

Legislative Council

Wednesday, 10 June 1987

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

ADDRESS-IN-REPLY

Presentation to Governor: Acknowledgment

THE PRESIDENT: Honourable members, I have to announce that, in company with several members, I waited on His Excellency the Governor, and presented the Address-in-Reply to His Excellency's Speech, agreed to by the House. His Excellency has been pleased to make the following reply—

Mr President and Honourable Members of the Legislative Council:

I thank you for your expressions of loyalty to Her Most Gracious Majesty The Queen and for your Address-in-Reply to my Speech to Parliament on the occasion of the opening of the Second Session of the Thirty-Second Parliament.

Gordon Reid,
Governor.

LEGISLATIVE COUNCIL CHAMBER

Television Cameras

THE PRESIDENT: I remind honourable members that I indicated yesterday that the Australian Broadcasting Corporation had sought permission to take some footage, as it is called, with its television cameras for its film library. No honourable member has expressed any objection to that and therefore at question time today the cameras will be operating.

On this occasion, not only have I have given the ABC approval to take some film from the public gallery, but it has requested permission to take some at floor level. I have given approval for the camera operators to come a couple of feet inside the Chamber from one or two of the side doors.

Hon. G. E. Masters: It will probably be better if they operate the cameras from the other side of the Chamber.

Several members interjected.

The PRESIDENT: In my usual democratic style I have told them they must take the footage equally from both sides of the Chamber.

HOMOSEXUAL ACTIVITIES: LEGALISATION

Opposition: Petitions

The following petition bearing the signatures of 68 persons was presented by Hon. D. J. Wordsworth—

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

The humble petition of the undersigned citizens of Western Australia respectfully sheweth that:

1. We oppose the legalisation of homosexual behaviour under any circumstance for any reason.
2. We regret that the Labor Party (albeit through a private member's bill) is attempting to legalise homosexual behaviour for the fourth time in Western Australia since 1973.
3. We note with alarm reports by Professor David Pennington, head of the Federal Government's AIDS Task Force, that (a) AIDS is spread primarily through homosexual practices and (b) of 17,500 diagnosed cases of AIDS in Australia to date, only 20 persons have contracted the disease through heterosexual acts (*The Australian*, May 14, 1987, pp.3,13).
4. We reject the false argument that the way to combat AIDS is to legalise the unhygienic behaviour which is primarily responsible for the transmission of the disease.

Your petitioners therefore humbly pray:

That all members of the Legislative Council vote against the CRIMINAL CODE AMENDMENT BILL 1987.

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

(See paper No. 217.)

Similar petitions were presented by Hon. H. W. Gayfer (206 persons); Hon. P. G. Pandal (535 persons); Hon. John Williams (76 persons); and Hon. C. J. Bell (74 persons).

(See papers Nos. 214-216 and 218.)

BILLS (2): INTRODUCTION AND FIRST READING

1. Associations Incorporation Bill.
2. Trustee Companies Bill.

Bills introduced, on motions by Hon. J. M. Berinson (Attorney General), and read a first time.

POLLUTION OF WATERS BY OIL AND NOXIOUS SUBSTANCES BILL

Receipt and First Reading

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

Second Reading

HON. GRAHAM EDWARDS (North Metropolitan—Minister for Sport and Recreation) [2.45 pm]: I move—

That the Bill be now read a second time.

The Bill is one of two designed to prevent pollution of the waters of the State and the territorial sea of the State by discharges of oil from ships and places on land and by discharges of noxious liquid substances from ships.

The Bill gives effect in Western Australia to the International Convention for the Prevention of Pollution from Ships 1973, the protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships 1973, and amendments to the annex to that protocol.

Australia is a signatory to that convention and the protocol, which are now in force internationally, and Commonwealth legislation—The Protection of the Sea (Prevention of Pollution from Ships) Act—has already been passed by the Federal Parliament. That Act gives effect to the convention and protocol in all Australian waters but contains a savings clause allowing State legislation to apply the the convention in waters under State jurisdiction.

The 1973 convention, commonly referred to as MARPOL, includes five annexes, two of which—those dealing with pollution of the sea by oil and noxious liquid substances—are mandatory and will be given effect by the Bill. The three non-mandatory annexes—dealing with marine pollution by noxious substances in packaged form, sewerage, and garbage—have not yet been adopted by Australia, although the Commonwealth has indicated its intention to do so. They are not provided for in the Bill.

The MARPOL convention replaces the 1954 International Convention on Marine Pollution to which Australia was a party and which was given effect in Western Australia by the Prevention of Pollution of Waters by Oil Act 1960. That Act is repealed by the Bill.

In giving effect to the MARPOL convention and protocol, the Bill strengthens the means of preventing marine pollution provided by the 1954 convention under the 1960 Act. Like the 1960 Act, the Bill generally prohibits discharges of oil from ships and places on land into the waters of the State. By permitting the controlled and monitored discharge of mixtures containing a very small proportion of oil from ships and discharges from ships fitted with special filtering equipment when ships are en route, it allows ships to dispose of small amounts of oil residue at sea under conditions which have been internationally recognised as harmless. That discourages the illegal discharge of that oil in an unmixed state.

Like the 1960 Act, the Bill prohibits the discharge of oil from places on land and from installations and apparatus used for the transfer of oil between ship and shore. The Bill also extends the controls on discharges of oil to discharges of other noxious liquid substances carried in ships. The schedules to the Bill, which include the text of the convention and protocol, contain a list of all those noxious substances including chemicals and other noxious liquids carried aboard ships as cargo.

The Bill requires ships to carry record books providing details of all oil and noxious liquids carried and handled, and provides powers for port officials and inspectors to board vessels to inspect those records and to take samples of oil and cargo. Provision is made, as it is under the current legislation, for harbour authorities and others to recover expenses incurred in preventing and combating pollution from ships and places on land and for the serving of summonses on polluters.

The penalties for unauthorised discharges are increased to in some cases five times those presently in force so that the maximum penalty for an unauthorised discharge by a body corporate will be \$250 000.

The Bill ensures that Western Australia will be able to prevent and control pollution by oil and noxious substances from all ships in its ports and waters in accordance with internationally approved standards. Controls over oil discharges will be tightened and the threat posed by potential discharges of other noxious liquids will be countered by extending similar controls into that area.

The Bill is based on a model Bill drafted to enable all Australian States to give effect to the convention.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. Neil Oliver.

WESTERN AUSTRALIAN MARINE AMENDMENT BILL

Receipt and First Reading

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

Second Reading

HON. GRAHAM EDWARDS (North Metropolitan—Minister for Sport and Recreation) [2.50 pm]: I move—

That the Bill be now read a second time.

This Bill amends the Western Australian Marine Act 1982 by providing for inclusion of two new divisions in part IV of the Act. The Bill does not alter any existing provisions of the Act except to the extent that it includes additional definitions.

The Bill is designed to complete the Pollution of Waters by Oil and Noxious Substances Bill. That Bill gives effect in Western Australia to the International Convention for the Prevention of Pollution from Ships 1973, commonly known as MARPOL, and the 1978 protocol to that convention.

The convention requires that certain classes of ship carrying oil or noxious liquid substances be constructed according to laid-down standards or fitted with prescribed equipment to monitor and control discharges. The Bill provides for Western Australian ships of those classes to meet the convention requirements and to be issued with certificates accordingly.

The construction and equipping of ships in Western Australia is governed by the Western Australian Marine Act 1982. It is therefore appropriate for those convention matters related to ship construction to be provided for under that Act.

The Bill provides for periodical surveys and inspections of ships, and powers to make regulations and orders setting out the requirements of the convention.

The Bill is an important adjunct to the Pollution of Waters by Oil and Noxious Substances Bill. It ensures that Western Australian ships carrying oil and noxious liquid cargoes will meet the same standards of construction and carry the same equipment

designed to control discharges and prevent pollution as foreign ships and those under the control of the Commonwealth.

The Bill is based on a model Bill drafted to enable all Australian States to give effect to the international convention.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. Neil Oliver.

