

Legislative Assembly

Tuesday, 20 August 1991

THE SPEAKER (Mr Michael Barnett) took the Chair at 2.00 pm, and read prayers.

SWEARING-IN OF MEMBER

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

Dr Elizabeth Constable took and subscribed the Oath of Allegiance, and signed the Roll.

BILLS (14) - ASSENT

Messages from the Governor received and read notifying assent to the following Bills -

1. Public Works Amendment Bill
2. Loan (Financial Agreement) Bill
3. Treasurer's Advance Authorization Bill
4. Miscellaneous Repeals Bill
5. Local Courts Amendment Bill
6. Director of Public Prosecutions Bill
7. Anglican Church of Australia School Lands Amendment Bill
8. Supreme and District Courts (Miscellaneous Amendments) Bill
9. Children's Court of Western Australia Amendment Bill (No 2)
10. Supply Bill
11. Prisoners (Release for Deportation) Amendment Bill
12. Companies (Co-operative) Amendment Bill
13. Video Tapes Classification and Control Amendment Bill
14. Conservation and Land Management Amendment Bill

PETITION - RAILWAYS

Pingelly-Narrogin, Kulin-Narrogin, Wickiepin-Merredin Lines-Downgrading Concerns

MR COWAN (Merredin - Leader of the National Party) [2.05 pm]: I present a petition in the following terms -

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

We the undersigned are concerned about the down grading and the possible closure of the Railway System, especially the Pingelly/Narrogin Kulin/Narrogin Wickiepin Merredin Lines. The Railway System should be the most efficient means of transport, especially for rural freight and every effort should be made to upgrade not downgrade the Railway network.

Our greatest concerns are the inevitable deterioration in road surfaces and that the safety of the general public will be greatly diminished due to the significantly increased number of heavy haulage vehicles on the roads. Communities are being affected by job losses both within Westrail and associated dependent business.

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

The petition bears 256 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

[See petition No 78.]

PETITION - LONG POINT (PORT KENNEDY) LAND

Development Opposition

MR KIERATH (Riverton) [2.07 pm]: I have a petition in the following terms -

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

We, the undersigned as citizens of W.A. would like to stress our concern for the future use of land known as Long Point (Port Kennedy). We disagree with any development which would change its present use, ie public access to beach, destroying of the local environment and removal of shacks.

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

The petition bears 322 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

[See petition No 79.]

PETITION - HEATHCOTE HOSPITAL CLOSURE

Property Preservation Request

MR LEWIS (Applecross) [2.09 pm]: I present a petition in the following terms -

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

We, the undersigned bring to your attention;

that after the closure of the Heathcote Hospital, the property (being land and buildings formerly occupied by Heathcote Hospital) be preserved in perpetuity for public use.

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

The petition bears 808 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

[See petition No 80.]

STANDING ORDERS SUSPENSION - JUVENILE CRIME

Government Control Failure - Child Welfare Act Amendment

MR MINSON (Greenough - Deputy Leader of the Opposition) [2.12 pm]: I move -

That so much of Standing Orders be suspended as is necessary to enable consideration forthwith of the motion relating to juvenile crime.

In view of the rally that has taken place outside the House today, it is pertinent and timely that we debate this motion.

MR PEARCE (Armada - Leader of the House) [2.15 pm]: The Government is prepared to accept the move to suspend Standing Orders to discuss this matter. On the opening day of a parliamentary session, particularly after a long break, it has always been the Government's policy to allow an open forum in the Parliament on a matter of pressing concern in the community.

Mr Lewis: Did you just make that up?

Mr **PEARCE**: One of the problems with parliamentary breaks is the member for Applecross must be retrained.

Mr Lewis: You just made that up.

Mr PEARCE: The Government has always been prepared -

The SPEAKER: Order! We should start off on a better footing than this.

Mr Lewis: You have changed your tune a bit.

Mr PEARCE: That is simply not the case.

Dr Gallop: I think the member for Applecross is suffering from Floreatitis.

Mr PEARCE: Our good friend over there is suffering from something.

Mr Lewis: I want to keep you honest, that is all.

Several members interjected.

Mr PEARCE: By way of suspension of Standing Orders, the Government has always been prepared to allow the Parliament to discuss significant issues on occasions such as this. It will not deviate from that policy today.

MR COWAN (Merredin - Leader of the National Party) [2.19 pm]: The Government has not always agreed to the suspension of Standing Orders -

Mr Pearce: It has not agreed on every occasion, but it has agreed on the opening day of a parliamentary session.

Mr COWAN: Before the Leader of the House goes off half cocked, I must nevertheless acknowledge that this Government has agreed to the suspension of Standing Orders on more occasions than have many other Governments in the past. That acknowledgment must be made.

Mr Speaker, the ruling you make will interest me. This is something that you formally do during a motion on a matter of public importance or on agreements which have been carefully made between the parties behind the Speaker's Chair. I will be interested to see how you, Mr Speaker, draw the line in the Parliament and how time is allocated for speeches from each side of the House because there is now an equal number of Independent members on both sides of the House. I would appreciate, not only in this case but also in other cases, if the line which is drawn is a straight one and passes up the middle of the aisle of the Chamber.

The SPEAKER: In case other speeches are made on this motion, I draw to members' attention that this is not a matter of public importance but a motion to suspend Standing Orders; therefore, the point the Leader of the National Party is making does not apply in this debate. However, Standing Orders have now been changed to facilitate the request of the Leader of the National Party regarding matters of public importance.

Question put and passed with an absolute majority.

MOTION - JUVENILE CRIME

Government Control Failure - Child Welfare Act Amendment

MR STRICKLAND (Scarborough) [2.21 pm]: I move -

That this House recognises the deep concerns expressed by the people on the Government's failure to respond adequately to discourage, contain and adequately punish the juvenile crimes of housebreaking and car theft, and the Opposition informs the House that it will seek its approval to amend the Child Welfare Act 1947 to incorporate in the fourth schedule the offences of -

- (a) housebreaking - burglary during daylight hours;
- (b) unauthorised use of, or stealing of a motor vehicle;

and further, that this House calls upon the Government to take action immediately to -

- (i) urgently review the juvenile cautioning policy with a view to establishing that a maximum of two formal cautions may be served on any one offender and causing an automatic court appearance for any third or subsequent offence; and

- (ii) provide a report to the House on the capabilities of the offender tracking facilities which have been put in place to monitor the juvenile cautioning system.

I am not standing here today to debate the finer points of the Constitution but as a concerned member of Parliament who attended the rally held outside Parliament House today. I, like other members, was outside listening to the speakers at that rally and the impact of the expression of concern of those thousands of people made its presence felt on me and, I hope, on all members of this House.

Mr MacKinnon: Hear, hear!

Mr STRICKLAND: In June this year, when details of the cautioning system were issued, I issued a Press release expressing my concern that an offender's total record, including cautions, would not have to be produced when an offender appeared in court. I also made the following statement in my Press release -

Accurate recording and offender tracking is essential to maintain control. Offenders had to understand that breaking the law would lead to a consequence and that continued offending would lead to more severe consequences. On these grounds there should be no more than two cautions - a third offence should automatically lead to a court appearance.

I made those statements well before the rally was mooted. In correspondence to my constituents I have indicated that far more recognition must be given to the rights of victims and to the community's need for a more peaceful and non-threatened existence. There is a need for more consistency and a firm handed approach which will clearly spell out to people that offences will attract a meaningful consequence and that for continuing offences the severity of the consequence will increase. I will say more about that later because it is a very important principle and we are dealing with the perceptions not only of the public, but also of the juvenile offenders themselves.

The first part of my motion foreshadows the introduction of two new categories to the fourth schedule of the Child Welfare Act which lists offences which should not be dealt with by a caution or by the Children's (Suspended Proceedings) Panel. That means that those offenders will go before the courts. For some time members on this side of the House have been concerned about the incidence of housebreaking and car theft. In fact, much work has been done in recent months on developing policies on these issues, and they will be released in due course. However, we are also concerned that some of these offences are being forgotten. The public are giving us the clear message that they are sick and tired of car theft and housebreaking. We consider that they should be targeted offences and treated in different ways.

What can we expect from a formal juvenile justice system? Any formal system must provide two prime things: A fair and reasonable redress on behalf of the community and the victims, and an effective deterrent against crime for the vast majority of people. The reason the large crowd demonstrated outside Parliament House today is that people do not believe that the system, as it exists and as it is being implemented, is delivering those things.

What are the facts? When the House last sat the Minister for Community Services informed us that he, in conjunction with the Minister for Police, intended to analyse the records of past car thefts. That is something which the Opposition believes is the right and proper thing to do. An article in *The West Australian* of 25 April reported the Ministers as stating -

that their departments would conduct an urgent and detailed audit of repeat car thieves and analyse each case.

The article continued -

Mr Edwards said car theft was a multi-faceted problem and increasing penalties was not the only answer.

"Just two years ago the Government increased the penalties for unauthorised driving of a motor vehicle to a maximum seven years imprisonment but this does not seem to have had a solid impact on the rate of offences," he said.

The question that was being asked at the rally and the question that needs to be asked here is:

When has one of these offenders ever been given anywhere near the maximum penalty? We need to examine very closely why these people are being given minimum penalties and the Government has to be frank, open and honest in acknowledging that the present system is failing. An article in *The West Australian* on 23 May under the headline, "List identifies 93 young car thieves" states that 93 juveniles had been singled out as serious and repeat offenders by a special audit of records in both departments. The figures quoted indicated that that group accounted for 1 735 car thefts or 44 per cent of the problem. The point that was not highlighted was that the balance - 56 per cent or 2 245 car thefts - were committed by others. I will come back to that later because while we are focusing on hard core repeat offenders and acknowledging the need to tighten up on them, we also have to focus on the majority of the car thefts, the 56 per cent or 2 245, which were not committed by hard core repeat offenders.

Statistics are available which indicate what has happened at different times because reports have been updated. One piece of research indicates that somewhere in Western Australia a car is stolen every 33 minutes. Research also indicates that the number of cases cleared by the police has not increased significantly over the past eight years. This side of the House is very concerned about the amount of money to be allocated to the Police Department in the next Budget because if the police are not resourced properly they will not be able to do their jobs. Statistics indicate that they are having great difficulty in doing their jobs because only a relatively small number of cases is cleared.

In 1980, 5 356 motor vehicle thefts were reported, 1408 of which were cleared. In 1987, 13 012 motor vehicles were reported stolen of which 2 380 were cleared. In 1990, 15 835 motor vehicles were reported stolen of which 2 501 were cleared and it is projected that 19 303 motor vehicles will be stolen in 1991. Those figures indicate a year by year increase in motor vehicle thefts since 1980. There is a variation in the increase, but the number is increasing and the House should be well aware of that because the people who elect us have told us that they have had enough and that the present system is not working. If that is so, we have to front the problem and face up to the facts.

Recent statistics indicate that road fatalities as a result of car theft have increased from zero in 1989 to four in 1990 and five this year and we are only two-thirds of the way through the year. Some of those have involved police pursuits and two have not. It is a fact of life that road fatalities are increasing as a result of car theft and this House must act to solve the problem.

Last night, when anticipating the drafting of this motion, I went through my files to pick out some matters that I thought would be of relevance to the debate. My files and the files of members who keep records of these matters are inches thick. I will not go through the great list of problems because the people at the rally today told us what were the problems. However, I obtained a cutting from the *Stirling Times* of 16 July 1991. An article under the heading, "Residents fear law breakdown: Concern at cautions" states -

Local community groups and residents are gravely concerned about the proposed cautioning system for juvenile offenders.

