need. This can be done, but not by legislation and a heavy handed approach, including the employment of more inspectors.

**HON SAM PIANTADOSI** (North Metropolitan) [5.08 pm]: It was not my intention to speak on the motion, but after listening to the contributions of some members opposite the record must be put right. I asked Hon Bill Stretch how employers fared with regard to training programs and education for employees. I asked what percentage of employers carried out such programs. He was not able to answer that question except by stating what the practices were on his own farm. He could not speak about the agricultural industry.

I am very involved with two industries, the Water Authority and the horticultural industry, which are both labour intensive industries. Some regulation must be put in place, because Hon Eric Charlton asked what would happen if something did happen. Not only would somebody be subjected to an industry, but he would be kicked out as well. He would be sent packing. That is recorded in *Hansard*, and is an illustration of the need for regulation.

Several members interjected.

**Hon SAM PIANTADOSI**: The honourable member spelt out his intention very clearly. He would probably be one of those employers who could not spare the time to teach or give the employee the time to learn. Hon Eric Charlton made it very clear that unless a worker learnt some good methods by which to operate on his farm the worker would be out, injury or no injury. Hon Eric Charlton said that, on his own admission. That is what worries me about members opposite, and we have heard from Hon Peter Foss and a number of others. Perhaps I would support some of their comments, if all were fair in the workplace and if all employers had the best intentions and were prepared to spend some time educating their workers.

However, the many incidents that have occurred in the past show that not to be the case and there is a clear need for this regulation. If members opposite want to be better informed about this, I suggest they go to those workplaces and see for themselves why these regulations are needed.

**HON MURRAY MONTGOMERY** (South West) [5.10 pm]: I thank members on this side of the House for their support of my motion to disallow these regulations and their comments about what it would mean to industry in this State. Some things which members opposite said during the debate are erroneous, and some people seem to be looking for more and more regulation because somebody wants to get something for nothing. We need a great deal more education in the work force. No-one on this side of the House has said that that education should not take place, but we believe it should be done through a code of practice rather than by heavy-handed regulation.

Hon John Halden said that there has been a travesty of justice. I agree with that, but the travesty has occurred not only for employees but also for employers, because regulation comes at a cost to industry which must be handed on, and the person who eventually pays that cost is the person at the end of the line who buys a service. I am sure Hon John Halden received a fair education, and educating people is what this is all about. The sooner that is recognised, the better. Education facilities must be taken into the workplace. I am sure the unions acknowledge that education will gain the kinds of conditions they wish to gain for workers. The Government's setting up a further bureaucracy or adding to its already overwhelming numbers of employees to ensure that the regulations are complied with is not what it is all about.

Hon John Halden: That is correct - that is not what it is about.

**Hon MURRAY MONTGOMERY**: I agree that we need a code of practice, and I have no problems with codes of practice. As Hon Bill Stretch said, a number of codes of practice have been brought into the agricultural industry, ranging from trucking to animal husbandry, and they are a good idea.

Hon John Halden: So you are prepared to protect your animals but not your workers.

Hon MURRAY MONTGOMERY: No, I mentioned trucking and animal husbandry. I suppose the latter is about protecting animals, but I am sure truck drivers would not like to think they were being called animals.

Hon John Halden: You are trivialising it to the point of stupidity.

Hon MURRAY MONTGOMERY: Who has trivialised the whole debate?

Hon John Halden: You have.

Hon MURRAY MONTGOMERY: So has Hon John Halden. Members on this side of the House have demonstrated why a code of practice rather than regulations should control this matter. We have never said that the workers of this State should not have some guidance to enable them to gain benefit. I, along with many farming people, have appeared on an injury list from time to time, but I have learnt something from those accidents. They were accidents, and they would have happened whether or not these regulations were in place. The regulations would not have helped me one bit.

Hon John Halden: That is not the experience in the rest of Australia.

Hon MURRAY MONTGOMERY: To give members an example, I, like many other farmers, have a sore back. That is fine.

Hon John Halden: Do you think it is fine?

Hon MURRAY MONTGOMERY: It is fine, because it was not caused by lifting. It was recorded as an injury but in fact I hurt my back while walking down some stairs. Perhaps those stairs should not have been there, or I should not have been there, but it happened. It was just one of those things. It certainly does not help when I lift something, but there are ways of overcoming those problems and one learns what they are. A code of practice would help people learn to deal with those problems, but regulations would not. People gain from education - they learn from experience. We should have encouragement and education for a safer workplace, and one such encouragement could relate to workers' compensation insurance premiums. Too often Governments make heavy-handed rules in order to control people, and in this case the Government has resorted to overkill instead of sticking with and working on the code of practice for manual handling. I commend my motion to the House.

#### *Division*

Question put and a division taken with the following result -

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#### *Ayes (12)*

Hon J.N. Caldwell  
Hon George Cash  
Hon E.J. Charlton  
Hon Reg Davies  
Hon Max Evans

Hon Peter Foss  
Hon Barry House  
Hon P.H. Lockyer  
Hon Murray Montgomery  
Hon P.G. Pandal

Hon R.G. Pike  
Hon W.N. Stretch  
(Teller)

#### *Noes (11)*

Hon J.M. Berinson  
Hon T.G. Butler  
Hon Cheryl Davenport  
Hon Graham Edwards

Hon John Halden  
Hon B.L. Jones  
Hon Garry Kelly  
Hon Mark Nevill

Hon Sam Piantadosi  
Hon Doug Wenn  
Hon Fred McKenzie  
(Teller)

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#### *Pairs*

Hon N.F. Moore  
Hon Derrick Tomlinson  
Hon Margaret McAleer  
Hon Muriel Patterson  
Hon D.J. Wardsworth

Hon Kay Hallahan  
Hon Bob Thomas  
Hon J.M. Brown  
Hon Tom Stephens  
Hon Tom Helm

Question thus passed.

**FITZGERALD STREET BUS BRIDGE BILL***Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon Reg Davies, read a first time.

*Second Reading*

**HON REG DAVIES** (North Metropolitan) [5.22 pm]: I move -

That the Bill be now read a second time.

This Bill requires the Government and its planning authorities to find a better planning solution to the problem of providing bus, pedestrian, and cycle access over the railway at Fitzgerald Street, Perth. The current boom gate crossing over the railway will become impractical once the northern suburbs rail line opens, an event which is scheduled for late 1992. The planned new rail crossing is on the edge of the Perth central business district, the commercial heart of the electorate of Perth which I have the honour to represent. This issue is one of great importance within the electorate and among a wide spectrum of people concerned with the future of Perth.

The current Government plan - adopted by Cabinet earlier this year despite considerable objection from the Perth City Council - provides for a bridge to carry buses from a point just south of James Street to a point just south of the railway, thence connecting to the central bus station. This proposal is illustrated on plan A3-7345-06 attached. More recently, as the details of this plan have become known to the public, many people, including prominent planning lobby groups such as CityVision and others, have been joined by the local business and residential community in the vicinity of the proposed bridge in raising considerable further objections to the proposal. Westrail, however, says it intends to proceed with the bridge in the near future, with contracts to be let in December. This is despite the existence of at least one viable alternative to the bridge - an at-grade or ground level crossing with the railways tunnelled under. This plan, illustrated on map A3-7345-07, was put forward by the Perth City Council over 12 months ago. While the illustration of the plan includes provision for an all-vehicle crossing linking Fitzgerald Street to Milligan Street, this Bill deals only with bus access to the central bus station and with pedestrian and cycle access across the railway. The question of the extension of Fitzgerald Street into the city is a separate one: In my view such a road link runs the risk of further choking the city with cars, and the Perth City Council itself has flagged some concern on this point. In any event, even that part of the Perth City Council plan to provide for a rail tunnel and a crossing at ground level has been rejected by Cabinet, apparently on cost and timing arguments.