STATE FORESTS: REVOCATION OF DEDICATION

Assembly's Resolution

Message from the Assembly received and read requesting concurrence in the following resolution—

That the proposal for the partial revocation of State Forests Nos. 4, 14, 22, 27, 38, 40, 41 and 55 laid on the Table of the Legislative Assembly on the twenty sixth day of May 1987 by command of His Excellency the Governor be carried out.

Motion to Concur

HON. KAY HALLAHAN (South East Metropolitan—Minister for Community Services) [2.53 pm]: I move—

That the Legislative Council concurs with the resolution passed by the Legislative Assembly as contained in message No. 25 from the Legislative Assembly.

Members will note that the proposed revocations have a combined area of about 43 116 hectares and that the gain to the forest estate through an exchange contingent on one of these proposals is 65 hectares. This amounts to a reduction of 43 051 hectares, attributable mainly to the proposed revocation from several State forests of an area of 43 000 hectares in the Shannon basin that is intended to be set aside as a national park.

I draw members' attention to the fact that dedications as additions to State forests in 1985-86 totalled 1 088 hectares, while 1 692 hectares were revoked, resulting in a net loss of 604 hectares. This decrease was predominantly due to the revocation of an area of 1 494 hectares at Chudalup, which is proposed for inclusion in the d'Entrecasteaux National Park.

For the benefit of members I will elaborate on the areas that are to be excised from State forests.

Area No. 1 is an area of about 4.3 hectares adjoining the Collie townsite. This portion of State forest No. 4 forms part of the departmen-

tal settlement at Collic. Some of the 20 houses in the area are surplus to requirements and are earmarked for sale to the current occupants. In order to achieve this objective the area must be excised from State forest and then subdivided into separate lots for each house.

Area No. 2 is an area of about 10 hectares adjacent to the Dwellingup townsite. This portion of State forest No. 14 contains 40 departmental houses, 23 of which are scheduled for disposal once individual freehold titles are prepared.

Area No. 3 is an area of 1 686 square metres situated approximately 1.5 kilometres west of the Pickering Brook townsite. The portion of State forest No. 22 virtually forms part of the adjoining private property. For many years the owners of this property have used the area to gain access to their holding and for storing various building materials. It also serves as a front yard to their residence. The house had to be erected very close to the northern boundary of the block because the remainder of the property is subject to inundation. To formalise this longstanding occupation it is intended to sell most of the area to the adjoining landowners. The remaining portion of State forest proposed for excision will be added to the adjacent road reserve.

Area No. 4 consists of two portions of State forest No. 27, having a total area of about 102 hectares and located approximately five kilometres south of the Donnybrook townsite, to be exchanged for land of equal value comprising Nelson Location 2101. The two portions of State forest support a low quality jarrah-marri forest that has been heavily cut over in recent years.

The PRESIDENT: Order! Honourable members, there is far too much audible conversation and the Minister is moving a very important motion.

Hon. KAY HALLAHAN: Soils consist of yellow-grey sands in the gullies and associated ironstone ridges. Both areas are infected by dieback and are susceptible to further spread of the disease.

Nelson Location 2101 has an area of 64.7497 hectares. It adjoins the Ferndale plantation and has soil suited to the establishment of a pine forest. Acquisition of the property would improve the forest boundary, and for this reason alone it has considerable strategic value. The proposed exchange has some definite advan-

tages from a Crown viewpoint. It will also assist the applicants by consolidating their holdings.

Area No. 5 consists of portions of State forest Nos. 38, 40, 41, and 55 situated approximately 23 kilometres east of the Northcliffe townsite and having a total area of about 43 000 hectares. This area forms the bulk of the Crown land within the Shannon River watershed and is intended to be set aside as an "A"-class national park vested in the National Parks and Nature Conservation Authority.

I commend the motion to the House.

Debate adjourned, on motion by Hon. A. A. Lewis.

ACTS AMENDMENT (ELECTORAL REFORM) BILL

Report

Report of Committee adopted.

MARKETING OF EGGS AMENDMENT BILL

In Committee

The Deputy Chairman of Committees (Hon. John Williams) in the Chair; Hon. Graham Edwards (Minister for Sport and Recreation) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Section 9 amended and validation—

Hon. C. J. BELL: This is an important clause which deals with an aspect which, to date, has not been mentioned during the debate on this Bill—that is, the use of the business name of "Golden Egg Farms" by the Egg Marketing Board. It will allow the Egg Marketing Board to carry out a proper and efficient promotional campaign. One of the most important principles in marketing is correct identification. Until now, many companies may have been marketing illegally and they may have got away with it.

The name "Golden Egg Farms" will be very important as far as the promotion of eggs is concerned. It will be twice as effective compared with the promotion of the generic product, eggs. Members should take cognisance of this clause, which the Opposition supports.

Hon. GRAHAM EDWARDS: I thank the Opposition for its support of this clause. Quite simply, this clause will provide that the name "Golden Egg Farms" cannot be misused by anyone outside the industry. The marketing as-

pect of "Golden Egg Farms" is one which will entice people to eat more eggs. That is basically what it is all about.

Clause put and passed.

Clauses 7 to 19 put and passed.

Clause 20: Section 40 added—

Hon. C. J. BELL: I move the following amendments—

Page 8, line 11—To delete the words "Minister shall" and substitute—

Legislative Council shall appoint a Parliamentary Committee to

Page 8, line 15—To delete the word "Minister" and substitute—

Committee

Page 8, line 19—To delete the word "him" and substitute—

the Committee

Page 8, line 21—To delete the word "Minister" and substitute—

Committee

Page 8, line 21—To delete the word "his" and substitute—

the

I have moved the amendments for a specific purpose. Over a long period of time members in this Chamber have spoken about this being a House of Review in the true and proper sense and in a similar fashion to that which applies in the Senate. Members will be aware of the committee on committees report which recommended certain Standing Committees.

Hon. Garry Kelly interjected.

Hon. C. J. BELL: That is the reason I have moved this amendment today. It is the first occasion on which this Chamber could have real evidence to prove that it is moving towards a House of Review. If my amendment is accepted, this Chamber will have the opportunity to work as a House of Review.

Some years ago a Standing Committee on Government Agencies was set up to undertake functions similar to that outlined in my amendment. The clause, as it stands, provides for a review of the Egg Marketing Board in five years. Instead of the Minister being responsible for reviewing the legislation, the bureaucracy would review the legislation and supervise it. It is not a satisfactory situation.

If this were a House of Review, a committee could be set up to review the Statutes passed by the Parliament. This is an opportunity for the Chamber to act as a House of Review.

This is the first opportunity the Legislative Council has to put in place a review procedure which will allow this legislation to come before it for review in five years time, not tomorrow and not before the Minister, whether a conservative or a Labor Minister.

If the House is to operate in the way in which members say it should operate it is imperative that members support the amendment I have moved.

Hon. J. N. CALDWELL: This clause states that the Minister shall carry out a review of the operation of the board in five years' time. It is rather strange, because this Chamber is a House of Review, that the Minister should be called upon to carry out a review especially when one considers there are 34 members in this Chamber who could carry it out far more adequately than the Minister.

If the Minister made a glaring mistake it would be on his head, but the House of Review would have a better overall picture of the whole procedure.

If the Minister were unable to undertake a review of the legislation in five years' time he would have to appoint someone else to undertake such a review, and that is where the system breaks down. I believe that this Chamber could make a much more purposeful review and, therefore, the National Party supports the amendment.

Hon. GRAHAM EDWARDS: I oppose the amendment. It is perhaps a little disappointing that this Chamber should become involved in a philosophical and ideological argument over what is really a very important matter.

The importance of the industry has already been recognised by the Opposition, and I wonder why it is targeting this Bill in an attempt to superimpose the will of this House on the responsibility of the minister.

It appears to me that we are presupposing the will of this Chamber, and I wonder whether in five years' time, should the amendment be carried, members would appreciate what they had done. I wonder whether the industry would appreciate a review by members of this Chamber? The best people to do that review are those with a knowledge of the industry and a knowledge of its intricate workings. They would be able to recognise its importance.

I wonder why we did not pick the Boxing Control Bill on which to enforce this type of amendment? I can refer to some existing Acts

like the Potato Growing Industry Trust Fund Act, the meat commission Act, and the Chicken Meat Industry Act.