Under the system, police would be allowed to caution juvenile offenders up to five times for offences, including unlawful use of a motor vehicle and housebreaking.

The article further quotes the Neighbourhood Watch Hamersley area coordinator Vin Holland as follows -

... he agreed with a cautioning system but felt that the current one had gone too far.

"If implemented to the letter it could lead to complete breakdown of law and order in WA,"

That newspaper is widely read. I also have a copy of a letter on Community Policing Council of Western Australia letterhead which was addressed to the Premier and circulated to some members. It was dated 22 April 1991 and it states -

Dear Dr Lawrence

I write to you as Chairperson of the Regional Community Policing Council, City of Wanneroo in regards to community concerns about juvenile crime, the Bail Act and the law in general.

Further on, it states -

The Council also feels that juveniles who commit adult crimes eg. those involving violence and damage, should be sentenced as adults. Their victims are often left to carry the scars of this violence for the rest of their lives, while the offenders receive unsuitably light penalties.

Further -

Although this Council approves recent changes in law regarding unauthorised use of motor vehicles - to theft of motor vehicle, simply increasing maximum penalties is seen by most citizens as a meaningless political exercise, when the Magistrates/Judges continue to hand down the minimum penalty available.

Finally, it states -

We feel that the Government cannot go on ignoring these problems as sooner or later it will suffer an electoral back lash as voters become fed up and frustrated with inaction.

On the subject of lawlessness Janet Wainwright, in her column in the *Sunday Times* of 5 May 1991, said -

The Government has a major problem and must act urgently to curb the escalating crime and restore public confidence in law and order.

That is the nub of the problem. The public are losing confidence in the juvenile justice system and they want law and order restored.

An article in this morning's *The West Australian* states -

Police Minister Graham Edwards yesterday described as pathetically lenient a sentence imposed on a 16-year-old car thief found guilty of manslaughter over the death of Mt Lawley man Neville Wilson.

Mr MacKinnon: Who said that and when was it said?

Mr STRICKLAND: The Minister for Police is quoted as saying that in this morning's newspaper. The article continues -

Mr Edwards' criticism of the 18-month gaol term handed down by Children's Court president Judge Hal Jackson came on the eve of a public rally for tougher penalties for juvenile criminals.

Another article in this morning's *The West Australian* is headed, "Students rally to the call for justice". Members should take note of this article because it quotes what juveniles have to say about crime. The students referred to in the article are from the Northam Senior High School and one of the banners they prepared for today's rally was, "DO the crime - pay the time". The article stated, in reference to the wording on the banner, that -

That is the simple message from a group of Northam senior high school students who feel it is time young people support calls for a tougher stance on juvenile crime.

Eighteen of the school's students say they will travel to Perth today to join the Rally For Justice at Parliament House at 1pm.

Further on the article states -

Another member of the student protest group, Lisa Sutton, 16, of Bakers Hill, said young offenders needed to know they faced real penalties for crime.

Members of Parliament and the public, including juveniles, have read the articles in the Press about the juvenile justice system and the clear perception in the community is that it is not working.

Members may ask why the Opposition has chosen to include the offences of housebreaking and car theft in the fourth schedule of the Child Welfare Act. One's home is supposed to be a safe place, but those people who have had their homes broken into feel violated. Housebreaking at night is already included in the fourth schedule of the legislation and recently I asked a senior policeman why housebreaking during daylight hours was not included. He indicated that it had something to do with the level of fear that a burglary

committed at night would create. However, the number of daylight burglaries is increasing rapidly and many juveniles are committing those crimes to support their drug habit. I will not go into the reason for that - members must accept the fact that it is happening. Elderly ladies and single mothers fear for their lives and fear being assaulted by people breaking into their homes. I can see no difference between a daylight and night time burglary. Many people do not feel safe in their own homes.

One may also ask why the Opposition wants to include car theft in this legislation. Years ago cars were considered to be a luxury, but that is not the case today. We have a very mobile society and many people need their own transport to travel to their workplace. We all know that the public transport system is inadequate for many people, although I will admit that it is adequate for some people. Had I travelled to my workplace by public transport when I was teaching in the eastern suburbs and living in the western suburbs, it would have involved three or four hours travelling time each way. On arrival at my destination I would have had to turn around immediately to return home!

Many people carry their work tools or business records in their vehicles. What happens if their vehicle is stolen? They are placed in a terrible situation and I will give one example to the House involving a close friend of mine who is the father of several children. He has a positive community attitude and is a member of the State board of the Little Athletics Association. He also is involved in a junior football club, he is on the local reserve advisory committee and he is a member of Rotary which raises money for charity. He has done only good things for the community. One day he made the mistake of going to a Rotary meeting before returning home first. Normally he would have gone home and removed his business records from his vehicle. Unfortunately, his car was stolen and in the early hours of the morning he received a telephone call from a market gardener in Spearwood who told him that documents bearing his name were floating around his market garden. Those documents were contracts and orders and for weeks after that his clients were phoning him inquiring why he had not met the terms of their contracts or why their orders had not been delivered. It was a disaster for that man and I would imagine that every member in this House is aware of similar cases. That is one reason that the Opposition wants to focus on car theft in the child welfare legislation.

I found it interesting to read a question in the *Hansard* of Thursday, 10 May 1990 which was asked by the former member for Cottesloe, Mr Hassell, and was about the juvenile offenders' cautionary system. The fifth part of the question reads -

What classification of offences will be permitted to cause offenders to face the reprimand process rather than the court?

The Minister for Justice responded as follows -

The same ones that can be dealt with by the Children's (Suspended Proceedings) Panel. The fourth schedule of the Child Welfare Act and regulation 12 of the Child Welfare Regulations list serious offences that cannot be dealt with by the children's panel.

He then said what I consider to be the crux of this debate; that is, "I am considering adding unlawful use and car theft to that list." The Minister said that 15 months ago and perhaps the Government would indicate whether it is still thinking of adding unlawful use and car theft to that list. Perhaps it is time for the Government to support the Opposition's proposed amendments to the legislation.

Firstly, I will quickly offer the Government a few words of caution: the public is demanding accountability and this implies that the implementation of the juvenile justice system should be tightly controlled. The message that should be given to juvenile offenders is that if they offend they will be caught and there will be meaningful consequences. We must also create a perception that if people continue to offend they will suffer more severe consequences. I use the word "consequences" deliberately because to me it represents a balance between punishment and rehabilitation. Members on this side of the House fully understand that although punishment is in order, rehabilitation is also very important when dealing with juveniles. In fact, the Opposition believes that many of the systems the Government is piloting are moving in a positive direction. We are not saying that the Government is doing a good job, but certainly some of its initiatives are reasonable and they will be supported by the Opposition.

Mr Ripper: From you that is almost a vote of confidence.

Mr STRICKLAND: When the Liberal Party policy is released the Government may become aware of the areas in which it is failing, and that will take the smile off the face of the Minister for Community Services. However, the Opposition will give credit where it is due and certainly some credit is due to the Government.

The very last thing that people want to see is a softening of the system; rather, they want it to go in the other direction and to be tightened up. What is the effect of the new cautioning scheme? I get back to my principal point - we must ensure that offenders perceive that they will suffer consequences which will become more severe if they continue to offend. What will be the effect of giving a person five cautions? It will imply that the offender is starting to get the message, but it does not matter much and who cares anyway. It is the wrong thing to do. The Opposition supports the cautioning system for minor offences, and it understands that car stealing will not be a cautionable offence. However, we want it to be clearly indicated in the fourth schedule. Certainly, the offences of riding a skateboard on a path, having no brakes on a bike and pinching chewing gum from a shop are on a different level from that of car stealing.

I indicate once more that the Opposition believes a maximum of two cautions for each offender is ample. In fact the Opposition is heartened by the knowledge that the police officer has the power to decide whether to give a caution. The Opposition has some faith in police officers and it believes they will use their discretionary powers effectively. However, the police officers have a problem with departmental policy which allows them to give up to five cautions to one offender. The concept of the cautioning system is not a bad idea, but to allow five cautions to one offender is hopeless and a maximum of two cautions is more appropriate. When a new scheme, such as the cautioning scheme, is introduced a new set of statistics becomes available; in other words, a new database will come on the scene which will be used to compare crime rates during different periods. I make the point that the Opposition expects those statistics to cover not only court appearances, but also cautions plus court appearances so that they can be properly assessed and the figures can be compared with those available at present.

The motion calls on the Government to report to the House on the progress of offender tracking. Why is the Opposition concerned about that aspect? The Opposition first raised this matter and it sought a commitment from the Minister to be included in *Hansard*. I compare offender tracking with the activities of good parents who, in their home, keep their eye on their children and let them know if they are doing the wrong thing. Children should feel that someone is watching over them in their home and helping to keep them on the straight and narrow, and the legal system should also create that perception. Offender tracking is crucial because otherwise the young offenders will not have the perception that the eye of authority is on them. It must be recognised that police officers act in isolation and, therefore, when giving a caution they are not aware of whether a caution has been given recently to that young offender by another officer at another place for another offence. Therefore, the offender tracking system must be an integral part of the cautioning system. The Opposition will watch with great interest the Government's progress with the offender tracking program, and it wants to know the Government's precise intentions.

I urge members of the House to support this motion which requires us to face up to the fact that the situation is unsatisfactory as far as the public is concerned. It indicates to the House that the Opposition intends to introduce a Bill under the provisions of which housebreaking and unauthorised use or stealing of motor vehicles will be dealt with directly by the courts. We want the Government to tighten up, without fail and urgently, the juvenile cautioning system so that juveniles are not given the impression that no-one cares and that they will get only a caution if they keep offending. That must be nailed on the head. The Government must also report on the offender tracking system. We must start fronting our problems and attempting to solve them.

MRS EDWARDES (Kingsley) [2.58 pm]: I formally second the motion and in doing so I refer to the Minister's request that the member for Scarborough quote further from the document to which he referred. It will be my pleasure to do exactly that. I ask the Minister who assisted with the establishment of the guidelines set out in this document: Were the Children's Court, Judge Jackson, the juvenile system or the Department for Community

Services involved? The guidelines must be of concern to the police officers who are required to implement the cautioning system. I emphasise that two types of caution will be available; an informal caution with no written documentation, and a formal caution with written documentation. Offenders may be given a maximum of five formal cautions and an unlimited number of informal cautions. That provides for a high number of cautions to be given. Police officers may use their discretion in giving a formal or informal caution whether or not the juvenile has already been before the panel or the Children's Court. The Children's Court may already have a thick file on a certain juvenile offender but, under these guidelines, the police officer will be able to give a further caution if he or she believes it is warranted.

The informal cautioning system was previously operated by the police. We believed when the legislation came before the Parliament last year that all it did was put in place a system already in use for informal cautioning. That system included cautions for riding a bike on the footpath, having an arm protruding from a moving vehicle, driving a trail bike across a road and other minor infractions. What do we now find? We find that somebody committing housebreaking can also be subject to a caution. That is not what we expected to happen, or what the community expected would happen under the cautioning system. The Minister is giving the wrong sign to juveniles by saying that it really does not matter what they do and that they do not have to worry about fear of the unknown because at the end of the day all they will get is a caution.

I take up the Minister's challenge to quote from the document titled "Juvenile Cautioning and Departmental Policies" as I find some of the remarks in it amazing. I wonder which psychologist or psychiatrist assisted with the preparation of this document.

Mr Ripper: It was prepared by the Police Force.

Mrs EDWARDES: Parts of it were prepared by the Police Force, but I believe the Children's Court and Judge Jackson assisted along with Department for Community Services officers. Is that correct?