Before looking at these arguments in more detail, I should explain to the House the reasons the bridge proposal has become so controversial. The first is the basic fact that the community have not been properly consulted: Perth City Council objections were simply overridden, and the wider community was hardly consulted at all. At a meeting some days ago, belatedly called by Westrail to discuss the proposal, the local community most affected by the proposal well and truly vented their anger at their exclusion from the planning process. They, and other critics of the proposal, have pointed out that a bridge will have an extremely adverse visual impact on a part of the city which already has many ugly features, such as overhead wires associated with rail electrification and too many bridges with blighted, dead spaces below them. The Mitchell Freeway bridges are classic examples. The planned bus bridge will be supported by earth embankments at either end which, even when landscaped, will still provide hefty visual barriers. All of this work will serve to accentuate the physical separation of the city block from Northbridge, and to reinforce the railway as a barrier. This problem has dogged the proper planning of the city ever since the railway was constructed. Moreover, the planned approaches to the bridge in Fitzgerald Street, Northbridge will cause local businesses many access difficulties, great disruption and a likely loss of trade.

The current Lord Mayor and the Perth City Council deserve credit for continuing to press this solution with the Government. It is a solution of considerable vision, as it would overcome the problems of visual and local traffic disruption referred to above and would set the scene for the long talked-about sinking of the railway, or at least some of it, through central Perth.

Professor Gordon Stephenson, as reported in *The West Australian* of 12 September 1991, has

recently argued that it is not necessary to sink the railway now that the central station has been remodelled and that pedestrian crossings at first floor level have been completed. I may not have quite the town planning background of the heralded Gordon Stephenson, though I was a member of the town planning committee of the City of Stirling for three years; I have sufficient experience to appreciate that the good professor is not always right! His argument overlooks the fact that, regardless of central station, sinking the railway along the approaches to the station would still be tremendously beneficial. Thus future extension off the railway tunnel all the way to the Horseshoe Bridge, from Fitzgerald Street, would vastly improve that part of the city. It would allow for the surface use of the entire area, easier crossing for pedestrians and future public transport systems in the city such as light rail, and a much closer integration of Northbridge with the city block. Constructing a bridge across the railway at Fitzgerald Street precludes such creative options for the foreseeable future.

The Bill requires the Government and Westrail to consult further with the Perth City Council and the affected residential and business communities over a one month period before bringing back an agreed solution to the Parliament. It would be an arrogant abuse of power for the Government to press ahead regardless. This Bill simply seeks to ensure that that will not happen, and that the community will have the rightful say they have so far been denied. Parliament will only be able to give the project the go-ahead once the community has been fully consulted and alternatives to the bridge have been properly evaluated.

In my view this is a proper use of Parliament. Indeed, I would submit that many more projects of this type should be debated by Parliament rather than simply being foisted on an unwilling community by Executive Government and an inflexible bureaucracy in this case. It is argued by Westrail that the tunnel solution would be too costly: Westrail has estimated the additional cost at a minimum of \$7 million, over the estimated bridge cost of \$3 million. However, the Perth City Council has effectively offered to pay this additional cost by purchasing a portion of the Westrail land adjacent to the Entertainment Centre that is currently leased to the council and used for car parking purposes. Some of this land in fact is currently being used as a sand dump in anticipation of the bridge project, itself a testimony to the Government's determination to proceed with the project no matter what the objections. This purchase of land would be made by the city using its parking facilities fund, on the understanding that the proceeds would be used by Westrail towards the additional cost of tunnelling. This seems to me a creative way of using the parking fund for the betterment of the city, something not easily achieved under current legislation. I understand that the city is prepared to negotiate further on the details of this transaction. I see no reason why stipulations could not be placed on the future use of the car park land as a condition of sale. For example, a joint council-Government development project - as part of a long term redevelopment of the adjacent railway reserve if the railway is sunk - could recoup some of the costs.

It is also argued by Westrail that tunnelling would involve difficult alterations to the Roe Street rail tunnel currently under construction, and that delays would set back the planned opening of the Joondalup line. However, this objection seems spurious when it is considered that the current tunnelling - over a much longer span and around a curve - will be completed within a total period of 12 months. The proposed tunnelling to accommodate the Joondalup and Fremantle lines would be a more straightforward process, and the Joondalup tunnel could be scheduled for early completion with the Fremantle line to follow. Such an arrangement would in no way delay the opening of the Joondalup line - a project of immense significance to the city and to the northern suburbs.

It is clear that the community deserves a greater say in this important decision; gone are the days when Governments can simply ride roughshod over community opinion. The Government has so far paid scant regard to the many valid objections to the overbridge proposal, and has ignored the planning benefits for the city which are inherent in the tunnel extension proposal. It has sacrificed the city's good planning on the altar of economy, but has ignored the considerable social, aesthetic and environmental costs its own proposal will generate. If the Government will not listen willingly to the people, Parliament must ensure that it does.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Sam Piantadosi.

**WESTERN AUSTRALIAN TRIPARTITE LABOUR CONSULTATIVE COUNCIL  
ACT (REVIVAL AND CONTINUANCE) BILL**

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Attorney General), read a first time.

*Second Reading*

**HON JOHN HALDEN** (South Metropolitan - Parliamentary Secretary) [5.34 pm]: I move -

That the Bill be now read a second time.

The single purpose of this legislation is to revive and continue the original 1983 Western Australian Tripartite Labour Consultative Council Act to extend the operation of the council for a further six years. The Western Australian Tripartite Labour Consultative Council Act originated in a Green Paper issued by the Australian Labor Party prior to the 1983 election. It was one of the early pieces of legislation introduced by the Labor Government in November 1983 to fulfil its belief that progress is best achieved through a consultative process. The legislation established tripartite consultation between Government, employers and unions in matters related to industrial relations legislation and other labour relations issues.

Since 1983 the council has proved an important source of advice and a valued sounding board for Government on industrial matters. It ensures that Government is exposed to the views of both employers and unions before introducing legislation. However, it must be emphasised that this is an advisory council and it is up to the Minister to accept or reject that advice. The council has been active since its creation. Indeed, since the Act was proclaimed in 1985, over 50 formal meetings have been held on a wide range of issues. In addition to full council meetings, working parties have been established to consider specific issues, largely related to industrial relations and workers' compensation matters.

During its interim period - 1983-85 - the council worked successfully on initiatives in regard to what were then known as the Industrial Arbitration Act and the Workers' Compensation and Assistance Act and also on occupational health, safety and welfare legislation. During its statutory period - 1985-1991 - the council considered and gave advice in regard to proposed legislative changes to what are now called the Industrial Relations Act and the Workers' Compensation and Rehabilitation Act, and on a range of other industrially relevant legislation, including the Construction Industry Portable Paid Long Service Leave Act, and the Public and Bank Holidays Act. The council provides a successful model to confirm this Government's belief in the effectiveness of the consultative, rather than the adversarial, approach to industrial relations issues. That consultative approach is highlighted here by this Government's practice of tripartite consultation. It is clearly different from the policies of the Opposition which still appear to advocate old style adversarial approaches and confrontationist strategies.