Hon. G. E. Masters: Perhaps we can put forward an amendment to cover all those things. Would you support that?

Hon. GRAHAM EDWARDS: I have indicated my opposition to the amendment. I cannot agree to a situation which attempts to superimpose itself on the responsibilities that the Minister has. Members can argue as much as they like that bureaucracy will be responsible for that review. We all know that it is the Minister who is responsible, and that responsibility should rest with the Minister, realising that the Minister is responsible to Parliament. I reject the amendment.

Hon. N. F. MOORE: I remind the Minister that he may have been the Minister in charge of a similar Bill when I raised a similar matter, but I did not go down the same path as Hon. Colin Bell and actually move an amendment. Perhaps I should have done, because it would have reduced the Minister's argument about one statutory authority.

I support the proposition put forward by Hon. Colin Bell. It is about time this Chamber made decisions about things of this sort.

The Minister says that he is responsible for the Act. This Chamber is responsible for the passing of the Act. We deliberate about these things as a Chamber, but ultimately the whole Parliament gives powers to the Executive; it is not the other way round. If we believe that a clause should be included to reassess the setting up of that committee in the future, then we have the right to go down that path.

We are arguing here about whether we should reassess our decision, or give that power to the Minister. Quite clearly Ministers from time to time have a different view of things from that of the Parliament. It is my view that this Parliament, particularly this Chamber, should have the opportunity to give members much more capacity to judge the decisions which are made. What Hon. Colin Bell has suggested is an excellent move in that direction. I hope, bearing in mind the comments of the Minister that this sort of clause can be added to the legislation which sets up a whole string of statutory authorities.

I have already raised this matter about the Standing Committee on Government Agencies giving some consideration to developing a standard sunset clause for all these sorts of authorities. I see the Standing Committee on

Government Agencies as the appropriate committee for this legislation to be referred to in five years' time. I understand that for technical reasons Hon. Colin Bell's amendment talks about a parliamentary committee. I think he would prefer it to be the Standing Committee on Government Agencies, and that would be my view as well.

I would be interested to know the views of Government members on the Standing Committee on Government Agencies. I know Government members of that committee are dedicated to the way in which it should operate. They have very firm views about the importance of that committee and I would be interested to know what they think about this proposition. In due course it will be required to decide whether the committee as a whole agrees to this sort of proposition. It is important to know that.

I commend Hon. Colin Bell for bringing forward this amendment. It is a start in the right direction to give this Chamber some capacity to reassess its decisions. It removes from the Executive a little of the power it has been given in the past and which it now assumes belongs to it for ever and ever. I support the amendment.

Hon. C. J. BELL: The Minister handling the Bill in this Chamber speaks of the Minister's responsibility at the end of the day. The Minister's responsibility is exercised every day for the next five years; he is not just responsible in five years' time; he is charged with responsibility to administer that Act from day to day. Whether the department or the Egg Marketing Board runs the Act does not matter. It is the Minister's responsibility to ensure that the Act operates and that there are no hiccups in the system he needs to bring back to the House.

I am proposing that at the end of five years this Chamber should review the legislation. That is the difference between what I am saying and what the Minister is saying. It is the responsibility of this Chamber, not later than five years from now—unless the Minister wishes to bring it forward before, which is in the course of his responsibility—to conduct a review of the appropriateness of the legislation.

That is a very important distinction. It is a vital function of the Chamber to review this legislation. That responsibility does not belong to the Minister, it belongs to the Chamber, and that important factor must be borne in mind. I urge the Chamber to bring that message loud and clear to the Minister responsible; that this

is the proper and appropriate course for legislation like this. In all similar Bills which come before the Chamber I shall seek to move a similar amendment.

Hon. GRAHAM EDWARDS: I take issue with a couple of points which have been made. It would be ludicrous to suggest that, for instance, egg marketing was a concern of this Chamber only. The provision of good eggs is something in which the whole State is interested. This Bill is a reflection of the Minister's and the marketing board's continual and constant review of its whole attitude. To suggest that by including this clause the Minister puts off his responsibility for five years is ludicrous, particularly with a Minister of the calibre of Julian Grill, who has shown quite well his ability to come to grips with the massive problems confronting the agricultural industry, of which the Egg Marketing Board is but a small part.

It would be interesting to note why Hon. Norman Moore puts before the Chamber an attempt to discover the attitude of Government members of the Standing Committee on Government Agencies. I wonder whether that question has been discussed by the committee. It would be appropriate to discuss such an amendment before thrusting it upon the Government in the way it has been done today.

I appreciate the fact that Hon. Norman Moore has been consistent and that he did forecast a similar move during debate on a previous Bill. If my memory serves me correctly, that Bill was the Boxing Control Bill, although I could stand corrected on that.

It seems to me to be more appropriate to have such a committee taking responsibility for a review, but I do not see that we have the right to establish a situation which will enable this Chamber, in five years' time, to review the egg marketing industry. We simply do not know where we will be in five years' time.

I said earlier that we would be presuming the will of the Chamber, and equally we could well be exposing the industry to undue interference rather than an honest review. It is on those grounds that I simply cannot support what has been put forward by the Opposition.

Hon. N. F. MOORE: What an extraordinary comment the Minister has just made! I was not going to speak again on this clause, until he suggested that a parliamentary committee might not give an honest judgment on the way in which the Egg Marketing Board is operating. If there is a question of honesty or dishonesty,

one could argue just as easily that the Minister's view is not honest, depending on one's point of view. Ministers tend to be of a particular political view, whereas the Parliament represents all political views, and it could be said that we would get a more honest opinion from a parliamentary committee than from a Minister. I suggest the Minister does not proceed with that line of argument, because it is not a valid one.

The Standing Committee on Government Agencies was set up with the specific task of reviewing the operations, functions, and activities of statutory authorities, of which there are some 600 in this State; and that number is growing rapidly.

Hon. Graham Edwards: Has the Standing Committee discussed such an amendment?

Hon. N. F. MOORE: We have talked about sunset clauses in general terms.

Hon. Graham Edwards: But has it discussed this type of thing?

Hon. N. F. MOORE: No, not in specific terms.

Hon. Graham Edwards: I did not think it had.

Hon. N. F. MOORE: I have flagged the possibility with the Committee, as a result of the previous legislation to which I referred, that it is something we could do as a project in the future; that we might draft a standard sunset clause and recommend to the Government that it be included in all forthcoming legislation of this type. We have not reached that stage yet, but because we have a series of Bills coming forward seeking to amend authorities it seems a good idea to seek to introduce this clause.

The idea is not to prevent the Egg Marketing Board from operating but to see that the board is functioning as a proper statutory authority. I might add that some statutory authorities, and the Standing Committee is finding out about some of their activities, are cause for concern. I am not saying that the Egg Marketing Board is necessarily one of those, but there is a need for the Parliament to have a say in the way in which that, and all boards operate.

Hon. GRAHAM EDWARDS: I do not propose to pursue Hon. Norman Moore's argument. The Opposition knows our position, and I would simply leave it to the industry to interpret the will of this Chamber.

Amendments (deletion of words) put and a division called for.

Bells rung and the Committee divided.

The DEPUTY CHAIRMAN (Hon. John Williams): Before the tellers tell I cast my vote with the Ayes.

Division resulted as follows—

Ayes 16

Hon. C. J. Bell	Hon. Tom McNeil
Hon. J. N. Caldwell	Hon. N. F. Moore
Hon. E. J. Charlton	Hon. Neil Oliver
Hon. Max Evans	Hon. P. G. Penda
Hon. H. W. Gayfer	Hon. W. N. Stretch
Hon. A. A. Lewis	Hon. John Williams
Hon. P. H. Lockyer	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. Margaret McAleer

(Teller)

Noes 15

Hon. J. M. Berinson	Hon. B. L. Jones
Hon. J. M. Brown	Hon. Garry Kelly
Hon. D. K. Dans	Hon. Mark Nevill
Hon. Graham Edwards	Hon. S. M. Piantadosi
Hon. John Halden	Hon. Tom Stephens
Hon. Kay Hallahan	Hon. Doug Wenn
Hon. Tom Helm	Hon. Fred McKenzie
Hon. Robert Hetherington	

(Teller)

Pair

Aye	Noe
Hon. V. J. Ferry	Hon. T. G. Butler

Amendments thus passed.