Mr Ripper: My understanding is that DCS and police officers had main responsibility for the document.

Mrs EDWARDES: On page 4 under the heading "Diversion" the document states -

The theory behind this change of direction is driven by the statistics from the Court and Panel systems, namely, approximately 82% of all juvenile offenders appear before the Panel and Courts on only two or three occasions.

If that is so, why have up to five formal cautions, ignoring the informal ones? The document continues under the heading "Parents' Involvement" -

With informal Cautions it is not all that necessary to inform the parents, nor is it all that necessary to have the parents (although this is desired) present during a formal Caution.

Where is the Minister's responsibility? He is not putting it back on the parents. He launched a great document two or three months ago titled "Laws for the people." How does that document fit this situation? I hope the Minister can explain that. This document says that parents do not have to be involved if a child is to be cautioned formally. Great stuff!

Mr Ripper: The whole purpose of the system is to involve parents. It is a much more progressive way of dealing with things.

Mrs EDWARDES: The Minister's document states -

... nor is it all that necessary to have the parents (although this is desired) present during a formal Caution.

Mr Ripper: It is desirable but not absolutely necessary.

Mrs EDWARDES: The emphasis is on the fact that a child's parents do not have to be present but "if you want them there, do it." At page 5 under the heading "When and how many times to caution" it states -

There is to be no hard and fast rule, it is "discretionary", -

The police have always exercised their discretion. The statement continues -

- however experiences in other Forces have indicated probably between two and three Cautions are issued prior to a different course being taken. Up to five have been allowed for in the recording system.

Therefore, one should not worry about what happens elsewhere. Do not worry about statistics that show that only 82 per cent appear before the court two or three times. Despite that, up to five cautions are allowed - "We will be extra kind and soft in this instance in implementing the cautioning system." The document continues at page 5 -

There are a lot of children who commit offences not because they had a real need to, but because circumstances made it that they could not resist the temptation of trying to get away with something.

These children are mostly opportunists and once caught and spoken to by Police would possibly never reoffend.

What are the statistics on that? I cannot believe this nonsense! Which psychologist started to write this document? It continues -

The opportunity is there for you to be seen to be contributing to the well being of the child and by using outside resources to divert the child away from the Court process you would be easing the pressures placed about Panels, Courts and yourself.

"Do not take them through the Children's Court - we have enough problems of our own. We want to lower the statistics." That is what will happen. After the cautioning system has been in place for 12 months the Government will say, "Look what we are doing. We are reducing the juvenile crime rate. The number of children going through the Children's Court has decreased." The document continues at page 6, where again we see a wonderful approach to parent responsibility that this Government places on these children -

If the child is a troubled child and fears for what may happen when its parents find out, this may be a reason for not admitting guilt. Carefully assess the child, offer assistance, this may be all that is required to prevent the child from offending again.

The child should be taken home and put in front of its parents who should be told what it has done. That is what parents want, to have some responsibility back.

Mr Ripper: What if the household is the centre of alcoholism and domestic violence, would you thrust the child back there then?

Mrs EDWARDES: Unless children are victims of abuse they cannot get protection from the DCS because of funding cutbacks to that department. The Minister knows that people cannot get DCS officers to assist at the moment unless the matter involves child abuse. The department's priority is child abuse and not care and protection. The document continues -

Children under the age of 10 years committing offences should be looked at in the light of being in need of care and protection and not for the offence committed.

That is, unless priorities and resources have been cut back so far that there are no resources available to do these things. Unless child abuse is involved the DCS officers do not want to know about it and say, "You deal with it, we do not have the time. Leave it to the police, guidance officers, the chaplain, or anybody in the community willing to help because the DCS cannot add to its present workload."

Mr Ripper: Have you not heard of Killara?

Mrs EDWARDES: The Minister should go out into the real world and not hide behind the bureaucracy.

Mr Ripper: Has the member heard of Killara?

Mrs EDWARDES: Of course I have. On page 7 under the heading "What are the benefits," and this is really amazing stuff, it states -

More respect and a display of authority could be achieved over the child by diverting it from the judicial system, a fear of the unknown is what often keeps children from committing offences.

That is absolutely amazing! What rubbish! A fear of the unknown! The document continues -

Once a child attends a Panel or Children's Court for the first time, the fear of the unknown is then realised and quickly becomes a relief . . .

Do members know why it becomes a relief? Because the court does nothing other than slap them on the hand. Do members know why? Because it is an incestuous system. The DCS looks after dysfunctional families. It represents the children of those families in court. Some of the magistrates are former DCS officers. If - and it is a very small "if" - they go to a detention centre, who looks after them? The DCS. The system is not working. We are failing youth by not giving them responsibility and going soft on them. We are also failing them by not putting responsibility back onto their families and giving them up to five cautions. It will not help them one little bit to send them back to their families.

Members opposite talk about care and protection. Do they appreciate what is happening at the moment? Do they know that it is impossible to get anybody in the Department for Community Services to give assistance? A school chaplain at a high school in my electorate had a child needing care and protection in a similar situation to that described by the Minister, and an officer from the Department for Community Services said, "I am sorry, I cannot help, I have too much to do at the moment, there are no more resources."

I support this motion. It is absolutely irresponsible to allow up to five formal cautions. It is essential to put in place an offender tracking system so that we know the number of formal and informal cautions. It is absolutely essential to include the unauthorised use of motor vehicles and housebreaking in the fourth schedule.

DR LAWRENCE (Glendalough - Premier) [3.10 pm]: The Government is more than happy to debate this issue today, although some members of the House and members of the community could be forgiven if they thought that the Opposition had not taken the matter very seriously. I do not think that the 10 000 people, or however many there were, who marched today to inform the Parliament of their views should be faced with a motion which basically asks us to make some minor amendments to the cautioning system. These people were asking us to do much more than that; they were asking us to think much more carefully than the motion suggests. It is all very well for the Opposition, in the course of debate, to raise other matters, it is all very well to refer to other problems in statements, but the motion the Opposition brought before this House is, frankly, an insult, and I propose to amend it to get to the issue which those people were trying to draw to our attention. My amendment does it in a way which allows the House to express its views and discuss the issues which the community is drawing to our attention. These are the issues which we face as a Government, as a Parliament and as a community. Not one element in that equation should duck its responsibilities. The Government could not and should not, the Parliament should not, and neither should the community.

Amendment to Motion

Dr LAWRENCE: I move -

To delete all words after "House" where first occurring with a view to substituting -

- (1) expresses its deep concern with the problems created for the community by juvenile crime;
- (2) acknowledges the need for Government to do more to support victims, discourage juvenile crime and to rehabilitate juvenile offenders;
- (3) supports current efforts by the police to contain juvenile housebreaking and car theft;
- (4) supports the Government's new strategy to break the cycle of young offenders through the allocation of more than \$20 million in the State Budget for juvenile justice based on placing young offenders in country rehabilitation programs, providing the courts with a range of more effective punishment alternatives and implementing the victims' response program;
- (5) acknowledges the need for Government to closely examine steps available to provide support for people who suffer the tragic consequences of juvenile offences; and

- (6) acknowledges that there are no quick fix solutions to the problems of juvenile crime but supports a bipartisan approach to achieve the following goals -
- (a) a decrease in the next generation of young offenders;
 - (b) the existence of effective alternative custody programs to break the cycle of offending for repeat offenders;
 - (c) greater awareness of, and services for, victims of crime; and
 - (d) increased protection for the community from violent and dangerous criminals.

Mr MacKinnon: Do you support five cautions?

Dr LAWRENCE: The specifics will be dealt with by the Minister.

Mr MacKinnon: Have you not listened to the debate?

Dr LAWRENCE: I have. It is absolutely essential that the House should debate the issue in a full and open way, and that includes specific suggestions which have been made by the Opposition, suggestions which have been made within Government, and suggestions which have been made by citizens before the rally. Some of those suggestions are capable of implementation; some of them are not. What we should be doing in Parliament is discussing the broad problems we face, and incorporating any good ideas which come from the community, because that is precisely what Governments can and should do.

Let us get this story as straight as we possibly can. Today we saw a march of people through the streets of Perth based on people's desire that the community should be protected, particularly from juvenile criminals. But let us not be wrong about that either. A great many criminals in our society are not juveniles and their offences are at least as serious, if not more serious. That desire of the community for protection is one which is legitimately expressed, and it is a principal goal of the Government's program in juvenile justice and in the adult criminal justice system. To give effect to that we have in this State gone from a position in the Police Force - and members opposite should remember this - where in 1983 we had the worst ratio of police to population of any State in Australia. In response to concern about the level of policing in this community we have increased the number of police in our State to the point where we now have the best ratio of police to members of the community of any State in Australia.

Some comments were made about the effectiveness of the police in clearing up some of these crimes, whether committed by juveniles or adults. Members opposite should be fair and acknowledge that although that level of offending is unacceptably high, the rate of clean-up by the police is second to none in this country. That needs to be said in this Parliament and everywhere else. If we are to talk about new solutions to these problems, we must be clear about what is working and what is not. We have an effective and dedicated Police Force. Part of my amendment is to ensure that this Parliament recognises that and supports the efforts the police are making to contain juvenile housebreaking, and car theft in particular.

The second principle which is absolutely essential, as I understand it from listening to what people have said in this debate and at the rally today, is that people are desperately afraid for their safety, and they can point with great emotion, as they should, to the deaths - not just the injuries - of people on our roads in particular; deaths as a result of young people, particularly juveniles but not always, using motor vehicles that they have stolen, almost certainly without the necessary skills, often full to the eyeballs with alcohol and drugs, and driving those motor vehicles as lethal weapons. Everyone in the community should be concerned about that phenomenon.

I ask members opposite to be consistent in their concern for the victims, which I believe is genuine, as it is on this side of the House. Members opposite should ask themselves whether they apply the same level of criticism to the fact that there are plenty of people on the roads who have licences, and in many cases own the vehicles, who also get drunk to the eyeballs and full to the gills on drugs and alcohol and cause accidents and injury to people on our roads.

We have had some pretty powerful debates in this House about the extent to which the

community should be controlling that element. The Opposition resisted random breath testing, and it is continuing to resist lower levels of blood alcohol. I am not saying that equates directly -

Several members interjected.

Dr LAWRENCE: I do not want to suggest that being a juvenile in control of a motor vehicle which is stolen is quite the same, because there is an additional offence of stealing the motor vehicle. I do not want to suggest for one moment that we do not share concern for those victims, whatever the cause, whether it is a juvenile in a stolen car or a drunk adult in a car he owns. As far as the victims are concerned, the effect is the same: Death and injury. All of us in this community should be concerned about that and should do everything we can to prevent it. A very important second principle is the protection of the community and support for the victims of crime. In my view, being drunk and in control of a motor vehicle is a very serious crime.

The third thing we must do is very important, and if we overlook it in the current debate we will not do anyone a service. What can we do in the long and the short term to prevent those young people who have offended and come before the courts from reoffending? Secondly, what can we do in the long term to ensure that we do not have 200 or whatever the number is of hard core young offenders coming back before the court and being put in detention? We face two problems, and they require two quite different solutions. What can we do about those offenders who are already in that revolving door of crime and who are almost certainly headed for our adult gaols? We have a number of options. Firstly, at the preventive level, and as the member for Kingsley said, we can ensure that they are aware that the law is watching over them; so we have an effective and numerous Police Force, but we have also enlisted the support of the community through the community policing program, Neighbourhood Watch, Business Watch, and so on. We are not saying the community is responsible, but it can assist with its eyes and ears. Many members will be aware that, although it is not generally accepted by police in Australia, in other parts of the world special constables have a role in policing in the community. We have that in our neighbourhoods, without necessarily giving people a uniform and a badge. Many people in the community are very keen to participate and, as was expressed in one of the letters read by a member opposite, are frustrated by the fact that they often do an enormously effective job at the local level but their good work comes to nothing, in their view, when a court pronounces judgment on these young offenders. That is the first part of the strategy for dealing with the problem of those people who are committing crimes now.