The advantages of having key union people, industry leaders and Government jointly tackling critical issues are obvious. The record of successful reforms, particularly in the industrial relations and workers' compensation fields, is evidence enough of how well tripartism works. In the absence of this Act, no formal mechanism would exist within which the views of the parties could be properly examined. Thus the council provides a forum where the industrial parties can work through issues towards consensus; and although it is acknowledged that consensus is not always possible, the council's work does ensure that the Government is always not only well aware of important labour relations issues, but also is informed of the interests of both management and labour, particularly when proceeding with industrial legislation.

The present Act expired six years after the date of proclamation, which was 7 June 1985; hence the need for the legislation now before the House. The sunset clause which establishes the expiry date was written into the Act quite specifically to ensure that Government, the industrial relations community and Parliament had an opportunity to review the activities and performance of the council.

To ensure that an independent review of the council's performance was conducted, the

Government engaged Mr Bruce Collier, formerly Chief Commissioner of the Western Australian Industrial Relations Commission. Mr Collier consulted and received submissions from a range of groups and individuals in the industrial relations community. These included the present members of the Western Australian Tripartite Labour Consultative Council - that is, the Confederation of WA Industry, the WA Trades and Labor Council, the Chamber of Commerce and Industry of WA, and the Australian Mines and Metals Association - as well as the Australian Federation of Construction Contractors, the Master Builders Association, the Western Australian Farmers Federation, and the President and the Chief Commissioner of the Western Australian Industrial Relations Commission. All parties gave support to the continuation of the council.

Mr Collier found that the council not only performed a useful function in reviewing industrial relations legislation, but had operated and produced results in keeping with the original intention of the legislation. Therefore, he recommended that the Act should be amended to ensure that it did not expire on 6 June 1991 pursuant to section 12. However, as this Bill did not complete its passage through this House or the other place during the last parliamentary session, the Act has indeed now expired.

The Government endorses the findings and the recommendation of Mr Collier, and it is pursuing its intention of maintaining the existence of the Tripartite Labour Consultative Council. The reasons for doing so have been alluded to earlier but additionally the Government believes that the process allowed for by this Act provides a greater guarantee that legislation, once passed, will be accepted by the industrial relations community and thereby will be more effectively implemented. When the legislation establishing the tripartite council was debated in this House in 1983 and again in 1985, it received broad bipartisan support. Given the record of achievement of the council, I look forward to the same approach being taken to this measure, which seeks simply to revive and continue the original Act in order to extend the life of the council for a further six years.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Peter Foss.

## UNITING CHURCH IN AUSTRALIA AMENDMENT BILL

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Attorney General), read a first time.

### *Second Reading*

HON J.M. BERINSON (North Metropolitan - Attorney General) [5.42 pm]: I move -

That the Bill be now read a second time.

Members will know that the Uniting Church in Australia Act 1976 was enacted to facilitate the establishment of the Uniting Church which was formed when the Presbyterian, Congregational and Methodist Churches agreed to unite. One of the specific purposes of that Act was to make provision for the management of the property of the three churches. The Act constitutes a body corporate known as the Uniting Church in Australia Property Trust (WA). The trust is responsible generally for the holding and management of the property of the church in this State upon trust for the church. The amendments made by this Bill were requested by the Uniting Church. The new section which is inserted by clause 6 of the Bill will allow the Uniting Church property trust to sell, with the approval of the Governor, Crown land granted to it upon trust. This power is not novel. New section 24A is in terms similar to provisions commonly found in the Acts relating to other churches; for example, the Anglican Church of Australia Lands Act 1914 and the Roman Catholic Church Property Acts Amendment Act 1916. Indeed, the Congregational and Methodist Churches both had equivalent powers under their respective legislation prior to their union in the Uniting Church.

Some explanation of the operation of the provision is required. Proposed subsection (1) will empower the Uniting Church property trust to sell, lease or mortgage lands granted to it by the Crown upon trust. However, where the Crown received no payment for the original grant, proposed subsection (2) provides that the Uniting Church property trust may only sell

property with the approval of the Governor. In practice, this approval is not given unless the trust agrees to pay to the Crown the unimproved value of the land. The Uniting Church is aware of and accepts that new section 24A is intended to operate in this way. The practice of requiring payment to the Crown of the unimproved value of the land reflects established policy in respect of Crown grants in trust. Under established policy, when Crown land is no longer required for the purposes it was granted, the land should be surrendered or the Crown should be reimbursed for it. At the same time, however, the church also benefits from the power of sale. As I have indicated, the payment to the Crown is based on the unimproved value of the land. When the land is sold, the Uniting Church property trust will be able to recoup the value of any improvements to the land it may have made. The sale of the land in this way fairly balances the interests of the Crown and the church. The Bill has been considered by the Department of Land Administration and has its approval. I commend the Bill to the House.

Debate adjourned, on motion by Hon Barry House.

### **HONEY POOL REPEAL BILL**

#### *Receipt and First Reading*

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

#### *Second Reading*

**HON GRAHAM EDWARDS** (North Metropolitan - Minister for Police) [5.46 pm]: I move -

That the Bill be now read a second time.

The primary purpose of this Bill is twofold: First, to allow the business undertakings of the Honey Pool of Western Australia to be carried on by a company incorporated under the Corporations Law and limited by shares. Second, to terminate the Honey Pool Act 1978 once incorporation, asset transfers, share issues, and the proposed transitional arrangements have been effected. The Honey Pool had its foundation in a voluntary pooling system established by a group of beekeepers in 1926. These pooling principles were the cornerstone of subsequent legislation enacted in 1955, 1970, and again in 1978. The essential features of the Honey Pool Act currently administered by the Honey Pool, include requirements to -

establish and administer voluntary pools for the reception, handling, sale and disposal of honey;

accept all honey delivered to the pools, regardless of the market conditions, quality or type;

trade in "products of the hive" such as honey, beeswax, and pollen; and

disburse proceeds from the sale and disposal of honey to suppliers who delivered honey to the respective pools.

Until the 1980s these requirements did not severely hamper the performance of the Honey Pool and beekeepers in general were satisfied with returns through the pooling system. By the mid-1980s participating beekeepers were becoming concerned that the Honey Pool Act was hampering the competitiveness of the Honey Pool and limiting its opportunities to maximise benefits to beekeepers. The legislative restriction on the Honey Pool to trade in products of the hive was limiting the opportunities to realise economies through product diversification. Furthermore, the requirement to accept all honey delivered to the Honey Pool regardless of market conditions, quality, or type constrained commercial flexibility. Such requirements were placing the Honey Pool at a competitive disadvantage.