Amendments (substitution of words) put and passed.

Clause, as amended, put and passed.

Clause 21 put and passed.

Title put and passed.

Bill reported, with amendments.

HOSPITALS AMENDMENT BILL

Second Reading

Debate resumed from 7 April.

HON. D. J. WORDSWORTH (South) [3.30 pm]: I rise to support Hon. Mick Gayfer in his second effort to have this Bill passed.

The Bill sets out to ensure that a hospital board cannot be easily sacked. I spoke on a similar Bill in the last session so I do not intend to go over the same ground again. On that occasion I made it quite plain that in relation to the sacking of the matron of the Gnowangerup Hospital, the Minister for Health had acted ignorantly and without due care, feeling or understanding of the situation. Members will recall there was a difference between the local doctor and the matron at the hospital which resulted in the doctor not admitting his patients to that hospital. This led to the hospital not being fully utilised; it was running at a huge loss and in danger of being closed. The board decided the only way out of the situation was to sack the matron.

The Minister decided the matron should be reinstated and would not listen to the case of the hospital board until she was reinstated. Unfortunately, a stand-off situation developed which finally resulted in the hospital board taking to the Supreme Court a case for an injunction to prevent the Minister from sacking the board. The Minister then sacked the board, rushing it through Executive Council just a few short minutes before a message could be conveyed from the court to the Minister. This caused considerable embarrassment to the Governor and eventually the Minister had to agree to a new board being elected. That board consisted virtually of the same members as the previous board and an inquiry which was chaired by a man with legal experience and expertise looked into the situation.

This inquiry has already cost well over \$500 000 which, together with the losses brought about by the hospital not being utilised, has meant that the taxpayers of this State have had to bear a considerable and unnecessary cost. The people of Gnowangerup have not been able to use their hospital as they should. This inquiry has taken some time because the people of Gnowangerup are rightly very sensitive about the issue and many people wish to give evidence. They were very disappointed when questions were asked in this House with respect to the occupancy rate of that hospital while the inquiry was taking place. They felt that the whole issue was subjudice—it certainly was to them—even if it was not quite before the courts of the State. They were disgusted at the Dorothy Dix question asked by Hon. Mark Nevill about the hospital being fully utilised at the time the inquiry was going on.

Hon. Mark Nevill: What Dorothy Dix question?

Hon. D. J. WORDSWORTH: I have to admit that I do not have the exact question.

Hon. Mark Nevill: I did have a complaint from a constituent in Esperance about her father being at that hospital. That was a genuine complaint.

Hon. D. J. WORDSWORTH: In any event, the people of Gnowangerup are very sensitive about the whole issue with respect to the hospital not being fully utilised and they are concerned it could be closed. They are very concerned about the fact that they could lose their doctor too.

I assure members it is a sensitive issue in that town. I fully support this legislation introduced, once again, by Hon. Mick Gayfer in an endeavour to make the hospital board more secure. The Minister acted very foolishly. It was a knee-jerk reaction based on union pressure. I fully support the Bill and wish Hon. Mick Gayfer well with it.

HON. W. N. STRETCH (Lower Central) [3.35 pm]: I have pleasure in supporting this Bill introduced by Hon. Mick Gayfer. I was particularly attracted to his phrase in his second reading speech that "the purpose of this Bill is to enshrine the status of hospital boards". This opens up not only the question of voluntary hospital boards which contribute so much to the care and health of our country communities but also this Government's attitude to a whole range of operations run by communities in other areas. We have so often seen, since this Government came to power, the role of the people usurped by paid Government people—not advisers, but coordinators—moving into districts and taking over the role of bodies such as hospital boards and advisory development groups. They think they are doing the district a great favour but in actual fact they are not. They are replacing the local knowledge and expertise of these people with "socialised care", for want of a better phrase. It is not the same thing. Difficulties are caused because some people meet one week wearing one hat in the normal way they have always met and then another group, often the same people, with different "hats", and a Government officer, go over the same ground again. It is not only wasteful but divisive. It is yet another example of waste of Government resources.

I have brought up this matter with the Minister for Budget Management in relation to one of the voluntary development committees in the great southern which has always used private secretarial help. The Government then sets up a secretariat, pays everyone travelling fees and does not get any more results than before.

We need to have changes to the control of hospital boards. The Gnowangerup Hospital issue alone did not prompt this Bill. There has been a festering sore with respect to the appointment of people to local hospital boards. Some members of Parliament wanted to nominate those people. That is not the role of a member of Parliament. It is the role of the people in the community. If a person in that community happens to be a member of Parliament that is fine. It is a gross impertinence for

the Minister for Health to empower a Member of Parliament to nominate someone to the board of the hospital who is 150 miles away at the other end of the electorate. It would be an even greater impertinence if I were to nominate such a person. This is the type of niggling interference we see from the Government. It does not help the situation one little bit. It has caused difficulty within the hospital boards because once they see Government members taking over and providing a secretariat, etc. there is a tendency for the Government to want to take it all over. One gives away a little, and before we know it the whole deal is lost. We saw that in the Acts Amendment (Electoral Reform) Bill last night!

On that basis, I welcome the statement by Hon. Mick Gayfer that this Bill aims to enshrine the status of those local hospital boards and the local people who work for their hospitals.

I have seen it in my local hospital in Kojonup where enormous waste is incurred in building additions to hospitals. There is a hierarchy beginning with the board which asks for an addition to a building. That request goes back to the Health Department which submits its suggestions to the BMA which draws up plans. On we go until the builder arrives at the hospital site, and that is possibly the first time he has face to face contact with the hospital board.

Those sorts of things are happening more frequently now that the Government is becoming more involved in such matters. The Minister's move in respect of the Gnowangerup Hospital outlines the problems we run into when the Government goes down this track.

I fully support the Bill. It has been brought forward in a spirit of improving country hospitals by utilising the willing help of local people and their local knowledge. I have nothing but praise for Hon. Mick Gayfer in bringing forward this Bill.

HON. NEIL OLIVER (West) [3.41 pm]: I, too, support this legislation because I have seen the benefits of a board which is elected and is drawn from within the community as against the hand of bureaucracy where members are nominated and there is often bickering, as has been explained by the previous speaker. The less the Government is involved in this type of organisation the better.

I speak from my knowledge of the operations of two hospital boards within my province. One is elected in a voluntary capacity, while

the other is appointed and operates under the bureaucracy. I am referring in the first instance to the Kalamunda District Community Hospital Board which, for the benefit of members, happens to be the most efficient hospital board in this State; that is, the cost per bed per patient per day is, I understand, 50 per cent less than in most metropolitan hospitals. The composition of the board has led to this efficiency. The efficiency is such that there is a continual stream of officials visiting the hospital to try to ascertain how it is able to maintain such an excellent service at such minimal cost to the Western Australian taxpayers. It goes further than that; the Department of Health has requested the board to make a submission on how it is able to achieve these efficiencies without a reduction in patient care. This is an excellent example of a hospital board operating at a level 50 per cent below the cost of operation of hospitals in the metropolitan area.

On the other hand I have the Swan District Hospital which is constantly being used for electoral purposes. Almost without exception I am invited to attend some function at that hospital seven days prior to a State election or a by-election. The Swan District Hospital operates under a board which is nominated and suffers a tremendous amount of intrusion by the heavy hand of Government.

Sitting suspended from 3.45 to 4.00 pm

Hon. NEIL OLIVER: I give one example which occurred when a by-election was called as a result of a disputed return. Prior to the opening of extensions for a casualty section I was invited to a coordinating conference of interested people. The meeting was attended by various senior ambulance officers, specialists, local medical practitioners, senior nursing staff, and the administrator. It was amazing to learn from the answers to questions that the planning had not taken into account the likelihood of a casualty.

In one instance a senior ambulance officer asked the chairman where he should take a child suspected of having taken poison. The chairman replied, "Please do not come to the Swan District Hospital because the only place for that patient is Princess Margaret Hospital." A series of questions of this nature were asked and almost without exception, the answers were that the patients should be taken to some other hospital, the Sir Charles Gairdner Hospital or Queen Elizabeth II Medical Centre, for example.