Mr Strickland: Why won't you address the problem of cautions?

Dr LAWRENCE: I have said that I want to debate this matter in the broadest terms, and I think the Parliament should do that. I am more than happy to consider specific suggestions, some of which have come through the rally today, some of which have come from the Opposition and which, members opposite might notice, have been incorporated from time to time in the Government's programs. We have not ignored the community; in fact, we have tried to cull the best from community attitudes and views, and from those of the Opposition, from advisory committees and from young offenders themselves. We are not deaf to the pleas of the community, nor to good suggestions. However, we must put the resources of the taxpayer into programs that will work.

To continue with my observations, we must make sure that when the group of young offenders already in the system, who have been lost to us in terms of prevention, are apprehended they are dealt with in a way which ensures that they are not in the community and are not able to repeat the very serious offences they have committed. That is why we have detention and, I might say, that is why we have sentencing powers in the Children's Court which, again, are without peer in this country. Our Children's Court system, by law, has the capacity to apply adult sentences, so there is no suggestion of our going soft on some 16 or 17 year olds who, for many intents and purposes, are capable of adult crimes.

The SPEAKER: Order! The level of background conversation is far too high.

Dr LAWRENCE: We must have the appropriate penalties. Once those young adults are dealt with by the courts, we must have systems that at least have some capacity to turn them around. I point here to a number of things. Firstly, those who commit serious offences - and

that is what I am talking about at the moment - can be incarcerated for a period; but we should do better in those detention centres at attempting to re-educate those young people, because there is nothing surer than that those institutions otherwise afford an opportunity for them to learn more of the antisocial behaviour which caused those offenders to be there in the first place. Therefore, members will see in this year's Budget that resources will be devoted to addressing that problem. We will never solve the problem entirely, as the attitudes of some of those young people would be difficult to turn around in a matter of six or 12 months, or even two years. We must keep on their tails, and on that question I agree with the member who moved the motion.

Secondly, sometimes incarceration should not be the option that we use, even for quite serious offenders. That is why we have, after an experimental phase, increased the size of our station program. In the long term those young people need to be taught the skills that most of us take for granted - the skills of relating to one another, doing a full day's work, and being able to feel some pride in what they achieve in the course of a day - but they should do that while out of reach of the community so that they are not able to do damage to the community for that duration.

We have a particular responsibility to Aboriginal children, and if members have been following the debate in the community they will know that the Government announced a new program at Lake Jasper specifically for the Nyoongah people in the south west. The station program is more comprehensive than that and it must address the issue of making sure that these young people can be turned around. The results are already in, and I would have expected members to comment on them. The station program, in comparison to straight detention, using comparable groups of young offenders, is at least twice as successful, and perhaps even more, in terms of the rate of reoffending, yet costs a good deal less. Therefore, we have the capacity to provide those saved resources in implementing more and better programs that have the capacity to stop those people reoffending. That is a very important issue. That group of young people - who, I might say, have very serious offenders amongst them - has been described, not by some soft headed do-gooder but by a psychiatrist who has a very tough attitude toward these young offenders, as suicidal. Therefore, if we do not want them around we are letting them loose with a suicidal attitude, an antisocial bent and a very violent machine under them to do mayhem. None of us wants to do that, but we must be very careful not to suggest that simply putting them in a detention centre and closing the doors will prevent their coming out again. If they are basically self-destructive and do not care who gets in their way, incarcerating them will assist the community for the period of detention but when they come out they will reoffend. We must get inside the heads of those young people. This is not being soft; it is a matter of community protection, which is what we are on about. It is not an attitude that says we want to protect them from us, or from themselves, although in humane terms that is also an important goal.

The second area I talked about was trying to prevent the next generation of offenders emerging. That is perhaps even more of a challenge because we have in the past taken the view that our community, our parents and schools are capable of dealing with the difficulties they face without much assistance. So if children turn out "badly", commit the heinous crimes we have seen in our streets and end up before the courts, we should be able to say to someone, "This is your responsibility. You are the father, or the mother, or the extended family. What are you doing about this?" However, we must also be realistic. Some families are incapable of accepting that responsibility, because of alcoholism, sexual abuse or violence. We cannot turn our backs on the fact that some families are already destroyed and incapable of having that response to their young children. In fairness, there are some families which, on the face of it, would appear to have everything the society would want them to have - an unbroken relationship, a loving relationship between parent and child, and a reasonable chance for the child to achieve a high level of education. I am sure all members know of at least one person from a family of that kind who has still managed to come unstuck; so even if we sheet it home to the family it does not always solve the problem because, with the best will in the world, some children escape from a loving, solid family and some families are not loving - they kick their children out and are violent and abusive. If we pretend that is not the case we will not solve the problem, which is what this is all about. So family support is important, and we have put a lot of money into that group of families on the edge, especially in parent education. The new Minister for Community Services was

responsible, as a backbencher, for doing a great deal of work on what needs to be done in that area, and further announcements will be made about that. Money has been spent in the school system - because some of these children come unstuck in the school system - to make sure that the families are being supported if there are learning disabilities or the beginnings of antisocial behaviour.

Mr MacKinnon interjected.

Mr Taylor: That is not right. I could give an example in my electorate of how we deal with those issues.

Mr MacKinnon: There is nowhere for children to go.

Dr LAWRENCE: I am talking here about those young people who are on the edge, whose families are rejecting them, who are failing in school, who have not yet offended but who are the pool of potential future offenders. We need to put funds into the education system, as we do. We have police officers in schools; there are school nurses and social workers, chaplains and youth education officers, and a high level of competence amongst guidance officers and the like. Those people are there precisely because we recognise that it is important that the schools have a role - admittedly a role that in the past we expected to be carried out by the family - in health education, sex education, driver education and relationship education, and basically in protecting those young people. I have a sister who teaches in a school containing some disadvantaged children. Clearly, the social worker and the nurse, in particular, play an important role in taking care of the interests of the small number of students who are heading off the track. Of course, they do not succeed with all of them, but these services are an important resource for the community to provide and we will continue to provide them. It is not possible to point to a group of Government workers and say, "This is your responsibility." This problem is the responsibility of the broader community, which must be prepared to become involved through voluntary programs, sporting organisations and the like; these are the community organisations which do a terrific job.

If young adults reach the point where they begin, or are about, to offend because they are bored and are becoming involved in substance abuse, that is the point at which the local offender programs become involved. These programs are designed to pick up both the young people heading in the wrong direction who are committing less serious crime and those who have not yet offended. Those programs work spectacularly well. They bring together the family, Government agencies and the local community. Despite what the member for Geraldton said during the by-election campaign, a very successful program has been operating in Geraldton. The program could do a hell of a lot better, but members should look at the court statistics; the rate of offending in the country has dropped dramatically -

Mr Cowan: Let us talk about the rate of prosecution.

Dr LAWRENCE: That will be my last point in this speech.

If members look at the situation in Cockburn where a similar program has been in operation, much of it involving the Aboriginal community, the figures indicate a decrease of about 39 per cent in the rate of offending. The situation is similar in Halls Creek and Port Hedland where an identifiable community is prepared to get behind the problem to work in liaison with Government agencies. In cases where the family is capable of providing input, the programs work extremely well. We intend to expand the number of such programs in the metropolitan area, and to specifically involve the Aboriginal communities.

These people are as angry and frustrated about this issue as anybody else in the community. No-one within these communities cares to be stereotyped with the view that all Aboriginal young people are involved in this kind of crime. Also these people do not wish to feel helpless when they see their children becoming involved in offences which ultimately result in the deaths of the victims. No Aboriginal parent in the State would applaud that. They want to see that stopped. They do not want to see their young people in gaol or heading for a life which has nothing to offer them. As is happening in the Cockburn program and others, it is very important to involve the Aboriginal communities. All of these elements are important with this issue. We must look at the young persons who are already offending and we must consider potential offenders. For those who are already offending, we must have a punishment to fit the crime.

In conclusion I refer to the sentences which are applied. In this Parliament we have provided the legislative framework for very tough penalties to be applied. In looking at the number of police, the crime clean-up rate, the number of people who appear before the court and the number who are detained, we are the top of the list. However, we still have community concern about the protection and safety of its members. The community is right - the system is not working as well as it should. However, one cannot say that providing more resources to those areas will help; we must use the resources more effectively. That is the basic argument.

If people said that there were times when the punishment did not appear to fit the crime, I would agree. At various times all of us have looked at the penalties applied by the courts, be it the Children's Court or the District or Magistrate's Court, and said, "How on earth did they reach that conclusion? By what measure of humanity or community standard did they reach that conclusion?" Sometimes we do not understand all of the detail which the court understands as we have not seen what has taken place in the court; frankly, on other occasions the courts are out of step with community feelings. That is a message I hope they will heed after today's rally. The courts are not immune to community influence; in fact, they should be responsive to it. They have a responsibility to deal fairly with each case, but they also have a responsibility to know, both through the Parliament and the legislation it provides and from the community, prevailing attitudes towards various forms of sentencing.

I find it curious when looking at the Statutes, as was mentioned by the Leader of the Opposition earlier, that we as a community appear to have accepted the view that crimes against property are more serious than crimes against the person. That appears to be obvious when examining the data closely - admittedly, the last time I did so was 10 years ago - because the Statutes and the penalties seem disproportionate to the crime. We did not really give a damn whether someone was killed by a drunk driver because the penalties attached to that were significantly less than they were for offences against property, such as breaking and entering.

As a community we must ask whether that is the right way to approach the problem. The answer is, no. For years we have overlooked violent crimes against children, wives - against men sometimes - and frail people, and we have said, "Well, that is something that can go on behind closed doors; we do not care about it." Community attitudes regarding crimes against the person are changing. Whether it is a juvenile in a car, the domestic situation behind closed doors or an elderly person in a nursing home who is abused by his or her carers, these are matters which should be brought to the attention of the courts. As a community we will not tolerate old, young, black, white, male or female people using a motor vehicle or a weapon of any kind in a manner, random or otherwise, to place the life and limb of our citizens at risk. Also, we must not allow a penalty to apply which does not appear to fit the crime.

I am not one to advocate revenge as anything other than something which makes people feel better. However, the community deserves protection. It is appropriate for the Parliament to say that on occasions the courts have apparently not heeded the community sentiment in relation to the application of sentences. We should not be shy about saying that, in the same way as the Minister for Police was not shy in expressing his opinion. But we are not in a position to determine the sentences. We determine the legislative framework with the minimum and maximum sentences, but we must leave the sentencing to the courts. If politicians become involved in meddling either in the fixing of sentences or appeals against them, frankly we will be heading in the wrong direction. Many occasions would arise when, courageous as we may be in this Parliament, a few people may be panicked into responses which may subsequently be shown to lack justice. That is why it is important that the final decisions stay with the court.

In summary, the community deserves a response from the Parliament and from the Government. The Government is working very hard, and I draw the House's attention to the specific package aimed at juvenile offending, which is contained in the "Into the 90s" document. I am not saying that the Government has it all right; obviously it has not because offences are still being committed. However, we must consider the achievements and ask, "What is working?" That is what the community wants to know. It is asking, "What is working, and how can we make it work better?" The community wants to be protected and wants to feel safe; also, it wants to know that the Government and the Parliament take its concerns seriously.