In 1985 the State Government sponsored a wide ranging review of the marketing of honey and bee products in Western Australia. The July 1986 report of the committee of inquiry recommended, in general, that the Honey Pool should be allowed and encouraged to restructure into a producer cooperative. That recommended approach was generally supported by interested parties and lengthy negotiations ensued over steps to be taken to place the Honey Pool on an equal commercial footing with other private honey packers. The process on occasion led to division within the industry. However, to the local industry's



credit, there was a willingness to continue dialogue and a preparedness to set past differences aside to achieve the preferred objective of commercialisation of the Honey Pool of Western Australia. The negotiation process involved members of the Honey Pool, representatives of commercial beekeepers supplying private packers, and the beekeepers' section of the Western Australian Farmers Federation. The culmination of the consultative process is the proposal captured in this Bill. That proposal is detailed in a document entitled "Proposal for Commercialisation of the Honey Pool of Western Australia" which I now seek leave to table.

Leave granted. [See paper No 844.]

Hon GRAHAM EDWARDS: The three essential features of the proposal are as follows: First, the formation of an unlisted public company to be known as Wescobee Limited to be limited by shares and incorporated under the Corporations Law. The shareholding will be offered to, and control of the company will be exercised by, commercial beekeepers in Western Australia. The prospectus will empower the company to trade in any products and its object will be to maximise returns to honey suppliers. Secondly, the assets and the liabilities of the Honey Pool will be transferred to the incorporated company. Thirdly, the Honey Pool Act will be terminated once incorporation and transitional arrangements specified in part 4 of the Bill have been effected.

At this point it is appropriate to outline to the House the key elements in the proposed commercialisation and the underlying rationale for it. No Government funds or guarantees have been used by the Honey Pool and the acquisition of the assets of the pool has been funded by participating commercial beekeepers from past pool proceeds and loans. The transfer of assets to the newly formed company therefore gives explicit recognition to this fact. The initial distribution of the equity through the proposed share distribution recognises that commercial beekeepers who participated in past voluntary honey pools administered by the Honey Pool had primary claim over the assets. The proposed distribution also recognises that in surrendering the right to deliver to the Honey Pool other commercial beekeepers were forgoing something of value.

The share capital of the incorporated company will comprise 1.4 million A class ordinary shares of 50¢ par value and 18.6 million B class ordinary shares of 50¢ par value. A class and B class shareholders will have equal voting and dividend rights. The initial offer of A class shares will be at the direction of the Minister for Agriculture. The proposed offer will be 923 000 A class shares, or 71 per cent of the initial offer, to beekeepers who delivered honey to the Honey Pool in the five year period ending 30 June 1990 - these are referred to as "participant beekeepers" - and 377 000 A class shares, or 29 per cent of the initial offer, to those commercial beekeepers who delivered honey during the same five year period to other commercial honey packers in Western Australia - these are referred to as "non-participant" beekeepers. These A class share offers will be credited as fully paid and based on past honey deliveries considered appropriate by the industry.

A further 100 000 A class shares will be held in reserve. These shares will be available for distribution by the new company's directors in cases where appeals against A class share offers by commercial beekeepers are judged to be inequitable. A validation committee will oversee the A class share distribution to non-participant beekeepers and consider any appeals against the A class share offer and, where appropriate, make recommendations to the board of directors of the company. The committee will comprise an independent chairman, a non-beekeeper member of the Western Australian Farmers Federation, and the chairperson of the Honey Pool, or its incorporated successors.

Any A class shares remaining within a reasonable period after the initial offer will be distributed on a pro rata basis to commercial beekeepers who took up A class shares in the initial offer. To enable the directors of the newly formed company to give effect to the A class shares offer credited as fully paid it will be necessary to override the requirements of section 1035 of the Corporations Law relating to matters of "valuable consideration" and "minimum subscription" relative to a share issue. This is a reasonable position to hold when due recognition is given to considerations already made under past arrangements and the considerations involved in the commercialisation of the Honey Pool.

Initially 1.2 million B class shares will be distributed at the discretion of the Minister with a 20¢ call per share. It is proposed that one million B class shares will be offered to participant beekeepers on the same basis as the A class share offer. This will be adjusted where

appropriate to ensure the minimum qualification for automatic rights to deliver to any future pooling system can be satisfied. The qualification for automatic rights to deliver to any pooling system are addressed later. A further 200 000 B class shares will be available to non-participant beekeepers who make application for such shares. Future issues of B class shares will be at the discretion of the directors of the new company.

Beekeepers will be given a combination of payment options to help alleviate the immediate cash flow impact of the 20¢ call, particularly because this will take place at a time of poor seasonal conditions. The B class share will also carry the automatic right to deliver honey to any pools established and operated by the company. This right will require the commercial beekeeper to hold either 50 B class shares per hive or a maximum shareholding of 15 per cent of the total B class shares on issue. It will remove the current open ended requirement on the Honey Pool to accept all honey delivered to it. At the discretion of the directors, honey will be accepted from beekeepers who do not satisfy the automatic right to the pooling system. Acceptance will depend on the company's requirements and the market for honey at any particular time. Any such beekeeper will not participate in the honey pooling system.

To ensure "ownership" of the company remains with the greatest possible number of commercial beekeepers in Western Australia, there will be a limitation on the size of shareholdings by individual beekeepers. The maximum shareholding of any one shareholder will be limited to 15 per cent of the total number of issued shares. Non-beekeeping shareholding will be limited to 20 per cent of the total number of B class shares. Non-beekeepers will not be involved in the initial B class share offer. The directors of the company will have the power to require the sale of any shares "held" in breach of these limitations. A and B class shares will be able to be sold and transferred to any other person or company seeking to purchase those shares, subject to previously mentioned limitations. It is proposed that, with the approval of a special majority of shareholders and subject to compliance with the Corporations Law, the company will be able to selectively buy back shares from shareholders. Share buy-back will provide the directors with a means to handle those beekeepers who wish to retire from the industry.

The board of directors of the newly formed company will comprise a minimum of six, to a maximum of eight, members. To ensure that control of the incorporated company remains with local beekeepers, five of the company's directors will be commercial beekeepers. The first directors of the company will be the existing directors of the Honey Pool of Western Australia. Approximately one third of the members of the board will retire each year, except the chairperson; therefore, there will be an election of directors - usually two - at each annual general meeting. Voting at such elections will be one vote per share, whether A class or B class, regardless of the amount paid up. The chairperson's appointment will be for a three year term, which may only be terminated by shareholders at a general meeting. The remuneration of directors will be determined by shareholders at annual general meetings. Pending the first meeting, the allowance determined for Honey Pool members by the Remunerations Tribunal will continue to apply. A pooling system will continue as long as it is feasible and commercially viable.

Another aspect which is drawn to the attention of the House is that, under the Corporations Law, the costs of operating a pool system may be prohibitive, unless exemption from the "prescribed interest" provisions can be obtained. These require the issuing of a prospectus from each pool and that the pool funds be administered by an independent trustee. This could result in additional working capital, interest, prospectus, and administration costs. To give the newly formed company breathing space to explore such an exemption under the Corporations Law, and to evaluate alternative operational arrangements, the Act will override application of the Corporations Law in this area in relation to any pools inherited by the new company from the Honey Pool or any pools commenced by the company before 30 June 1992. On balance, this was judged to be a reasonable transitional arrangement in the circumstances.

The value of the assets transferred to the newly formed company will be determined by the Minister for Agriculture. The value will be based on independent assessment. This will overcome the potential conflict of interest where the initial directors of the company will be the immediately retiring directors of the Honey Pool. It is hoped that all commercial beekeepers will consider Wescobee to be their company and that its formation will lead to

consolidation of the industry and satisfactory returns to all members. I commend the Bill to the House.