Approximately three days prior to the election I was invited to the opening of the new casualty section and extensions to the hospital. I was surprised to find on my arrival that in a matter of three weeks a circular driveway and a portable carport had been installed. The carport was of the type that one can erect in three hours or so. However, although these constructions made it possible for the ambulances to drive in, there was nowhere to take the patients once they left the ambulance. That opening was performed with great ringing of bells and was attended by a large number of Press. We then adjourned for afternoon tea.

The saga continues. Before the recent elections the extension to the casualty section was opened. That opening lasted about three hours. The Minister who officially opened the extension expressed great gratitude to the members of Parliament, but although Hon. Gordon Masters, the Leader of the Opposition, and I were present, we were not included in those remarks. The suggestion was that the Labor members of Parliament were doing a wonderful job for the Swan District Hospital.

The hospital extension was already operating and it was receiving casualties; in fact, the Minister for Health mentioned that he often officially opened hospital extensions when they were already operative. I inspected the premises and there were no patients, but I did notice a board on which was a list of the doctors on stand-by—the list included gynaecologists, obstetricians, and general practitioners. The list contained the name of one general practitioner who had been trying to contact me that morning. I had returned his call but we had not been able to make contact. Later that day I got through to his surgery and remarked that he had obviously had a busy day because I had noticed that he was the GP on duty roster at the Swan District Hospital. His reply was, "Was I?" This occurred at seven o'clock at night so his services had not been required; it is another example of how the event was set up. The opening took place to the accompaniment of Press photographers and an entourage of people to give it maximum publicity.

I went through the building in the company of a senior public hospital administrator and he was surprised at the limited size of the casualty section. On further examination it became obvious that it was not an extension to the casualty section but basically a new office block in which the accounts section of the hospital would be located.

I do not want to continue; I have given examples of two types of boards. The level of service provided by local general practitioners in these district hospitals is such that the medical service and the way in which it is delivered is in many instances better than that which is readily available for electors in your province, Mr President. These types of hospitals provide on a voluntary basis, with the full cooperation of local medical practitioners, the management, and staff, a first-class service to the community.

A most efficient example of this is the Kalamunda District Community Hospital, where the people decided by an election who would be their board members, and there is minimal bureaucratic influence. A constant stream of bureaucrats visit the Kalamunda Hospital to find out how they can run the State's general hospital system as efficiently as that which is in place at Kalamunda.

I support the Bill.

HON. MARK NEVILL (South East) [4.11 pm]: I oppose the Bill. I did not intend to speak on this Bill, but I do so mainly to correct some of the comments that have been made.

Hon. David Wordsworth said that some comments I made in relation to the hospital were as the result of a Dorothy Dix question I asked in the House. I have never asked any question in this House about the Gnowangerup Hospital. The matter to which he referred arose as a result of a constituent calling into my office in Esperance. A person came to see me who was quite distressed, and he told me that his father had been told by the Gnowangerup Hospital that he would have to move to Albany when another patient returned from Perth to Gnowangerup Hospital. This person had lived in the district for most of his life. I think he was in his early eighties. I did not intend to speak today, so I do not have the letter with me, but the person was quite infirm. It is fairly distressing for old people to move out of an area they have lived in for all their life. This man was very keen to stay at the Gnowangerup Hospital because he was happy there. He was not particularly interested in the bunfight that was going on.

This person had another son and daughter from the district, who had made a number of requests to the board to allow their father to stay. However, there were only six acute care beds in the Gnowangerup Hospital out of 18 beds, and the rest of the beds were empty,

probably due to the dispute. My advice was that those persons should tell their father to stay there.

I wrote to the Minister for Health and asked him whether the Government had directed that Gnowangerup Hospital should only have six acute care beds or whether it was the policy of the hospital board. I was informed by the Minister that it was the policy of the hospital board, and the Minister could not direct the board to increase that number.

It seems absolutely crazy to me that the board would not allow one more acute care patient to stay there, a person who had lived in the district all his life. I thought that was completely indefensible. Subsequent to that I gave those persons a serve in the Press, and I have since spoken to Hon. David Wordsworth, and that is where the particular comments have come from—the Press—and not actually from any question that I have asked or anything that I have been put up to. My question was prompted simply by an inquiry from a constituent.

I have no view whatsoever on the merits of the matron or the doctor in Gnowangerup. I know very little about the dispute, and, quite frankly, I am not very interested. I think whatever side one takes, the actions of the board seem to be very insensitive and indefensible. The comments that I made were repeated over the ABC news and I certainly do not resile from them.

I would like to comment further in relation to hospital boards. I am not sure how many there are in the State; it is somewhere between 50 to 80. Before this trouble arose in Gnowangerup, it was an area that I was going to suggest should be looked at by the Standing Committee on Government Agencies, because within my electorate there did not seem to be any rhyme or reason as to which hospitals had boards and which did not. The Kalgoorlie Regional Hospital, one of the major hospitals in the State, has no board. The Esperance District Hospital has no board, and it seems to run quite well. The Norseman District Hospital does have a board, and that seems to run quite well. The Southern Cross Hospital has a board, and that seems to run quite well, too. I am not against hospital boards.

Hon. H. W. Gayfer: Is the Southern Cross Hospital in your electorate?

Hon. MARK NEVILL: No, it is not.

Hon. H. W. Gayfer: I thought you were alluding to hospitals in your electorate.

Hon. MARK NEVILL: I probably did say that, but I was talking about the hospitals nearby.

Hon. Tom Stephens: It might be in his next electorate.

Hon. MARK NEVILL: It was in Hon. Jim Brown's electorate last time, so it comes and goes. I am saying I have no preconceived views as to whether hospital boards are good or bad. There is certainly a role for them in some country areas, and also in the city.

This Bill seems to be the result of a reaction to a particular facet of hospital boards, and I think the whole area needs a more systematic examination. The Bill does not really solve the problem. This Bill also presumes that the Gnowangerup Hospital Board is completely without fault. Maybe it is, and maybe it is not; I do not know. I did not intend to speak on this Bill, and I probably would have had a few of those figures and facts at my fingertips had I known I would speak on it.

HON. J. N. CALDWELL (South) [4.19 pm]: I support this Bill. I noticed that Hon. Neil Oliver commented about two hospital boards in his area. It was noticed that the Gnowangerup Hospital Board was non-existent and this is why this Bill has come about.

Hon. H. W. Gayfer: It was one reason that it came about.

Hon. J. N. CALDWELL: I thank the member. I make two important points here. The first is that various members have been written to by the Minister for Health, and have been asked to nominate people for these hospital boards. It is rather embarrassing for members to approach these people and say, "There is a position on a hospital board to be taken up, but I must warn you that at any time you may be liable to be sacked." This must be a very destabilising influence, and I wonder why some hospitals do not have a board—perhaps people are not game to go on the boards because they do not know when their duties are going to be terminated.

The second point I make is that the sacking of the members of a hospital board has a very destabilising influence on the community. I know the town concerned, Gnowangerup, is hanging on to the threads of being a town. In some ways it is on the point of extinction. It is apparent that a hospital and a doctor are most important to a community. That is why we must not have these destabilising effects in such a community.

I must admire the doctor. He has come through this trauma and has kept his position amid a lot of flak from various people. Fortunately for the community he has remained there. He must be admired for what he has done. I think he realises that if he were to leave it would be just another nail in the coffin for Gnowangerup, so he has managed to stay there. I congratulate him.

I support the Bill.

HON. KAY HALLAHAN (South East Metropolitan—Minister for Community Services) [4.22 pm]: The Government does not support the passage of this Bill, and for pretty much the same reason that it had the last time this legislation was debated.

I acknowledge Hon. Mick Gayfer's speech, wherein he said that he was not attempting to have a go at the Minister for Health over one particular incident and that that incident was part of his reason for the introduction of this Bill.

Hon. Mick Gayfer: Which I will endorse later.

Hon. KAY HALLAHAN: Good. I cannot say the same for Hon. David Wordsworth, who debated in a narrow way and did not contribute much to the debate, in my view.