MR COWAN (Merredin - Leader of the National Party) [3.38 pm]: In her concluding remarks the Premier referred to justice. One of the things demanded by the people at the rally this afternoon was that justice should be for all. Justice should not be dispensed in the way we have seen it done in the penalties which have applied to juvenile offenders. People want justice for victims, the families of victims and anyone else adversely affected by crime. Justice is not just an umbrella put over the people who are the perpetrators of an offence; it is not a matter of providing protection in a sentence. Whether we are referring to the Children's Court, the Department for Community Services or any other Government department, it must be seen to be dispensing justice. That is one part of the problem. The unfortunate fact of life, and the reason that almost 20 000 people gathered outside Parliament today, is that people see a protective umbrella being put over the offender and no justice being shown for the victims of offences. That is why the juvenile justice system must be put into perspective.

I had some reservations about the motion moved by the member for Scarborough; nevertheless it was an excellent vehicle for bringing the matter before Parliament. We, as members of Parliament, must remind ourselves of our responsibilities. Having passed legislation to establish a Children's Court followed by the Government's appointing officers of that court to interpret and administer the laws, it is not satisfactory for members of Parliament to wash their hands of the outcome of court cases. As legislators we have a responsibility to ensure that we respond to the demands of those people who were protesting today about the juvenile justice system. My reservations about the earlier motion, which has been moved to be deleted, are that it would amend only schedule four of the Child Welfare Act to ensure that certain offences come before the courts. To which courts would those offences go? They would go to the Children's Court. The decisions of the Children's Court are causing most of the problems and contributing to the sense of injustice felt by the public. Although I had that reservation about the early part of the original motion, I have no reservations about changes to the cautioning system. If we are to give juvenile offenders the knowledge that if they break laws and offend against society they will be punished, would someone please explain to me how that can be done through a cautioning system? We cannot give them that message. All that is happening is that they are being given tacit acknowledgment that if they offend again nothing will happen. They could commit five offences and still nothing would happen. The system is a nonsense. It also has an impact on the police - the people whom we expect to enforce the law. How do they feel when somebody says that their place has been burgled? They must wonder what is the point of making a search or trying to detect who committed the offence because all they can do if they catch the offender is issue him with a caution. That is nonsense. That policy is breaking down the morale of the police force and the policemen's desire to do a good job because they know their efforts will not be rewarded.

Although the Premier expressed some broader view in her amendment, as someone said, the amendment is a general motherhood statement. We now need some action and I am sure the 20 000 or so people who protested this afternoon also want to see some action. I accept - as is stated by the Premier in her amendment - that there are no quick fix solutions. However, I am quite sure that it was amply demonstrated today that the approach of the Government to date is unsatisfactory, as is the dispensation of justice through the juvenile court system.

I heard the Deputy Premier by way of interjection say that the Government cannot tell the courts what to do. It cannot, but it can certainly amend the laws which the courts administer. That must happen. Many of the juvenile offenders commit offences under the influence of drugs. At present, in Western Australia it is not an offence to sniff glue or petrol. Is it not time that law was amended?

Mr Pearce: Introduce a Bill.

Mr COWAN: I will accept that invitation if the Leader of the House will indicate that the Government is not prepared to do so. I will ask Parliamentary Counsel to give me some legislation which I can introduce into this Parliament to outlaw glue and petrol sniffing. It is time something like that was done. I am not a so-called expert, but I am pretty sure that many offences, particularly stealing cars, are committed by people under the influence of drugs or glue or petrol fumes. It is about time something was done about that.

Mr Pearce: It is a crime to drive a vehicle under the influence of anything. The law does not

have to be specific about petrol. Your party is one of those which is a bit reluctant to have the blood alcohol limit reduced to 0.05 per cent.

Mr COWAN: The National Party is opposed to it. I do not want to waste my time responding to interjections by the Leader of the House who is diverting my attention away from the very important issue. However, the National Party is categorically opposed to any changes to the 0.08 per cent blood alcohol limit as it now stands.

Mr Pearce interjected.

Mr COWAN: I did not say that. People whose blood alcohol level is below 0.08 per cent are in fact not influenced to the extent where they are likely to cause accidents. I will not respond to the little sidetrack by the Leader of the House; a ploy he so effectively introduces during debates. I am trying to point out to this Government that through the rally which has been held today people have voiced their dissatisfaction at the way the juvenile justice system operates. Members of Parliament, as legislators, put the Children's Court in place and the Government appointed various people to administer and interpret the law. It is time the law was reviewed. I have moved - I am sure the matter will be debated at some time - for that system to be examined. The Premier's concept can be supported, but people now want to know what positive steps the Government will take to ensure that justice occurs for the victims of crime. At the moment the public have the feeling that victims receive no justice. As I said earlier, a big umbrella is put up to protect the offenders as much as possible, but absolutely nothing is done to give some consideration or provide compensation to victims. I am not quite sure how we can compensate families of people who have been killed by juveniles behind the wheel of a car. A motor vehicle driven at more than 120 kilometres an hour is a lethal weapon and people should be penalised accordingly. However, we have recently seen evidence that offenders are not being adequately penalised for their actions. Recently a penalty of 18 months was imposed on a person taking a lethal weapon and killing someone with it. What would have been the penalty if that person had taken a knife or a gun and done the same thing?

I want to know more about the \$20 million that the State will allocate for juvenile offenders. That is a positive step by the Government. Let us not have something that might finally reach completion in four or five years' time. That \$20 million should be expended quickly. While I am not an advocate of locking up offenders and throwing away the key, we do need a greater number of detention centres, rehabilitation centres or places in which these children can be kept separate from society and other offenders, particularly older offenders, and rehabilitated, educated and given a trade. They should be taken away from those influences of peer pressure where, in many instances, they go along with the crowd. Let us not have any more motherhood statements where we wring our hands and say, "It is a terrible shame" or, "We have \$20 million to spend, but we are not sure on what we will spend it and we really hope the thing goes away." That is not good enough. As legislators we cannot just write the laws and tell the Government to put them in place; we must have an involvement. We should acknowledge as legislators that the court system has failed us. The sentencing of offenders is not having the desired result and does not reflect accurately the will of the Parliament when it passed the legislation. It also does not reflect the wishes of the people. Something needs to be done. While earlier I had reservations about proposed amendments to the Child Welfare Act, I support fully the comments of the member for Scarborough about the cautioning system. I support fully also the statements contained in the Premier's amendment, but we need action and not words.

MR RIPPER (Belmont - Minister for Community Services) [3.53 pm]: Two young children in my electorate lost their mother at the weekend through a tragic event which can only be condemned by the whole community. Every member in this House should have nothing but sympathy for the family and condemnation for the grossly irresponsible behaviour which had such a devastating effect on those innocent people. We face a serious and complicated problem in this community. However, that problem cannot be solved overnight or with one simple solution. The community and the Parliament need to work together to deal with the complexities of this problem. In that endeavour, we need an informed and principled Opposition. I regret to say that this Opposition is neither informed nor principled on this issue. It is prepared to exploit community fears and alarms on this issue and to jump on every passing bandwagon. Rather than coming up with a comprehensive response to understandable community concerns, this Opposition has

produced a motion relating to a relatively insignificant part of the system. Instead of dealing with the whole problem, the Opposition has dealt with one insignificant aspect of it.

What do we need? We need a response based on expert advice, research, consideration and consultation with the public. The Government's response to this problem is based on advice from the State Government's advisory committee on young offenders, on information revealed by the audit of serious repeat offender car thieves commissioned by the Minister for Police and myself, on public consultation, on what has been shown to work in our system and on practical experience.

Mr Shave: We are sick of listening; we want some action.

Mr RIPPER: If the member listens, he will hear about the actions which the Government will take on this issue. This State has the most powerful Children's Court in Australia. It has the power to impose any adult penalty on a juvenile offender, the only exception being that it cannot imprison a juvenile offender aged under 16 years. However, as it can place a child under 16 years of age in a detention centre, it effectively has the power to impose any adult penalty on a juvenile offender. Chief amongst the penalties has been detention, and this State has the highest incarceration rate of young offenders of any jurisdiction in Australia except the Northern Territory. However, we need to think about the effectiveness of our detention system, which has been subjected to justified criticism. Whatever the efforts we make to provide positive education programs, detention centres inevitably are universities of crime. We have a high rate of incarceration and a high rate of reoffending when offenders are released from our detention centres. A comparison of our station program and our detention program indicated that 93 per cent of offenders released from detention centres had reoffended within six months. Obviously, therefore, we need to do something about the detention system. We need to improve the education program and that is part of the Government's package to improve the juvenile justice system. We have constructed new workshops at the Longmore Training Centre. Those workshops will provide better education programs accredited with TAFE which we hope will give people at detention centres access to job skills and reduce the reoffending rate upon release. In addition to programs targeted at job skills, we need also to look at programs which bring home to offenders the effects of their crimes on victims. We need hard hitting programs which show to offenders the tragic consequences of their crime and expose them to the personal consequences of their crimes on victims. We need to show them crashed cars and the effects of car accidents on patients in rehabilitation hospitals. That program will be undertaken as a result of the Government's decisions on the juvenile justice system. In addition to those improvements to our current custodial system, we need also to look at alternative custody. When we considered the various programs we found that the station program was about twice as effective in preventing reoffending as the detention program. The Government is doubling the station program with immediate effect in the goldfields and from the beginning of October in the Pilbara.

Mr Taylor: Very effective, too.

Mr RIPPER: Extremely effective and also cost effective.

Mr Lewis: In whose eyes is it effective?

Mr RIPPER: In the eyes of the community. Its effectiveness has been confirmed by research conducted by the Department for Community Services which indicates that the reoffending rate for inmates released from the station program is about twice as good as the reoffending rate for people released from detention centres. In addition to those alternative custody programs based on the stations the Government is introducing new alternative custody programs based at a Department for Community Services property at Warramia farm near Badgingarra and at Lake Jasper in the D'Entrecasteaux National Park. The Lake Jasper program will have a particular focus and concentration on young Aboriginal offenders from the metropolitan area. We need to help those offenders rebuild their self-esteem, their pride in their Aboriginality, and their appreciation of their heritage. We need to increase their job skills and education and make them aware of the effects of their crimes on the victims. We need to do that not just for their sakes but for the better protection of the community because it will be more effective in protecting the community from reoffenders than continuing with the traditional detention centre program.

Mr Minson: We are sick of the words and the rhetoric.

Mr RIPPER: This is all happening. In addition to the custody and alternative custody programs we need to go back to some of the causes of juvenile offending, not because they constitute an excuse but because we need to look at preventive programs. I refer, for example, to local community programs which provide positive recreational activities to divert young people from a career in crime. We need to target young Aboriginal offenders in particular. The strategy introduced by the Government proposes five new local offender programs. In addition to those which aim at prevention in local areas, we need to look at some of the broader causes of juvenile offending. We need to look at the lack of competitiveness in employment for young offenders who have never worked, even in good economic times. That is why we fund the WorksYde program through the Young Men's Christian Association. We need to look at support for parents. That is why we fund programs such as Steering Clear and Parent/Teen Link to provide support for parents whose teenagers might be in danger of going off the rails. Those programs must be available also to Aboriginal parents. One of the things that strikes me is that Aboriginal parents are not taking advantage of some of the programs providing parent support. This strategy proposes a definite program for Aboriginal parents to support them in their endeavours to control their young people. Aboriginal parents are showing a willingness and enthusiasm to become involved, and when that is happening it is incumbent on the Government to support them. We need also to look at education problems and, indeed, it is noteworthy that many of the serious repeat car thieves have poor educational standards, low job skills and low rates of literacy.