Debate adjourned, on motion by Hon W.N. Stretch.

## QUEEN ELIZABETH II MEDICAL CENTRE AMENDMENT BILL

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Attorney General), read a first time.

### *Second Reading*

**HON J.M. BERINSON** (North Metropolitan - Attorney General) [5.56 pm]: I move -

That the Bill be now read a second time.

Under the provisions of the Queen Elizabeth II Medical Centre Act the functions of the Queen Elizabeth II Medical Centre Trust are to undertake the development, control and management of the Queen Elizabeth II Medical Centre reserve. The trust, with the approval of the Minister, may set aside the whole or any part of the medical centre reserve for such purposes incidental to the medical centre as it sees fit. The Coroners Act 1920 gives the Coroner jurisdiction to inquire into all violent and unnatural deaths, or where the cause of death is unknown. Three Government departments are directly involved in the provision of specialist and administrative support to the Coroner. They are -

The Crown Law Department which provides clerical staff and accommodation for the Coroner's Court. The court is situated in St George's Terrace.

The Police Department. The coronial inquiry squad of the Police Department is assigned to assist the Coroner. The squad is located in Rokeby Road, Subiaco.

The Health Department of Western Australia. The State Health Laboratory service division provides pathologists, who perform post mortems, and other specialist staff who undertake tests and analyse tissue and other samples. The State Health Laboratories which include the State Mortuary and ancillary staff are located at the Queen Elizabeth II Medical Centre.

There are obvious deficiencies in the physical separation of the Coroner and his staff from the other groups which assist him. Further, with the present situation of the Coroner's Court in the centre of the city, available car parking is a problem for all those requiring to appear in court. In addition, funeral directors must call at the Coroner's office to pick up documentation, and at the State Mortuary to collect the remains of the deceased person. They have considerable difficulty in parking near the Coroner's office. Problems also arise from bereaved relatives attending to carry out identification, and due to a misunderstanding attending directly at the State Mortuary instead of first calling at the coronial inquiry section. This necessitates a section member making a rushed trip to save further agitation for those persons already under great strain.

Some time ago, an interdepartmental working party was convened to explore a proposal to relocate the Coroner's Court and its support services on the Queen Elizabeth II Medical Centre site. Following discussion, it was agreed that the Queen Elizabeth II Medical Centre site was the preferred site. The Queen Elizabeth II Medical Centre Trust was approached and it indicated that it had no objection to the proposal, on the understanding that progressive and final proposals were submitted to the trust for approval. However, advice from the Crown Solicitor's office at the time indicated that with the present definition of "medical centre" in the Act the presence of a Coroner's Court would be neither conducive nor incidental to the purposes of the medical centre as defined.

The purpose of this Bill is to insert a new subsection to expand the definition of "medical centre" to allow the trust to consider such facilities as are, in the opinion of the trust, necessary and convenient for the purposes of enabling the Coroner under the Coroners Act to exercise his jurisdiction under that Act. I commend the Bill to the House.

Debate adjourned, on motion by Hon Barry House.

**MEDICAL AMENDMENT BILL***Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Attorney General), read a first time.

*Second Reading*

**HON J.M. BERINSON** (North Metropolitan - Attorney General) [6.00 pm]: I move -

That the Bill be now read a second time.

This Bill provides for an amendment to the Medical Act to enable the Medical Board to review the registration status of those medical practitioners affected by the Medical Amendment Act 1979 and, if the board is satisfied, grant full registration. The 1979 amendment to section 11 of the Medical Act provided that those doctors who held limited registration at the time of the amendment could obtain full registration without the need for any further qualifications or examinations. This did not take into account an agreement between the mental health department and a practitioner who was given the understanding that full registration would be granted once she had completed five years' practice under auxiliary registration which commenced shortly after the 1979 amendment. This amendment will give effect to this agreement by extending the period to within six months of the 1979 amendment's coming into operation.

The Government has consulted with the Medical Board and involved it in the development of this amendment. The Government, in introducing this amendment, has addressed an injustice which occurred when the Medical Act was amended in 1979. I commend this Bill to the House.

Debate adjourned, on motion by Hon Barry House.

**ADJOURNMENT OF THE HOUSE - ORDINARY**

**HON J.M. BERINSON** (North Metropolitan - Leader of the House) [6.02 pm]: I move -

That the House do now adjourn.

*Adjournment Debate - Forests - Illegal Removal of Forest Produce*

**HON P.G. PENDAL** (South Metropolitan) [6.03 pm]: The House should not adjourn until I have had the opportunity to place on record a concern I have about gathering information from the Government on the illegal removal of forest produce from forests in Western Australia. I particularly make an appeal to the Leader of the House to see whether he can do something to expedite an answer from the Minister for the Environment on this matter.

On 13 June at page 3321 of *Hansard* I asked a question on notice, No 374, which was in seven parts and which sought to gain for people concerned in this matter the extent to which forest produce is being removed illegally from our forests. One would expect that it would not take five months to answer the question. I repeat that the question was asked on 13 June; I am the first to admit that it may have been the last day of that part of the session. The Minister for Education told me that the Minister for the Environment had provided the following reply -

This information will take some time to collate and I will reply to the member in writing when the information is to hand.

I am the first to admit that the seven part question on notice did seek a level of detail that would take some time to collate, but by no stretch of the imagination could it be said five months was required to get that information.

Subsequent to my asking that question my office telephoned the office of the Minister for the Environment on three separate occasions in the following weeks, but to no avail. On 8 October this year I wrote to the Minister for the Environment complaining that, by then, four months had passed and I still had not received a reply to my question. On 1 November my electoral officer, Mrs Gribble, spoke again to the office of the Minister for the Environment pointing out that it was reaching the stage where almost five months had passed since I had asked the question and still I had not received a reply; she was told that her call would be returned. A week has passed and we have still not received any information.

In summary, I asked a question on notice on 13 June; my office subsequently followed it up on three separate occasions by phoning the Minister's office; I wrote to the Minister on 8 October; and my office phoned his office again on 1 November. On six separate occasions over the last five months I have tried to obtain information that I suggest should have been available in one or two days. I do not think that is satisfactory by anyone's standards and I ask that the Leader of the House take up the matter with the Minister for the Environment. We have heard on previous occasions that it is not acceptable for members of this House to be treated with contempt by the Minister for the Environment's continually refusing to supply information.

My original approach to the Minister was made on behalf of a small industry in this State. Some people might say that it is an insignificant industry, but it consists of people who have formed themselves into what I recall as the association for solid fuel merchants. Those people make a living from going into the forest to collect firewood to sell on the domestic market in Perth. They have fears that an enormous amount of forest produce is being removed illegally and they want answers to the seven part question I posed on 13 June. It is not good enough that I should wait or that they should wait five months for a reply to my question and I ask the Leader of the House to make representations to the Minister for the Environment to express his displeasure at such contempt being shown.

Question put and passed.

*House adjourned at 6.07 pm*

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# QUESTIONS ON NOTICE

## LAND ADMINISTRATION DEPARTMENT - LAND MANAGEMENT SYSTEM *Overseas Countries Purchase*

1035. Hon GEORGE CASH to the Minister for Education representing the Minister for Lands:

- (1) Is the Department of Land Administration presently endeavouring to sell its land management system to overseas countries?
- (2) If yes, which countries are interested in purchasing the Western Australian system?
- (3) Are any consultants acting on behalf of the Western Australian Department of Land Administration in its efforts to sell its land management system to any overseas country?
- (4) If yes, who are the agents and what commission are they being paid?