Several members interjected.

Hon. KAY HALLAHAN: I am sorry. Members would not want me to congratulate them for having made fine speeches in a debate if they did not deserve such congratulation.

The principal problem with this Bill is that it brings in small amendments which are ad hoc in nature. That is a real problem in respect of this Bill, well-intended though it may be. I go back to things I have said before and they still stand. Under section 8 of the present Act a hospital board might be abolished because the hospital is being closed. In those circumstances it would be quite inappropriate to reappoint a board, as would be required under clause 2 of this Bill. That is really quite a serious anomaly.

As members well know, Parliament passes legislation which covers all sorts of conditions and circumstances, and for that reason the Bill must be able to cover those circumstances. The problem the Government sees with this Bill is that it clearly does not. That is a serious matter and for that reason, along with some other reasons, the Government is left with no choice but not to support Hon. Mick Gayfer's Bill, although that is perhaps regrettable.

I made the point about reappointing a board when the hospital has been abolished, because under this Bill one is required to reappoint the board. That is quite an illogical position to take. Members may be aware—and I hope they are interested in our hospital situation and have taken cognisance of movements there—that there is a rationalisation and a regionalisation of the health system going on. The changes that result from that will come before this Chamber in a new hospital amendment Bill next session. That is the hope of the Minister for Health at present.

On that basis the Government resists the notion of an ad hoc approach with the Bill presently before the House. I know that the last time this Bill was before the House Hon. Mick Gayfer was a bit sensitive about the question that the Bill had been improperly drafted and he thought I ought not to have brought this matter to members' attention. Nevertheless it does not appear to have been drafted by the private members' draftsman, and because of that, the one factor that could have been picked up that has not been is that the question of an appeal lodged in the Supreme Court up to 10 days after the order revoking the board took effect is quite inappropriate.

We did debate that matter before but it would be outside any other practice to actually have that appeal processed after the order takes effect; it has to be beforehand and suspend the effect of the order. I think members would agree that is quite an extraordinary administrative practice.

Hon. E. J. Charlton: Are you going to amend that?

Hon. KAY HALLAHAN: I do not think the Bill is worthy of support on amendment. It is ad hoc and the Government would prefer to see the debate take place over the proposed hospital amendment Bill, which will be much more comprehensive. Members would have input into that. I do not propose to move any amendments to this Bill but I do want to cover a few other things said in this debate because some of them warrant comment.

I refer to comments made by Hon. Bill Stretch. He made a global comment about the attitude of this Government to community organisations being usurped. While he can quote some situations in which he thinks that might have taken place, this Government has taken extraordinary measures to involve greater local input and activity. I think he made a generalisation from some specific instance of which he

knows that, if anything, this Government will do down in history for its encouragement of greater participation by the community and its facilitating of that participation.

I also make the point that hospital boards do have their own secretariat and would not rely on some other outside funded people to come in and provide that backup to them.

In respect of Hon. Neil Oliver's extraordinary examples of the two hospitals in his electorate, and politicking at election time. I would like to give him two examples. Hon. Ian Thompson, the member for Kalamunda in the other place, had a pamphlet which, I clearly recall, contained a photograph taken outside the Kalamunda District Community Hospital, with one of the nursing staff. That was clearly a matter of extraordinary public comment in that community about Ian Thompson's politicising the local hospital. That might have escaped the notice of—

Hon. Neil Oliver: He arranged for the Government to purchase that hospital.

Hon. KAY HALLAHAN: Is that not politicising the situation? I would ask Hon. Neil Oliver to explain why that is different from the two examples he provided.

The PRESIDENT: Order!

Hon. KAY HALLAHAN: I had a personal experience, probably inspired by Hon. Neil Oliver and his supporters, when I was supporting our campaign in Morley-Swan. I came across some women who were looking towards their confinements within two or three months and who were in a highly excited state because of some erroneous information given to them. That information caused them extraordinary stress about things that did not come to pass in that area. Again, it seems to me that from those who do all the name-calling of people and their politicking comes the greatest activity of politicking about such situations.

Although I do not think this point should need to be made in supporting my colleague, Hon. Ian Taylor, I point out that official openings do not take place until a facility is up and fully functioning, because with extensions and so on everybody's time is taken up with getting the place functioning. Later an official opening is usually a celebration day. I have opened many buildings in the short time I have been a Minister and the facilities have always been up and fully functioning. That is the usual practice.

I would like to commend Hon. Mark Nevill on his clarification of his experiences with the hospitals he has dealings with and in the indi-

vidual case he was able to put before the House regarding the hospital that has been in question in members' minds.

With regard to the members who commented on being asked to nominate a person for their local hospital board, I would have thought they would welcome that opportunity being given to them by the Minister. They could nominate someone who they know has great community concern and a capacity to administer such an important instrumentality in their electorate. That seems to me to be another way to involve local people and for the representative elected by the community to nominate someone with ability to carry out the task. I think the Minister has shown some vision in doing that.

Members on this side of the House will not support the Bill, and I would appeal to other members to support our position on the ground that we should not pass legislation on an ad hoc basis.

HON. H. W. GAYFER (Central) [4.31 pm]: I thank members who spoke in this debate whether in support of or against the Bill. Members are quite right; this is virtually a repetition of the Bill which passed through here in October last year. It was subsequently caught between the two Houses by the proroguing of Parliament, and that necessitated its reintroduction in this House to set it in train again.

Hon. D. J. Wordsworth: It could have been reinstated.

Hon. H. W. GAYFER: I am not too sure about that. I will take that up privately with Hon. David Wordsworth later and get the Clerk to adjudicate.

Because of that I would direct any other persons who may read the *Hansard* record of the debate today to comments made on page 5450 of *Hansard* on 4 December 1986 which are also relevant to this Bill. They are particularly so because Hon. David Wordsworth spoke on that occasion, as did Hon. Kay Hallahan, and they were the only two speakers. This time we have had the wisdom of five more speakers, making seven in all on this Bill which I thought would be readily acceptable, except to the Minister, as it went through previously with general support and little comment.

I thank Hon. David Wordsworth for his comments. He made the same points as did Hon. John Caldwell on the insecurity and uncertainty of volunteers on hospital boards as they presently exist. Hon. Bill Stretch also endorsed that argument by saying it was a great

pity that the first-hand knowledge of the local residents should not be injected directly into the administration of boards, as is done with other boards in communities, so that hospitals can get the benefit of such wise counsel. I thoroughly agree with him on that point; he realises it is the basis of this Bill.

Hon. Neil Oliver spoke of the difference between the Kalamunda District Community and Swan District Hospitals, one of which has an elected board and the other has great bureaucratic influence. He drew comparisons between them which evidently caused him some concern. He made one statement which I thought was interesting when he said there were two hospitals boards in his electorate. It is important for members to realise that Hon. Eric Charlton and I have 18 hospital boards in our province so we have a reason other than the Gnowangerup case and those which Hon. Neil Oliver mentioned for bringing this Bill forward.

Hon. Mark Nevill also spoke against the Bill and referred to the background of the Gnowangerup situation and his involvement through an elector coming to his office and starting him on a train of inquiry. That is fair comment. However, I want to get back to the point of the Bill's introduction; it is not to clear up the Gnowangerup situation. It will certainly help in such a situation, but it has been introduced as a result of the requests of dozens of hospital boards outside Gnowangerup which were perturbed by what took place there. I was careful to say all along, "Please keep Gnowangerup out of it; I am not fighting a case for Gnowangerup but for all hospital boards with volunteer committees running them."

That is what I am fighting for, and I have explained that certain measures must be brought in to protect those boards against their abolition by the Minister. He may be the best Minister in the world with good intentions who would never do anything like that, but on the other hand another Minister may be a little harder. We want to protect the boards to give them security and the opportunity to make an input. They are volunteer workers; they do it for nothing and assist very ably without the need to be chastised by the Minister for doing a job in the way they think best.

It is important that Governments and others do not override these volunteer workers to any degree, let alone in an organisation like a hospital where a certain type of person is needed on the board. Their job is full of trauma; it is not just related to the employment of people. They

have to deal with very sensitive issues, and representations are made to them as board members which are completely outside the sphere of the hospital—in some cases matters which would even bring a tear of sympathy from the Minister.