We need to take steps to minimise truancy and absenteeism, not across the State but targeted at the schools and districts where the problems exist. Those districts have been identified by the audit of the repeat offender car thieves, and discussions are taking place between the Department for Community Services and the Ministry of Education to develop targeted programs in these areas to try to reduce truancy and absenteeism. We need to tackle the drug problem, and this is being done through new programs organised between the Health Department, the Alcohol and Drug Authority and the Department for Community Services.

As well as these alternative custody and prevention programs, we need programs which take into account all the needs and rights of victims. The Government is already supporting the victims of crime support unit in Fremantle, which is the only such unit in the country solely funded by a Government. It is a pilot unit and part of the Government's program strengthens that unit by the secondment of an officer from the Department for Community Services to the unit. We need to develop other programs which will take into account all the needs and rights of victims. An additional element will be a particular program within the Department for Community Services to concentrate on building into our strategies for dealing with offenders those programs which take into account the needs and rights of victims. An example is the need to make the victims of crime eligible for work done by offenders on community service orders. Another example is the need to further develop the reparation schemes currently based at Northam, Bunbury and Midland where offenders are put before the victims, if the victims agree, and the offenders apologise. The offenders work out with victims some way of compensating the victims for the offence. We need to further develop education programs for the detention centres so that young offenders are made aware of the effects of their crimes on victims. We need to further investigate - and we have begun - the New Zealand family group conference system whereby families of victims and families of offenders are put together with the victims, offenders and the authorities to discuss the offence and to work out suitable penalties and a suitable way in which the victims may be compensated. In addition, we need to consider new ideas for supporting victims and incorporating their needs and rights in our programs dealing with offenders.

This juvenile justice strategy is an important first step forward, but it is not the sole answer or the last step. The Government is open to considering new ideas from the community and from any source for further developing the effectiveness of those programs in order to better protect the community from juvenile offenders. In addition to the range of programs to which I have referred, we also need programs which focus the courts on the cases of serious repeat offenders. One of those measures is contained in the program the Government announced last week. When serious repeat offenders are before the courts, the courts will be supplied with specialist, detailed reports by the police and the Department for Community

Services. Those reports will include long term plans, and detailed follow-up measures to be undertaken by the Department for Community Services. If the courts take advantage of that offer it will present a chance to work out the individual solutions that might be necessary for serious repeat offenders. Certainly, the whole process will focus the attention of the courts and the Department for Community Services on the cases involving serious repeat offenders. That is where the cautioning system fits in; it is not designed to deal with serious repeat offenders or for the cases which brought people to Parliament House today. The cautioning system is designed for minor offences, to allow the courts to focus their attention on serious repeat offenders. We want to free the courts and police resources to allow them to deal with serious cases. It is silly to put minor cases through the bureaucracy of the Children's Court. It is much more effective if the minor cases are dealt with by the police, the parents and the Department for Community Services. It is intended that the police will involve parents at every opportunity in the formal cautioning system. It is also intended that additional welfare support will be provided for the cautioning system. The Government has established the Killara support system to provide after hours welfare support for police so that if they feel that there is a welfare problem underlying an offence the department can respond to that.

Much has been made of the cautioning system and the allegation that it will be used on serious repeat offender car thieves and house breakers. Of course, technically, unauthorised use of a motor vehicle could be the subject of a caution, as could breaking into a house. However, I have confidence in our Police Force and in their responsibility and integrity. I do not share the view, apparently held by the Opposition, that members of the Police Force will caution a serious repeat offender car thief. I do not share the view that members of the Police Force will simply caution someone responsible for breaking into a house. It will be a very rare occasion when that sort of thing happens.

In public debate I have already given some examples. If someone kicks a football over a fence and through a garage window, and then climbs over the fence and breaks into the garage to get the football, that might be the subject of a caution if the child had never offended before. That information will be available. The police and the Department for Community Services, through the computer system, will be able to establish whether someone has had a caution before.

I have taken note of the comments of the member for Scarborough, which indicate his distrust of what the Government might do with the figures, and his distrust of the system. We want to be responsible in the way we handle this. We want to be up-front with the public. I am prepared to say to this House that the record system for cautions is quite adequate, and it is sufficient to enable us to prepare a statistical report which I shall bring to this House before the end of this parliamentary session so that the House can determine how many cautions have been issued, for what types of offences they have been issued, and on how many occasions individual offenders may have been cautioned. We will see whether my confidence in the Police Force is justified or whether the cynicism of members opposite is justified. I confidently expect the Police Force to justify my view of it, and we will not find that the police have been irresponsible in the way they have used the cautioning system. I think the Opposition will return to its view of the cautioning system which it expressed last year. The Opposition spokesman for justice said in the upper House on 6 December last year -

I commend the Government for its initiative. I think it is a very sensible and very humane step forward in the treatment of child offenders.

Mr Pearce: Did the Leader of the Opposition replace the Opposition spokesman on justice when he replaced so many other shadow Ministers, or did he keep him in his job?

Mr RIPPER: Not a lot of attention was paid to the Opposition reshuffle, but I think he kept the job. That is an indication of the Leader of the Opposition's support of the views put forward on the subject of cautioning.

The National Party is not exempt, because its spokesman said -

I thank Hon Derrick Tomlinson for the speech he has made on behalf of Opposition members. Undoubtedly, he has an extensive and wide ranging knowledge of children's problems as a result of his previous experiences. Nobody in this House could have given a better view of the situation. I support his comments and second his support for the Bill.

That was the view of the Opposition about cautioning at the end of last year. Its current attitude is a symptom of opportunism and lack of vision. The Opposition has failed to present a comprehensive package to this House. The Government strategy is more comprehensive and more thoughtful, and in the long run it will be more effective.

MR THOMPSON (Darling Range) [4.12 pm]: Listening to the Minister speak about the cautioning system reminds me of an experience I had when I was about 13 years of age. I was riding my pushbike with a friend sitting on the bar. We were riding on the footpath and rode smack bang into Charlie Brown. If members do not know who Charlie Brown was, I can tell them that he was the most fearsome police sergeant who ever put on a uniform. He was sergeant of police in Midland, and he delivered a very stern caution to me. He advised me that if I continued with that sort of behaviour I would find myself in trouble. It appears the caution did not have too much impact on me, because about two days later I did precisely the same thing again, but with a different kid on the bar. As a result I was charged and appeared in the Midland Court, where I was fined £1 and two shillings costs. My mother and father, who accompanied me to the court, made me get a job and repay that money. I got a job on Saturday afternoons delivering fat rendered down from sheep carcasses and the like from Midland abattoirs. I had to give up Saturday afternoon sport, which was a big thing for me, in order to deliver this fat to the fish shops around Perth in the square kerosene tins which were used for that purpose. I used to get two shillings an afternoon for that activity, so it took me quite a while to repay that debt to my parents.

What happened in that situation is something which is not happening in the community at present. Parental control and involvement with these kids does not exist. I had the benefit of parents who cared enough about me to make me suffer the pain of paying for the folly of my ways. In our community at present many parents are not accepting their responsibilities. Anything that the system does which falls short of encouraging more parental responsibility for these children will not produce the desirable result. These 15 and 16 year old kids who are getting high on booze and drugs, pinching cars and speeding around the streets did not start doing that the day before. They have been building up to that sort of activity over a long period. A system needs to be introduced to break the cycle at an earlier stage. We have lost the battle when the situation is reached where these 15 or 16 year old kids are doing those things, because by that time they have been through the system; they know all the wrinkles. They know the people they can con; they know the magistrates who will treat them kindly and they know those who might be harsher on them. They are hardened by that time. Anything the Government and the authorities do should encourage more parental involvement. We have become a very materialistic society. There are few homes in the Perth metropolitan region where both parents do not go out to work. In many cases both are forced to go to work to make ends meet, and this is something of a tragedy. Many of these children go off the rails because when they come home from school there is no-one there, so they start getting into mischief, and it snowballs from there.

There is no easy solution to this problem. I am deeply concerned about the deaths which have occurred on the roads as a result of juveniles behaving in the way they do. I do not have the answer, and I do not think anyone has the answer. We hear people saying that this, that or the other should be done, but I can assure you, Mr Speaker, that the moment we adopt a draconian approach to this problem we will have as many people crying out about its harshness as we have now critical of the juvenile justice system. I have looked at the motion moved by the Opposition, and I have looked at the amendment moved by the Government. The Opposition's motion simply calls on the House to recognise the deep concern expressed by the people about the Government's failure to respond adequately and to discourage, contain and punish the juvenile crimes of housebreaking and car theft, and it notes that it will do something else. The Government's amendment expresses pretty well the same thing, but it goes into more detail, and I find myself in sympathy with the views expressed by the Government. The amendment addresses the situation in a more comprehensive way, and I shall therefore be voting in its favour. The Opposition has expressed its concern, but so too has the Government. The Opposition has indicated only that it is its intention to bring a Bill before the House to do certain things. I shall consider that Bill on its merits, but for the time being my intention is to support the Government's amendment.

MR D.L. SMITH (Mitchell - Minister for Justice) [4.20 pm]: Today we have seen our style of democracy at work. We cannot do otherwise than to congratulate the people

involved in today's rally. I hope that the rally will be the beginning of what I have always considered a requirement for a solution to both the general crime problem and the juvenile crime problem in particular. The solutions lie with the community, not with politicians; they lie not necessarily with the Parliament or with the courts alone. Until we see genuine interest and debate within the community regarding the reasons for the problem and the solutions to it, we will not resolve the serious concern both in the community at large and for the victims enumerated in various speeches today.

I was intrigued by the motion moved by the Opposition because, having had the rally which allowed the community to express its concern, the Opposition came to the House with the very specific issue of cautioning only. It also seeks to indicate that we should recognise the deep concerns expressed by the people about the Government's failure to respond adequately. One clear message delivered by the speakers at the rally today was that they were not directing their criticism at the Government's failure but at the failure of politicians in general. As politicians, it is time for us to recognise that in this respect we are failing the community because while victims of the kind enumerated today continue to suffer the assaults, the deaths, and the effects on their families, no-one involved in the Government processes or the administration of the law can be happy with the outcome. It is time that members of Parliament stopped trying to claim that all the fault lies on the other side. We must recognise that the solutions to the problem lie with the community and in the bipartisan support of the Parliament in addressing the concerns of the community.

Mr Clarko: You are in Government; you should make the decision. What a wimpish statement! You are steering the ship onto the rocks.

Mr D.L. SMITH: We are in Government, and we must make the decisions. However, in the end, without bipartisan support and general community support to effect the solutions we will achieve nothing. We will not achieve a solution through politicians trying to manipulate a rally such as that held today for the benefit of their party. The message received today was that there has been failure on the part of politicians. We will be seen to continue to fail while the increase in the level of criminal activity continues. We must search for solutions, not in isolation but through the work being done by the Select Committee appointed by Parliament and by the work being done by the Community Advisory Committee set up 18 months ago with a view to seeking advice from the community.

In response to the rally, we should distinguish between the good sense of the community in general and the ideas of individuals within the community. We must consider every one of the proposals put forward today and listen to those which will be put before us in the future. However, we must recognise that each one of the suggestions is either from an individual or a group of individuals and must be assessed on its merits. We should not presume that any one of the solutions is magic, nor should we presume that any of them is not worthy of consideration. We should consider every suggestion on its merits and seek to effect a change wherever we can.