Hon KAY HALLAHAN replied:

The Minister for Lands has provided the following reply -

- (1) Yes.
- (2) Vietnam is the only firm proposal. An inquiry has been received from a city in another country for further information on the possible introduction of the Western Australian land management system. It is proposed that details of this inquiry remain confidential at this stage in order for Western Australia to remain competitive against possible competition from other countries.
- (3) Yes.
- (4) Assistance is being provided by Mr Pat Mahoney, Director Marketing, and Mr Brian Humphries, Manager, Overseas Projects, who are both employees of the Department of State Development and are not paid any commission other than their respective Government salaries.

## BARTON'S MILL PRISON - GOVERNMENT USE PLANS

1084. Hon GEORGE CASH to the Minister for Corrective Services:

- (1) Does the Government have any plans to utilise the old Barton's Mill Prison?
- (2) If yes, what are those plans?

Hon J.M. BERINSON replied:

- (1)-(2) The Department of Corrective Services does not have any firm plans for the immediate use of Barton's Mill Prison.

## CORRECTIVE SERVICES DEPARTMENT - REDUNDANCY PACKAGE *Prison Officers and Staff Applications - Specific Allocation*

1085. Hon GEORGE CASH to the Minister for Corrective Services:

- (1) How many staff in the following classifications have made application for the Government redundancy package -
  - (a) prison officers; and
  - (b) other staff?
- (2) Has the Department of Corrective Services been allocated a specific amount from the \$50 million redundancy package?
- (3) If so, what is this specific allocation?

Hon J.M. BERINSON replied:

- (1) (a) 145 prison officers
- (b) 45 other staff.
- (2) No.
- (3) Not applicable.

**FISHING - FISH TRAPS POLICY**

1101. Hon P.H. LOCKYER to Hon Mark Nevill representing the Minister for Fisheries:

What is the Government's policy with regard to the use of fish traps in Western Australian waters?

Hon MARK NEVILL replied:

The Minister for Fisheries has provided the following reply -

Fish traps are accepted as one of the approved methods of commercial fishing. They can only be used under very restrictive conditions, depending upon the area and species being considered.

**PAYROLL TAX - BUSINESSES, MORE THAN ONE OWNERSHIP**  
*Combined Payroll or Separate Calculations*

1122. Hon N.F. MOORE to the Attorney General representing the Treasurer:

Where a person owns more than one business, is payroll tax levied on the combined payroll of the businesses or calculated separately on each individual business?

Hon J.M. BERINSON replied:

The Treasurer has provided the following reply -

Payroll tax is levied on the combined payroll of the businesses.

**ELECTRICITY - RESIDENTIAL BUSINESSES**  
*Domestic and Commercial Electricity Meters Installation*

1134. Hon N.F. MOORE to the Attorney General representing the Minister for Fuel and Energy:

- (1) Is it possible for businesses which involve persons residing on the premises to install separate domestic and commercial electricity meters?
- (2) If so, does this apply to hotels?
- (3) If so, how does a publican go about making arrangements to install the two meters?

Hon J.M. BERINSON replied:

The Minister for Fuel and Energy has provided the following reply -

- (1) Yes, provided the domestic and non-domestic portions of the installation are separate.
- (2) Yes, as above.
- (3) Retain the services of a licensed electrical contractor to carry out the necessary electrical alterations. The contractor will inform SECWA when the work is complete and arrangements will then be made for the meter to be fitted.

**POWER STATION - WYNDHAM**  
*Upgrading*

1135. Hon N.F. MOORE to the Attorney General representing the Minister for Fuel and Energy:

- (1) Is it proposed to upgrade the power station at Wyndham?
- (2) If not, why not?

- (3) If so, when is work expected to commence and what improvements will be made?

Hon J.M. BERINSON replied:

The Minister for Fuel and Energy has provided the following reply -

- (1) Not at this stage.
- (2) A number of options are being considered before any decision is made on refurbishment of the existing Wyndham power station. These include installing a modern automatic power station at Wyndham and also examining the economics of supplying the Wyndham load from Kununurra. While these options are being considered, the present power station is being retained in full working order.
- (3) Not applicable.

#### PRISONS - HALLS CREEK

##### *New Prison Proposal*

1137. Hon N.F. MOORE to the Minister for Corrective Services:

- (1) Is it proposed to build a new prison at Halls Creek?
- (2) If so, when?
- (3) If not, why not?

Hon J.M. BERINSON replied:

- (1) No.
- (2) Not applicable.
- (3) It is not considered warranted at this time.

#### PRISONS - WYNDHAM PRISON

##### *State of Repair - New Prison Land*

1138. Hon N.F. MOORE to the Minister for Corrective Services:

- (1) Is the Minister satisfied with the state of repair of the Wyndham Prison?
- (2) If not, what action does he propose to take to either upgrade the prison or build a new one?
- (3) Has any land been set aside in Wyndham for a new prison; and if so, where is it located?

Hon J.M. BERINSON replied:

- (1) No.
- (2) The prison is currently being upgraded at a total cost of \$400 000 and to date is 50 per cent completed. The work consists of essential repairs and renovations which will provide an extension to its useful life.
- (3) No.

### QUESTIONS WITHOUT NOTICE

#### PRISONS - CASUARINA PRISON

##### *Escape*

688. Hon GEORGE CASH to the Minister for Corrective Services:

Some notice of this question has been given -

- (1) At the time of the escape on Monday from Casuarina Prison of a prisoner serving a strict maximum security sentence, in what section of the prison was he last observed?
- (2) Were any disciplinary prison officers on duty in the section in which he was last observed; and if yes, how many?



Hon J.M. BERINSON replied:

- (1) In the bakery, which is situated in the industrial area.
- (2) Two disciplinary officers were on duty patrolling the industrial area, which includes the bakery.

**POLICE - INTERNAL INVESTIGATION BRANCH**

*Tomlinson, Hon Derrick*

689. Hon PETER FOSS to the Minister for Police:

Has he been able to ascertain the purpose of the internal investigation branch of the Police Force visiting Hon Derrick Tomlinson?

Hon GRAHAM EDWARDS replied:

I thank the member for the question. I regret that I was unable to attend question time yesterday until late. I would have expected this question to be asked then. However, as I indicated to the House on Tuesday of this week, I had no knowledge of the investigation which was drawn to my attention by Hon Derrick Tomlinson. I have made some inquiries. This matter is an internal issue and relates to leaked information. The internal investigation is simply to ascertain from where the leak came. The information leaked by persons unknown related to internal budget matters.

**POLICE - INTERNAL INVESTIGATION BRANCH**

*Tomlinson, Hon Derrick*

690. Hon PETER FOSS to the Minister for Police:

Supplementary to the previous question, has the Minister been able to determine whether the information apparently given to Hon Derrick Tomlinson was accurate?

Hon GRAHAM EDWARDS replied:

My understanding is that one part of the information was accurate, but another part was wildly inaccurate.

**COMMUNITY SPORTING AND RECREATION FACILITIES FUND - FUNDING ALLOCATIONS**

*Proportions*

691. Hon MURRAY MONTGOMERY to the Minister for Sport and Recreation:

Could the Minister clarify the situation regarding the proportions involved in allocating funds from the community sporting and recreation facilities fund?