It was with those sentiments in mind that this Bill was introduced. It was also introduced to give security of tenure of office so that a board has the continuing knowledge of what takes place before it by the use of split elections with nine members going out every three years. I spoke on a matter similar to this at 3.00 am today and I am not going to reiterate my enthusiasm for such a procedure, but that is one of the basic purposes behind it.

I hope the Minister who again opposed the Bill realises that although she has a pretty officer sitting in the corner ready to advise her I do not have one sitting beside me, and it is my Bill.

Hon. Tom McNeil interjected.

Hon. H. W. GAYFER: I am sorry, Hon. Tom McNeil is ready to help. I think it is the first time I have seen a female Minister and a female adviser together in this Chamber. It must be a historic occasion, and I think it is the start of sexual discrimination!

The Minister spoke about the closure of the hospital at Gnowangerup and the abolition of the board. I remind her that they are two separate issues. What would happen to the board if a hospital were closed?

I direct the Minister's attention to section 8 of the Hospital Act which states that "the Governor may close any public hospital or abolish any board". The Act separates the two procedures. One is an abolition and the other is a closure. There is a difference. I have been dealing not with the closure of a hospital which causes a board to become obsolete, but with the abolition of a board. I know most of my colleagues who have supported the Bill know what I am driving at.

I thank members for their general support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

HON. H. W. GAYFER (Central) [4.43 pm]: I move—

That the Bill be now read a third time.

HON. KAY HALLAHAN (South East Metropolitan—Minister for Community Services) [4.44 pm]: It is unusual to speak against a Bill at this stage. However, the Government did not oppose each of the clauses of the Bill in the Committee stage. I believe the Opposition parties are of one mind to support this Bill. I make it quite clear that the Government thinks it is not a good Bill to enact and strongly opposes it.

Question put and a division taken with the following result—

Ayes 16

Hon. C. J. Bell	Hon. Tom McNeil
Hon. J. N. Caldwell	Hon. N. F. Moore
Hon. E. J. Charlton	Hon. Neil Oliver
Hon. Max Evans	Hon. P. G. Pandal
Hon. H. W. Gayfer	Hon. W. N. Stretch
Hon. A. A. Lewis	Hon. John Williams
Hon. P. H. Lockyer	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. Margaret McAleer

(Teller)

Noes 15

Hon. J. M. Berinson	Hon. B. L. Jones
Hon. J. M. Brown	Hon. Garry Kelly
Hon. T. G. Butler	Hon. Mark Nevill
Hon. Graham Edwards	Hon. S. M. Piantadosi
Hon. John Halden	Hon. Tom Stephens
Hon. Kay Hallahan	Hon. Doug Wenn
Hon. Tom Helm	Hon. Fred McKenzie
Hon. Robert Hetherington	

(Teller)

Pair

Aye	No
Hon. V. J. Ferry	Hon. D. K. Dans

Question thus passed.

Bill read a third time and transmitted to the Assembly.

[Questions taken.]

House adjourned at 5.11 pm

QUESTION ON NOTICE

WILDLIFE

Whales: Sightings

240. Hon. MARK NEVILL, to the Minister for Community Services representing the Minister for Conservation and Land Management:

- (1) Are Conservation and Land Management or fisheries officers required to note and report whale sightings?
- (2) How many sightings of whales on south coastal areas have been noted in each of the last five years?
- (3) What portion of these are believed to be right whales?
- (4) Have sightings of other species been confirmed?

Hon. KAY HALLAHAN replied:

- (1) CALM officers are not required to note and report whale sightings, but they are encouraged to do so with particular emphasis on sightings of right whales.
- (2) As the statistics will take some time to assemble, the member will be advised of these in writing.
- (3) See (2). All records of right whale sightings are forwarded to the Western Australian Museum, which carries out aerial surveys and collates sightings records as part of a long-term programme of monitoring the recovery of the species.
- (4) Yes.

QUESTIONS WITHOUT NOTICE

SUPERANNUATION BOARD QUESTIONS

Point of Order

Hon. G. E. MASTERS: First of all I have some difficulty in knowing whether I can ask a question on the Brush affair. I draw your attention, Sir, to questions Nos. 199-209 on the Supplementary Notice Paper. It appears that the Attorney General has determined that the answers and my

questions may be sub judice. I seek a ruling from you before asking questions on that matter. The Government appears to be attempting to cover up a very embarrassing situation.

The PRESIDENT: Order! I am not in a position to make a ruling now on that matter. If the honourable member wishes me to examine it, I will do so and give my view tomorrow morning.

Hon. G. E. MASTERS: It would perhaps be better if I did not address questions to the Attorney General on that matter until we have your ruling. I guess that would be the best thing.

The PRESIDENT: It would be the only thing.

COMMUNITY SERVICES

Children at Risk

59. Hon. P. G. PENDAL, to the Minister for Community Services:

- (1) Is it correct that in some cases children considered to be at risk are kept in the care of the Department for Community Services, even after magistrates have ruled that they be returned to their own homes?
- (2) If so, could she explain how the Department is vested with this power?

Hon. KAY HALLAHAN replied:

- (1) and (2) I am assuming that the member refers to a situation where the child is taken before the Children's Court before the order is granted in order to provide protection for the child, but on granting the order the magistrate may also recommend that the child be placed back in the family home.

Given that the child has been placed in the care of the department, it then has to make arrangements about adequate provision and support of the family, and it can take a short period of time for the child to be placed back in the family home. I presume that is the type of circumstance the member is referring to.

COMMUNITY SERVICES

Adoptions; Foster-parents

60. Hon. P. G. PENDAL, to the Minister for Community Services:

- (1) Is it correct that babies available for adoption are being kept in care by interim foster-parents for up to six months while the processing of the credentials of the adoptive parents is being carried out?
- (2) If so, will the Minister undertake to have the procedures streamlined so that babies can be given to their adoptive parents as soon as possible after birth?

Hon. KAY HALLAHAN replied:

- (1) and (2) There has been a situation where babies have been in care, either in a pre-adoptive foster home or at Ngal-A Mothercraft Home and Training Centre. Though there are reasons which are regrettable, as an ongoing process that would not be acceptable; but measures have been taken on a number of fronts in order to ensure that that situation does not continue, and indeed does not occur again.

JUSTICES OF THE PEACE

Appointments; Moratorium

61. Hon. P. H. LOCKYER, to the Attorney General:

- (1) Would the Attorney General inform the House whether the moratorium on the appointment of justices of the peace is still in place?
- (2) Does that cover areas where there is some urgency in the appointment of justices of the peace because no-one is available?
- (3) Would the Attorney General consider, as a matter of urgency, the appointment of a justice of the peace outside the moratorium?

Hon. J. M. BERINSON replied:

- (1) to (3) The moratorium was lifted several months ago—from memory, three or four months ago. The second part of the question does not apply.

CRIME: SEXUAL ASSAULTS

Defendants; Name Suppression

62. Hon. JOHN WILLIAMS, to the Attorney General:

- (1) Has the Attorney General received a letter from Mr Brian Tennant in which he asks that consideration be given to the suppression of names of defendants in sexual assault cases to protect their integrity should they be found innocent?
- (2) If he has, will he give the matter consideration?

Hon. J. M. BERINSON replied:

- (1) Yes.
- (2) Yes.

FOOTBALL TELECASTS

Country Areas

63. Hon. TOM McNEIL, to the Minister for Sport and Recreation:

I think the Minister has been made aware of my concern about an article in the *Daily News* of 26 May concerning Sportsplay and the fact that the Shenton Park, Northbridge, and Rose Hotels, Karrinyup Tavern, and Wangara Tavern showed the West Coast Eagles' game live on Monday, 1 June.

Have any other negotiations taken place, other than those I attended, between GWN and Channel 7 in order to reach a satisfactory conclusion to the problem that country areas in Western Australia are not receiving a direct telecast of the Eagles' games played in Western Australia?