The Opposition motion, in a way, seeks to identify a change through the introduction of a cautioning system, and to somehow blame that new policy for the status quo. The Opposition has tried to link that new policy to the status quo and to say that there is a causal relationship. I remind the House what the cautioning system is all about. It is a system to be administered by the police - and I hope that members opposite do not suggest that they do not trust the police to administer the system. The basic objective is to take minor offences out of the courts so that the major offences can be dealt with in an entirely different way.

The next question which relates to the rally for justice today is that of pre-sentence reports. If every child who commits an offence is brought to the courts, and a pre-sentence report is required for each case, the workload and resources required will prove impossible. The community is saying that in relation to the very serious offences - those listed today which cause injury and death - a more serious approach must be taken by everyone. One way to do that is through pre-sentence reports. In that way we can make sure that every juvenile who appears - and especially in cases of injury - receives a pre-sentence report for presentation in and consideration by the court as part of the sentencing process. That will be done much better if the people appearing in courts are only those who are charged with serious offences which concern the community. More time should be put into both the preparation of the reports and the liaison with the family of the offender, the community and the victim to

ensure that the pre-sentence report given to the court is comprehensive. It should contain some program - whether a custodial option or otherwise - that will divert the child from further offending. However, it has been suggested that we should review the cautionary system before it is even tried. The Opposition should be serious about this matter. It should allow the cautioning system to run for, say, six or 12 months, at which time we can debate the situation and consider suggestions about a review of the system.

Mr C.J. Barnett: How many people will die in the meantime?

Mr D.L. SMITH: It is not a question of death; the Opposition is saying that the police are likely to administer cautions to young offenders who are likely to cause death to someone else. I do not believe that is true of the police. The police exercise their discretion and they are more likely to exercise it in favour of the community.

We have been urged to prepare victim impact statements. These statements are not new. The Government has committed itself to both a charter of rights and to victim impact statements for some time. It is not coincidental that the Opposition has put forward its policy at a time when we have been distributing the charter of victims' rights to the various Government agencies which will be responsible for its administration. As to victim impact statements, if the Opposition wants to ensure that for every child who appears before the courts there is such a statement presented to the court, the best way to do that is to ensure that we can cope with the workload involved with the numbers which go through the courts. In the presentation of those reports there must be an emphasis on the more serious offences, and the effect on the victim should be established. The Government wants the terms of the victims' charter to go beyond the victim impact statement. The charter of rights would include -

The right to be treated by police, prosecutors, judicial officers and other officials with courtesy, compassion and respect for his or her dignity and privacy.

The charter contains six points, which I do not want to run through at this time, but I assure members that a charter of rights is in the process of being finalised and will be the basis upon which the Government will decide whether to deal with the matter by legislation, by binding policy directions on the various officers involved in providing services to victims, or in the justice process in the management of charges.

We must all pay attention to the primary concern of today's rally. We must become much more preoccupied with the victim. We must ensure that offenders much better understand the impact on their victims and are responsible for restitution, damages or a like solution for the injury and stress that they cause. The rally was about the failure of politicians, and the longer we try to make this a political cause rather than working with the community to find a solution the longer it will take to find that solution. That is the message we should have received today. The Government's amendment to the Opposition's motion is a much clearer method of achieving that aim. I assure the community that the Government will continue to consider all its concerns and try to meet them on common ground to ensure that the community and the victims are protected and that we have fewer offences and fewer offenders.

MR STRICKLAND (Scarborough) [4.31 pm]: In supporting the amendment before the House I will reflect upon the rally that some of us witnessed today and what it was all about: It is about a lack of public confidence in what is happening in the system per se, and in the implementation of that system. The rally was to make politicians take note of the victims and their problems in a more constructive way and express less concern about those who caused the problem in the first place.

There are two classes of politicians in this House: Those who are in Government and those in Opposition. Of course, Mr Speaker presides over us all. It is the Government's responsibility to respond. I am extremely disappointed and concerned that the Government has lost an opportunity to confront the issue. The motion that I moved on behalf of the Opposition was in no way meant to fully cover juvenile justice and all of its problems. Every member in this House acknowledges that it is a complex issue and that there cannot be just one solution. There must be a series and several levels of solutions because we are dealing with people and the problems of people are extremely complex. The Opposition acknowledges that and when its policy on juvenile justice is launched the Government will

find that it contains about 30 strategies which address those problems. The motion is specific; it is the vehicle to allow this matter of great public concern to be debated by the House. There is a lack of confidence in the Government - not just what the Government does, but how it does it. The Opposition supports many of the Government's programs - plus it has a few more of its own - but more needs to be done to solve the problem. The system must be tightened up because it is sloppy. The opportunity has been lost by the Government. Before one confronts a problem one must admit there is a problem. The feeling today is that while the Government is admitting a problem exists it has not accepted the message that things are going wrong. The Government has indicated that it is trying to solve the problem and it is for this reason that the Opposition will not oppose the amendment. Its provisions are very broad - some people have referred to them as motherhood statements - but they do provide a direction. The Government has missed the boat in not confronting the cautionary system and its problems. I was astounded and dismayed when the former Minister for Community Services indicated that he wanted the program to run for a few months and then to have a review. If we can see some problems coming, why not try to address them now? The Minister can still have a review in a few months' time. The Opposition supports the introduction of the cautionary system because it lengthens the discipline chain. It is in line with the principle of, "Offend and you suffer a consequence; keep offending and you suffer a more severe consequence." That is why the Opposition supports it for minor offences.

Mr Ripper: I do not think your fears on what will happen with the cautionary system are justified. We can produce the facts to the House when the system has run for a little while - the recording system allows that - and then we will all be in a better position to judge whether the Opposition's fears are justified or whether my confidence is justified.

Mr STRICKLAND: The Opposition will be justified. We must change the perceptions of juvenile offenders. If it is their perception that they can keep getting cautions and nothing much will happen to them, that is bad. That sort of perception entrenches the offending behaviour. We want the Government to listen to the principle we are espousing. We support cautions, but limit them so that juveniles do not get the impression that they can keep receiving cautions. That is just commonsense. That is why the Opposition is prepared to confront the problem today, and it is concerned that the Government did not address the question of cautions. However, the Minister's commitment to provide a report on offender tracking is the key to this whole issue and dovetails with the cautionary system. Unless offenders have the perception that someone is keeping an eye on them there is not too much pressure on them to keep on the straight and narrow.

Mr Ripper: Our recording system for cautions will dovetail with the existing system. We will know whether an offender has had one caution or two cautions; we can do that already.

Mr STRICKLAND: Is the Minister happy to provide a report to the Parliament to explain what the offender tracking system can do, will do and is doing? The Opposition will take the Minister up on that on a future occasion to establish if it is not being implemented properly. The public perception is that the system is sloppy and needs to be tightened up. We on this side of the House want solutions. We are well aware of the complexities of this problem. When the Opposition releases its policies the Government will find that the Opposition supports, in similar ways, the attention given to dysfunctional families. However, the Opposition's policies will be different because it believes the system is sloppy, that it needs tightening up and that a tougher but fair approach is needed. The Opposition does not oppose the amendment; however, it wants to record its concern that the Government has let an opportunity to front a small but important issue go by.

Amendment put and passed.

Motion - as Amended

Motion, as amended, put and passed.

STATEMENT - BY THE MINISTER ASSISTING THE TREASURER

*State Government Insurance Commission and Corporation - Audited Financial Statements
Tabling*

DR GALLOP (Victoria Park - Minister assisting the Treasurer) [4.41 pm] - by leave: In accordance with the motion of the Legislative Assembly of 8 May 1991 I have today tabled

the audited financial statements of the State Government Insurance Commission and its subsidiary, the State Government Insurance Corporation, which trades as the SGIO. These statements which have been audited by the Auditor General indicate a disappointing but not entirely unexpected result for the State Government Insurance Commission. The SGIC's trading arm, SGIO, also had a disappointing result but it has ended the year meeting the statutory solvency margins. Let me say at this point that the Government stands unequivocally behind both institutions. The Government has already embarked upon the necessary steps to redress the problems indicated by the financial statements. These measures principally comprise the corporatisation proposal and the attendant move to establish the SGIO with a capital base of \$80 million.

The Government has also recently appointed a new board and chairman and will shortly be introducing to the Parliament the new SGIO corporatisation legislation. The new board's chairman is Mr Ronald Cohen, who is also the Chairman of Atkins Carlyle. Mr Cohen's deputy is Mr David Young, the Managing Partner for KPMG Peat Marwick. The other board members are Mr Graham Bond, who will retire this month as Chief Executive of the Insurance Council of Australia; Mr William Brown, who holds various directorships and is a former Executive of the Confederation of Australian Industry; Ms Diana Newman, who is a partner with the firm of chartered accountants, Bird Cameron, and a former State President of the Australian Society of Accountants; and Mr Michael Lewi, the senior partner in the law firm, Jackson McDonald.

Additionally, the Government has given approval to the board of the SGIC to implement a 30 per cent increase in the third party motor vehicle insurance premiums from 1 October 1991. This course of action is necessary because the SGIC's investment portfolio has been written down by \$212 million. The assets which have borne the brunt of this revaluation are those which are the subject of the Royal Commission which the Government established to inquire into the past commercial activities of Government. In particular, central business district commercial properties have been devalued by about 30 per cent in the last year, and investments relating to Bond Corporation, the Bell Group, Rothwells and Spedleys have been written off or substantially written down. In recent years the SGIC, which undertakes social insurance such as workers' compensation and third party motor vehicle insurance, has sought to accelerate the settlement of claims. This is both socially and prudentially laudable. However, this has increased its cash flow requirements.

Apart from its investments, the other major source of income for the commission is premiums, primarily those for compulsory third party motor vehicle insurance. Under the Court Government premiums were twice increased by 50 per cent and once by 33.3 per cent and, under the O'Connor Government, by 25 per cent and 10 per cent. Since then, they have been increased by 10 per cent in 1986 and 12 per cent last year. The increase of 30 per cent will, when implemented by the SGIC on 1 October this year, mean that premiums will still be 5.3 per cent below what they would have been if they had kept pace with increases in average weekly earnings since 1983. I seek leave to table a graph which outlines the increases in third party insurance premiums between 1976 and 1991.

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

[See p 3543.]

Dr GALLOP: Average weekly earnings have increased in this period by 69.3 per cent. If third party premiums had increased by that amount the cost for an average family car would now be \$210. With the latest rise from 1 October the premium will be \$199.20.

In the last four years the SGIC has moved from having a portfolio of extremely conservative but under-performing investments to one of initially high performance but unacceptably high risk. The slump in the property market and the losses associated with the Bell Group and Bond Corporation have seriously eroded the SGIC's asset base. This is in spite of the fact that the operations, as opposed to the investment activities of the SGIC and the SGIO, have achieved profitable results.

In the barrage of attacks on the commission and the Government, the very real successes and steady operational achievements of both organisations in the past decade have been denied proper recognition. When Premier Lawrence took on her job in 1990 she pledged security, certainty and integrity in the operation and administration of Government. Her Government

has made it clear that it will not involve itself in the day to day management of the commission's affairs. Matters of commercial judgment will be the responsibility of the board and management. The problems have been identified and analysed and appropriate solutions have been designed to address them. The results cannot be achieved without pain. Anyone who reads the newspapers or watches television news and current affairs will be only too aware of the political penalties borne by this Government. In moving to rectify current problems while meeting the Premier's pledge there are hard decisions to be faced. The Government does not hide from the fact that the community will bear some of the attendant pain. For its part, regrettably the motoring public will have to face an increase in the cost of putting a motor vehicle on the road, albeit at the end of a long period in which the third party insurance component of that cost has decreased in real terms. The Government is only too aware that this imposition occurs at a time when the economy is in recession and ordinary families can least afford it. The increase for an ordinary family car will be \$45.60.