Hon GRAHAM EDWARDS replied:

I have some difficulty understanding exactly what the member is asking. Funds are allocated on the basis of the Government - through the community sporting and recreation facilities fund - being prepared to commit up to one-third of the cost of the project for which the application is made. The success of the application will depend upon its circumstances.

**COMMUNITY SPORTING AND RECREATION FACILITIES FUND - FUNDING ALLOCATIONS**

*Proportions*

692. Hon MURRAY MONTGOMERY to the Minister for Sport and Recreation:

I apologise if the Minister was unable to interpret my question. I accept the Minister's explanation regarding the one-third split. However, from where do the other two-thirds come, and how is that determined within the application?

Hon GRAHAM EDWARDS replied:

The funds would be provided from sources other than Government. For example, in the case of local government projects, one-third would probably be provided by local government, one-third by Government and the remaining third by the community. For instance, if a project cost \$900 000, the

Government would probably contribute at least \$300 000, it would be expected that the local authority would contribute \$300 000 - it is usually more than a third - and the balance would be provided by community groups. That is a fairly rough rule of thumb. Some guidelines are available which are widely distributed, and if the member does not have a copy I will be happy to provide one.

# POLICE - INTERNAL INVESTIGATION BRANCH

*Tomlinson, Hon Derrick*

693. Hon PETER FOSS to the Minister for Police:

Supplementary to my previous questions, can the Minister identify the part of the information given to Hon Derrick Tomlinson which was accurate and the part which was "wildly inaccurate"?

Hon GRAHAM EDWARDS replied:

In August Mr Tomlinson asked some questions regarding the Police budget. He subsequently told the House the other night that the figures he used in a wild fishing expedition were, as subsequently confirmed by Mr Foss, conveyed to him by a senior police officer.

Hon Peter Foss: I have no knowledge.

Hon GRAHAM EDWARDS: The member said in his speech that the figures had come to Mr Tomlinson through a senior police officer.

Hon Peter Foss: I don't know.

The PRESIDENT: Order! This is not a debate; it is question time.

Hon GRAHAM EDWARDS: Hon Derrick Tomlinson used the figure of \$208 000, was it not -

Hon Peter Foss: I don't know.

Hon GRAHAM EDWARDS: - in the first part of his question in claiming quite erroneously that the regional allocation in the Police budget was \$138 000. The figure of \$138 000 was the one which had come from the internal Police budget allocated for that region in question. Mr Tomlinson claimed that he used that figure as a guestimate, yet it was strangely accurate. The inaccurate figure was the base figure he used to substantiate the wrong claim that the budget had been cut by 50 per cent. That figure, Mr Foss, was \$208 000.

# PRISONS - CASUARINA

*Escape*

694. Hon FRED McKENZIE to the Minister for Corrective Services:

Will he provide an update on the escapee from Casuarina Prison who escaped earlier this week?

Hon J.M. BERINSON replied:

Unfortunately, the escapee is still at large and that remains, of course, a matter of great concern. I am sure that the departmental inquiry is being very actively pursued and that the timetable which I indicated yesterday for both the interim and final report will be met.

I should add a further comment on "The 7.30 Report" interview with the member for Peel which has been drawn to my attention. Norm Marlborough, as the local member, has naturally been most concerned and has put a number of proposals to me in what has been a very vigorous way. I have undertaken to consider his views, and I will certainly do so. On the preliminary indications, to which I have already referred in this House, it would appear also that Mr Marlborough is correct in ascribing the escape to human error and saying that if negligence were shown then that should be subject to appropriate action. On the other hand, I thought it most unfortunate that "The 7.30 Report" interviewer should have led the discussion along the lines of

"heads rolling". The investigation is not complete. It would be most undesirable and most unfair to prison officers and other staff if its findings and/or recommendations for subsequent action were pre-empted by what might be regarded as calls for scapegoats at any price. I am sure that Mr Marlborough is not approaching the issue in that way. Certainly, neither the Department of Corrective Services nor I am doing that. I emphasise that the seriousness of the issue demands that we refrain from hasty reactions and concentrate on getting right both the investigation and remedial action.

# GOLDFIELDS HOCKEY ASSOCIATION - GOVERNMENT FUNDING

695. Hon MURRAY MONTGOMERY to the Minister for Sport and Recreation:

- (1) Has the Goldfields Hockey Association applied for community sporting and recreation facilities funding or any other Government funding?
- (2) If so, has it been granted any funds?

Hon GRAHAM EDWARDS replied:

(1)-(2)

My recollection is that the Goldfields Hockey Association, together with the local government authority, made an application for funding about two years ago. That funding was approved by Cabinet and I think it was to come from the community sporting and recreation facilities fund.

# COMMUNITY SPORTING AND RECREATION FACILITIES FUND - ORGANISATIONS AND LOCAL GOVERNMENT

## *Building Approvals - Outstanding Allocations*

696. Hon MURRAY MONTGOMERY to the Minister for Sport and Recreation:

How many organisations and local authorities have applied for funding, have been given authority to commence building prior to the start of this financial year and are now either awaiting funding or have been told that funding is not available?

Hon GRAHAM EDWARDS replied:

I need to check the departmental records for that information. However, I would be happy to talk to Hon Murray Montgomery about it because I think his question does not accurately seek the information I think he requires.

# POLICE - MIDLAND POLICE STATION

## *Correct Base Figure*

697. Hon PETER FOSS to the Minister for Police:

What is the correct base figure for the Midland Police Station if \$206 000 is not correct?

Hon GRAHAM EDWARDS replied:

I cannot correct an erroneous figure. There is no correct figure.

Hon Peter Foss: Are you saying it did not receive anything in the Budget last year?

Hon GRAHAM EDWARDS: No. I suggest the member read the original question without notice and the supplementary questions which were asked the other night and then read the adjournment debate. That may give him a concept of the error made by Hon Derrick Tomlinson when he asked the question. I suppose the other reason for the error is that Hon Derrick Tomlinson appears incapable of asking these questions himself.

# POLICE - VEHICLE INSPECTORS

## *Qualifications*

698. Hon W.N. STRETCH to the Minister for Police:

What qualifications are held by vehicle inspection officers?

Hon GRAHAM EDWARDS replied:

The qualifications would vary among inspectors. If the member puts that question on notice, I will provide him with the information.

**POLICE - SCHOOL BUS INSPECTIONS**  
*Qualified Inspectors - Budget Allocation*

699. Hon W.N. STRETCH to the Minister for Police:

Has the Minister's department budgeted for the employment of more qualified people to cope with school bus inspections? The Minister will be aware that qualifications for inspectors of school buses must be higher than those for inspectors of normal vehicles.

Hon GRAHAM EDWARDS replied:

This question is probably a bit premature because that matter has not been finally determined.

**POLICE - INTERNAL INVESTIGATION BRANCH**  
*Tomlinson, Hon Derrick*

700. Hon DERRICK TOMLINSON to the Minister for Police:

In answer to questions previously asked by Hon Peter Foss, the Minister indicated that during question time on Tuesday evening a statement was made that certain information was given to me by a senior officer. Where was that statement made?