Hon. GRAHAM EDWARDS replied:

I have not been involved in any negotiations apart from those in which the member was involved. I understand, however, that those negotiations are continuing, but it is very difficult in such a complicated area to find some solution. I recognise the concern

which the member has addressed and wish that it could be easily resolved. That is simply not the case.

I am aware of the advertisement to which the member refers, and I understand that the WAFL has taken some steps to prevent that from happening in the future.

EMPLOYMENT AND TRAINING

Community Youth Support Scheme: Departmental Involvement

64. Hon. P. H. LOCKYER, to the Minister for Community Services:

- (1) Could the Minister inform the House whether the State Government, through her department, is concerned with the community youth support scheme?
- (2) If not, which is the Federal department responsible?

Hon. KAY HALLAHAN replied:

- (1) and (2) The community youth support scheme is a Federal Government initiative under the Department of Employment and Industrial Relations.

JUNIOR SPORT

Schools: Policy

65. Hon. N. F. MOORE, to the Minister for Sport and Recreation:

I refer the Minister to the report on junior sport which says that the first directive is to appoint physical education specialist teachers in every primary school. I also refer him to the *Daily News* of 25 May 1987, and a report which says that there is no way schools will get new sports specialists in today's climate, quoting Mr Pearce, the Minister for Education.

- (1) Have the recommendation and the report been discussed by Government?
- (2) If so, do Mr Pearce's comments reflect the Government's position on the appointment of specialist physical education teachers in primary schools?

Hon. GRAHAM EDWARDS replied:

- (1) and (2) The report has not been discussed by the Government at this stage.

QUESTIONS ON NOTICE

Answers: Availability

66. Hon. D. J. WORDSWORTH, to the Leader of the House:

Has he looked at the Supplementary Notice Paper to see how many questions the Government has found itself capable of answering? There are over 30 there, some of which have been there for some days, and the only one the Government is able to answer is that of one of its backbenchers concerning the sighting of whales on the south coast.

Hon. J. M. BERINSON replied:

That is a very good question, and I thank the honourable member for giving me the opportunity to indicate that I have indeed looked at the Supplementary Notice Paper and believe that, given the pressures on both Houses and on all Ministers, the replies are very reasonably up-to-date.

FOOTBALL TELECASTS

Country Areas

67. Hon. TOM McNEIL, to the Minister for Sport and Recreation:

Further to my previous question to the Minister, would it be wrong for the country members in this Chamber to go back to their electorates and suggest that 1987 is a complete wash-out so far as direct telecasts of West Coast Eagles' games to the country areas are concerned, when they are played within this State?

Hon. GRAHAM EDWARDS replied:

I am not in a position to answer that question, except to say that the member knows the Government has done and will do all in its power to resolve that very difficult commercial issue.

SPORTING FACILITIES

Dangerous: Action

68. Hon. J. M. BROWN, to the Minister for Sport and Recreation:

I feel sure I am expressing the concern of all members of Parliament about activities on the sporting field when I refer to the youngster who was tragically taken the other day.

What action is proposed to be taken, not only by the Department of Sport and Recreation but also by the Department of Local Government and sporting organisations generally?

Hon. GRAHAM EDWARDS replied:

The member is referring to the tragedy that occurred a few days ago, the cause of which I believe is being addressed by the Soccer Federation at a meeting to be held either today or tomorrow. Following that meeting I intend to talk to members of the federation to see what course of action they would wish us to take in order to prevent such an accident occurring again.

FOOTBALL TELECASTS

Country Areas

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

Would the Minister inform the House whether the problem in relation to the telecast of West Coast Eagles' games to country areas lies with the Golden West Network or with Channel 7?

Hon. GRAHAM EDWARDS replied:

I really should not answer that question because it is beyond my responsibility. However, I can inform the member that a very difficult commercial area exists between the two networks he has mentioned, and it is simply beyond the ability of the State Government to resolve it.

SPORT AND RECREATION

Superdrome: Effect

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

In his department's Budget for this year there was an amount of \$2.9 million for "other services".

- (1) What will be the impact on "other services" next year of the loss of the Superdrome, which I estimate at around \$1 million?
- (2) Can he assure the sporting public of Western Australia that there will be no drop in funds available under "other services" due to the cost of the Superdrome?

Hon. GRAHAM EDWARDS replied:

- (1) and (2) This Government has been responsible for a dramatic increase in the amount of money that has been made available to sports in this State. The member's question revolves in part around a review that is currently under way, and I will have to defer the full answer to that question until that review is completed.

COMMUNITY SERVICES

Children at Risk

71. Hon. P. G. PENDAL, to the Minister for Community Services:

Further to the question I addressed to the Minister regarding at-risk children, I ask for her clarification of the time span. Can the Minister assure the House that children kept in the care of the Department of Community Services after a magistrate has ordered their return to their family are subject only to short-term delays of an administrative nature and not long-term lapses aimed at circumventing the orders of the magistrate?

Hon. KAY HALLAHAN replied:

Yes.

LIQUOR OUTLETS

Superdrome

72. Hon. TOM McNEIL, to the Minister for Sport and Recreation:

- (1) Is the Minister aware that at the Superdrome there are five beer outlets serving Fosters beer and five serving Swan, one of which is Swan Gold?
- (2) Is the Minister further aware that within the VIP section, where a number of the athletes spend their relaxation moments as guests, only Fosters beer is sold?
- (3) Given the calorific benefits of Swan Gold beer, is it the Minister's intention to approach the Superdrome to ask why there are five Carlton and United Breweries outlets and five Swan outlets, yet in the VIP section there is no Swan Gold outlet but only Fosters?

The PRESIDENT: Before I call on the Minister to answer that question, I am not sure that this sort of question

comes within the scope of the Minister's ministerial capacity. However, in the interests of finding out the answer myself I call the Minister for Sport and Recreation.

Hon. GRAHAM EDWARDS replied:

In responding to questions in this House I always provide to the best of my ability the knowledge that people seek to extract from me. I can simply say that I do not know the answer to that question. However, I extend to the member an invitation to accompany me to the Superdrome, with other members who may wish to attend, to ascertain on a first-hand basis the answer to his question.

SUPERANNUATION FUND

Government Contribution

73. Hon. NEIL OLIVER, to the Minister for Budget Management:

I understand that in this session of Parliament amendments will be moved to the State superannuation fund legislation. In this regard, will there be a requirement to increase the amount that the State Government contributes to the State superannuation fund in anticipation of contributors electing to undertake early retirement and receive lump sum payments?

Hon. J. M. BERINSON replied:

I should point out that I do not have ministerial responsibility for this scheme. The member may wish to put the question on notice.

WESTERN AUSTRALIAN FOOTBALL LEAGUE

Attendances

74. Hon. GARRY KELLY, to the Minister for Sport and Recreation:

My question poses the obverse side of the questions relating to direct telecasts of the West Coast Eagles matches. Has the Minister any comment to make about the deleterious effect the direct telecasting of the Eagles' away games is having on attendances at Western Australian Football League matches?

Hon. GRAHAM EDWARDS replied:

As one who regularly attends Western Australian football games in this State, and who has done so for some years, it has been impossible for me not to notice the fall-off in attendance at WAFL matches this year. That creates concern for any follower of sport. Equally, sports followers would have noticed the tremendous following that the West Coast Eagles has attracted in this State in the short time that team has been in the VFL competition.

I hope, as I believe all true football followers in this State would hope, that the league is as resilient as we would wish it to be and that the standard of football and the return to the football scene in this State of players of the calibre of Peter Featherby will attract the same numbers to the football games in this and future years as were attracted in the past.

WA EXIM CORPORATION

Questions: Answers

75. Hon. MAX EVANS, to the Minister for Budget Management:

When can I expect a reply to questions 180 to 183, asked on 21 May of the Minister for Economic Development, concerning the Exim Corporation?

Hon. J. M. BERINSON replied:

I will follow that up for the member.

EDUCATION: SCHOOLS

Sports Specialists

76. Hon. N. F. MOORE, to the Minister for Sport and Recreation:

Does he agree with the Minister for Education when that Minister says there is no way that schools will get new sports specialists in today's economic climate?

Hon. GRAHAM EDWARDS replied:

I am not in a position to comment on the budgetary situation confronting the Minister for Education.