Hon GRAHAM EDWARDS replied:

The information is in the *Daily Hansard* for Tuesday, 5 November 1991 at page 51 and I quote -

I am pleased to hear that! The matter we are dealing with is that the Minister has told the Parliament that no reduction has occurred in the budgetary allocation, yet a senior police officer has told Hon Derrick Tomlinson that those figures are not correct . . .

I interpret that to mean that the information which I am giving Hon Derrick Tomlinson is being claimed to be incorrect by an unnamed senior police officer. On the one hand Hon Derrick Tomlinson is saying that he was going on a fishing expedition and on the other hand Hon Peter Foss is saying he was not, he was responding to information provided to him by a senior police officer. The member should get a new lawyer.

**POLICE - INTERNAL INVESTIGATION BRANCH**  
*Tomlinson, Hon Derrick*

701. Hon DERRICK TOMLINSON to the Minister for Police:

In this case, I do not need a lawyer; I need somebody to help the Minister read. In question time on Tuesday I indicated that Superintendent Higgins from the police internal investigation branch had interviewed me. His reason for interviewing me was that the figures I had quoted were accurate.

Hon GRAHAM EDWARDS replied:

I can read. I refer again to page 51 of the *Daily Hansard* for Tuesday, 5 November 1991. I will read it slowly so that Hon Derrick Tomlinson can follow what I am saying.

The PRESIDENT: Order! I am not sure I will allow this discussion to continue, for a couple of reasons, the most important being that these days 30 minutes is allowed for questions without notice. I happen to believe that question time in a House of Parliament is a fundamentally important feature of its activities. For members to use that short period for a private argument about who said what is an abuse of the time which belongs to 34 members as distinct from two or three members. If the members want to pursue their argument, there is a different facility provided under Standing Orders for that purpose. It is not

proper for it to be done during questions without notice. A very important principle is attached to the rules associated with asking questions. One of them is that one cannot ask the same question twice. It seems that some people are taking that to mean that it is perfectly okay to ask the same question 10 times. That is a misinterpretation of the rule. I recommend, firstly, that the members making the inquiries harness their resources to ensure that they ask a question which has not already been asked. Secondly, the Minister responding should harness his knowledge. When he receives the correct question he should give the correct answer.

*Personal Explanations*

Hon PETER FOSS: Mr President, I claim to have been misrepresented by the Minister for Police.

The PRESIDENT: Bearing in mind that we are using question time, the Standing Orders state that if a member thinks he has been misrepresented, he can indicate how to the House.

Hon PETER FOSS: The Minister misrepresented me. He indicated that I had some knowledge that Hon Derrick Tomlinson was given information surreptitiously by a policeman. I said that he had been given the information by a senior police officer in the internal investigation branch who told the member that the information he had was accurate. The Minister has misrepresented what I said. I did not say anything of the sort. It appears on page 50 of Tuesday's *Hansard*.

Hon GRAHAM EDWARDS: I claim to have been misrepresented. I want to correct this matter because I have been wrongly accused of instigating an internal investigation into the activities of Hon Derrick Tomlinson. I take that accusation very seriously.

The PRESIDENT: Order! We might as well get this matter settled. The member is suggesting that he has been misrepresented in regard to this matter. If the Minister has been accused of instigating this inquiry, he has to point out to the House how that has occurred and then explain that he did not and that will be that.

Hon GRAHAM EDWARDS: The essence of my argument appears at page 51 of the Daily *Hansard* of Tuesday, 5 November. I am blown how I can be accused of misrepresenting a member when I can quote from that *Hansard*.

The PRESIDENT: Order! The Minister said he had been misrepresented by being accused of instigating an investigation into the member.

Hon GRAHAM EDWARDS: That is the essence of it. I claim to have been misrepresented by Hon Peter Foss the last time he spoke in this place when he added words to a statement that I had made and he used words that I did not use.

Hon Peter Foss: Read page 50 of Tuesday's *Hansard*.

Hon GRAHAM EDWARDS: I am talking about page 51.

The PRESIDENT: Order! Let us leave it at that. Hon Peter Foss has indicated that he was misrepresented and indicated how. The Minister for Police has told us how he was misrepresented by Hon Peter Foss. Both members are suggesting they have been misrepresented and I think that is terribly sad.

*Questions without Notice Resumed*

**POLICE - SCHOOL BUS INSPECTIONS**  
*Qualified Inspectors - Budget Allocation*

702. Hon W.N. STRETCH to the Minister for Police:

I refer to page 5811 of *Hansard* of 24 October 1991 which states -

The inspection service for school buses will be transferred to the Police Department at the beginning of 1992.

That is three months away. The Minister is no doubt aware that qualifications for school bus inspectors under Ministry of Education guidelines are the same as for a member of the Institute of Automotive and Mechanical Engineers, whereas Police Department guidelines require the inspector to be a qualified mechanic. In view of the closeness of the time, does the Police budget include allocations for the employment of more highly qualified and presumably more highly paid inspectors to cope with the overflow of work from the Ministry of Education, or is it anticipated that current bus inspectors will be able to apply to transfer to the Police Department?

Hon GRAHAM EDWARDS replied:

This matter has not been concluded; I am currently looking at it. I understand the member's concern. I too have some concerns about it, which is why I am considering the matter. It has not been determined yet. We have not reached January 1992. I will consider the matter over the next week or so in conjunction with my colleague, the Minister for Education. When the matter is determined, I will respond to the member.

#### EVENTS ON ROADS - REVIEW

703. Hon MURRAY MONTGOMERY to the Minister for Police:

Is the review of the events on roads Bill being undertaken, and if so, have local authorities been asked for an input?

Hon GRAHAM EDWARDS replied:

Some work is being done in that area. If the member puts the question on notice, I will provide an answer.

#### FRUIT AND VEGETABLES - AGRICULTURE DEPARTMENT CERTIFICATION *Eastern States Markets*

704. Hon GEORGE CASH to the Minister for Police representing the Minister for Agriculture:

I have given the Minister some notice of the question.

- (1) Are fruit and vegetables grown in Western Australia required to be certified by the Department of Agriculture before being transported to Eastern States markets?
- (2) Which regulations provide for such certification?
- (3) What is the cost of the inspection and certification?
- (4) Are delays being experienced by producers awaiting the certification of fruit and vegetables prior to transport to Eastern States markets?
- (5) If so, what is the cause of those delays?
- (6) Are fruit and vegetables produced in the Eastern States required to be certified by the respective State Departments of Agriculture prior to transport to markets in Western Australia?
- (7) If not, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following response -

- (1) Yes, if there is a pest or disease of quarantine concern to the importing State or territory.
- (2) Quarantine regulations of the importing State or Territory.
- (3) Normal hours - \$5.50 for every 15 minutes or part thereof.  
Overtime contiguous with normal hours - \$8 for every 15 minutes or part thereof.  
Call out - \$65 minimum charge for the first two hours; and \$8 thereafter for every 15 minutes or part thereof.

For services provided beyond 15 kilometres of an inspection point -

Travel time - normal hours, \$5.50 for every 15 minutes or part thereof; outside normal hours, \$8 for every 15 minutes or part thereof.

Vehicle use - 17¢ per kilometre in each direction.

(4), (5) and (7)

The Department of Agriculture is not aware of any delays being experienced by producers.

(6) Yes, if there is a pest or disease of quarantine concern to Western Australia.

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