Mr Shave: Stop trying to defend the indefensible.

Dr GALLOP: The Sports Commission should do a steroids test on Opposition members because they have been a bit active this afternoon.

Future increases will be decided by the Government on the advice of the board of the Insurance Commission of Western Australia which will take over the running of the third party insurance scheme from the SGIC under legislation to be introduced to the Parliament. I am advised on the basis of conservative projections that it should be possible to index premiums approximately to the growth of average weekly earnings. The Government will be asking the new Insurance Commission of Western Australia to develop a proposal for setting premiums annually on a basis that will avoid dramatic fluctuations and enable appropriate levels of funding.

Mr Speaker, while these current results are not pleasing I am confident that the initiatives the Government is implementing will return the SGIC and SGIO to a healthy financial status.

MR LEWIS (Applecross) [4.51 pm]: Is it not an incredible situation that today we had one of the most important statements ever read in this Parliament and only two Ministers of all the Government Ministers who have presided over one of the greatest disasters this State has ever seen are in this House? It is really the day the covers have come off; it is a day of reckoning; it is a day of great shame for this Government and it is a day of disgrace for the Treasurer. It is also the day that the chickens have finally come home to roost and the day on which the Government has had to admit that it must bail out the State Government Insurance Commission and the State Government Insurance Office to the tune of \$80 million. The incredible thing is that this information would never have come out had it not been for members of the Opposition and the Independents in the Parliament who made it clear to the Government that the new Bill for the corporatisation of the SGIC would not pass unless it laid on the Table of the House a complete exposé of the financial disasters of the SGIC. The Government was forced to the wire. It is very convenient for the Government to be up to its old tricks.

Mr Catania: What tricks?

Mr LEWIS: I refer to its cynicism and the timing of the media statement. The Government has just experienced two days of great shame. Yesterday it announced that the Rural and Industries Bank of Western Australia had suffered another loss this financial year; that is, \$100 million. That amount is in addition to the loss of \$98 million which it incurred last financial year. Yesterday really was a day of shame for the Government. Today, on the day the Federal Government is bringing down its Budget, the Government thought it would sneak into this House with this statement in an endeavour to try to have the information buried in page five or six of tomorrow's *The West Australian*.

Today the Government has had to admit a further \$187 million write off. It was hoping that its action would not be noticed and that the information would be hidden in the paper behind the information about the people who attended the Rally for Justice today. Twenty thousand people attended that rally and it is an embarrassment to the Government because it thought that it could ignore what is happening in the community. The Government's media management is typical of the way it approaches these things. It is not prepared to stand up and say that it is responsible for what has happened with the SGIC. Where in the statement

has the Treasurer or the Minister assisting the Treasurer said that the Labor Government is responsible? I ask the Treasurer and the Minister whether they have been responsible and whether they will accept responsibility for the great losses that have been incurred by the SGIC.

Dr Gallop: What a pathetic question!

Mr LEWIS: The Minister's statement does not accept any responsibility. The Minister thinks that he can just state there has been a \$187 million loss and a cash infusion of \$80 million will be provided to the SGIO and then say that it has happened and it is too bad. The Government collectively is responsible for what has happened. The Minister's statement is pathetic, especially when he said that it was a disappointing but not an entirely unexpected result.

I direct members of the Government, particularly the Deputy Premier, to a full report tabled in the Legislative Council last year which itemised the reasons why this had occurred. The Deputy Premier said at the time that it was a litany of lies, it was a disgrace and that there was no truth in it. All we have to do is go down to the Royal Commission to hear about the bail outs and how the Broken Hill Proprietary Co Ltd and other property deals in the terrace were enacted. The \$491 million with Holmes a Court was contingent on \$50 million being infused into Rothwells Ltd. We have heard that the Bell Group takeover was contingent on another \$100 million. Those things have directly resulted in a loss for the SGIC. The Anderson-Packer deals with Westralia Square involved another \$50 million being infused into Rothwells. Those deals were not done for commercial reasons, because members opposite are commercially illiterate; and the Minister assisting the Treasurer is probably the most commercially illiterate person in the Parliament. He said on television recently that the Government was borrowing the money and it was not a bail out. However, in the legislation for the commercialisation of the Insurance Commission of Western Australia, \$80 million will be required for the purchase of shares, which is nothing but capital infusion. He said it would not cost the State anything. Who will pay the interest?

Dr Gallop: I did not say that.

Mr LEWIS: The Minister did say that. His statement today is the understatement of the year because there is no acceptance of responsibility for what has happened. The Deputy Premier should read again what he said about the document tabled in the Legislative Council last year. He said that it contained a bunch of lies and untruths.

Mr Taylor: That is dead right.

Mr LEWIS: He was found to be incorrect and he has been found on his own admission to be involved in the BHP share deal; and the Attorney General was involved in the deal involving the Bell Group takeover. Those deals were nefarious and corrupt, to say the least. What we are debating now is an incredible situation in which the SGIC has been stripped of \$370 million in capital. That money has been lost during the time that the annual report of the SGIC dated 1 July 1988 was tabled in this House and the tabling of its report today. When speaking about the R & I Bank the Treasurer said the Government's action would not affect the taxpayers of this State. The Treasurer is also commercially illiterate. I will explain how it will affect the taxpayers of Western Australia. The loss of the \$370 million shown in the balance sheet represents, at a 10 per cent earning or interest rate, \$37 million a year. If that is aggregated with the \$8 or \$9 million it will cost to service the \$80 million borrowing, it will cost taxpayers of this State \$45 million annually from Consolidated Revenue.

Mr Taylor: You do not know what you are talking about.

Mr LEWIS: The Treasurer said that this would not affect the taxpayers of this State. The bottom line is that the real cost to taxpayers of this State is \$45 million. Premier Lawrence and the Deputy Premier have presided over one of the most corrupt periods of Government ever witnessed in Western Australia. Taxpayers have today to bear the result of their dealings.

It should be appreciated that the ongoing budgetary cost to Western Australian taxpayers will be \$45 million annually. It will cost the average motorist 30 per cent more for his third party premium, or \$45.60 a year; that will come out of the pocket of every person who owns a motor vehicle in Western Australia. That is what this Government has cost the taxpayers of

this State! The loss shown on the balance sheet for the past two years is \$311 million, and over four years is \$370 million. That money has been squandered or lost. The incredible thing is that the SGIO is insolvent. It needs an \$80 million infusion of capital to continue. It cannot open its doors without that infusion.

Dr Gallop: You do not know what you are talking about. You are a complete idiot.

Point of Order

Mr MINSON: I believe that the term "idiot" is unparliamentary and ask the Minister for Fuel and Energy to withdraw it.

Dr GALLOP: If it offends the sensibilities of the Opposition I am happy to withdraw it.

Mr Clarko: It cannot be withdrawn in that way. That is not acceptable.

Mr Taylor: It is good to have an assistant, Mr Speaker.

The SPEAKER: It is, and I thank the member for Marmion. I hold the view that it does no good for members to call one another names. If members went back through the records to determine whether the word "idiot" had ever been ruled out of order as unparliamentary I think they would find - as my research has - that it has never been ruled to be unparliamentary. However, the words "congenital idiot" have. Having said that, I think it would be a good idea if we got back on track and did not call one another names.

Debate Resumed

Mr LEWIS: If one looks at the combined accounts of the SGIC to ascertain its performance one sees there has been a turnaround in profitability of \$155 million. In 1988 the profit and loss statement showed an operating profit of \$126 million. Today's figures show a \$29 million loss, a turnaround of \$155 million in its operating stake. Net assets have reduced from \$184 million on 30 June 1988 to a negative value of \$186 million, a turnaround of \$370 million. As I said previously, if one deducts the \$80 million capital infusion, that will result in a net deficiency of \$106 million on the books of the Western Australian Insurance Commission when it is constituted. The SGIC has made a statement today that it has net negative assets of \$186 million.

Dr Gallop: The member was talking about the SGIO.

Mr LEWIS: They are the combined balance sheet figures for the SGIC/SGIO. We see a net deficit figure of \$186 million, yet the Government says the SGIC is not insolvent.

Dr Gallop: The term does not apply to the SGIC. Is the Ministry of Education insolvent? You people are mad.

Mr LEWIS: The Minister is showing his ignorance. He appeared on television saying, "It is not capital - we are borrowing the money." The real crux of the matter can be summed up in seven or eight points. First, the ongoing budgetary cost to the Government of this disaster will be about \$45 million a year. Secondly, the direct consequence of what has happened is a 30 per cent or \$45.60 increase in third party insurance premiums from 1 October this year, an imposition on every person in Western Australia who owns a motor vehicle. Thirdly, the loss over the past three years was \$311 million, and over the four years from 30 June 1988 it was \$370 million. The shame of it all is that the Government directed a limp wristed, compliant board of the SGIC/SGIO to do these things. That is why the SGIC/SGIO is in the state it is today. A compliant board of political appointees was directed by this Government in what I believe were corrupt activities. Fourthly, the SGIO and the Insurance Commission of Western Australia, as it will be, are both technically insolvent. The Insurance Commission of Western Australia will commence operations with a negative \$106 million capital base.

Dr Gallop: Is the SGIO insolvent?

Mr LEWIS: Without the \$80 million infusion by the Government, yes. This Government has accepted no responsibility for what happened as a result of its directions to the board of the SGIC/SGIO. The \$80 million that will appear in the Bill to be presented to this Parliament is nothing but a bailout, despite the protests of the Minister and the Treasurer. In fact, whether it is borrowed from Treasury or from somewhere else, it will impact on all Western Australians because it represents \$80 million worth of capital works that cannot be

done, at a time of great unemployment in this State. Those moneys are loan borrowings in a capital works budget.

Dr Gallop: It is not capital works.

Mr LEWIS: It is loan borrowings in a capital works budget and that \$80 million would go a long way towards upgrading and maintaining our schools and implementing capital works which would decrease unemployment in our State. Therefore it has impacted greatly on taxpayers, and those unfortunate people out of work, and members opposite are all responsible for that.

Dr Gallop: What would be your strategy?

Mr LEWIS: I suggest that if the Government had any honour at all it would do the proper thing and go to the people. Members opposite would resign their commissions and call a general election. If members opposite have not got the message today, with 20 000 people outside calling them incompetent, I do not know when they will ever get the message. The Government has no scruples and no honour; it is without shame. The whole performance of the SGIC/SGIO, which was directed by this incompetent Government, will go down in history as one of the most unfortunate experiences of this State.

Opposition members: Hear, hear!

Standing Orders Suspension - Ministerial Statement Reply

On motion by Mr House, resolved with an absolute majority -

That so much of the Standing Orders be suspended as would prevent the member for Avon from addressing the House on the subject of the ministerial statement for a period of not more than 10 minutes.

MR TRENORDEN (Avon) [5.12 pm]: In September 1989 I commenced the debate about the State Government Insurance Commission/State Government Insurance Office in this place. At that time I dealt not in rhetoric but in fact. I put the facts before this Parliament in the manner in which I thought we, as parliamentarians, should. I was ridiculed in some quarters of the Press for not getting stuck into the Government at the time, but I thought it was important for the State that the facts be put before the people. The Treasurer at that time, and other responsible Ministers, have always ridiculed the position I took in September 1989, but unfortunately that position has now been reached almost totally. The sad thing about it is that we have had to drag this Government screaming all the way. Even today, the statement made by the Minister assisting the Treasurer refers to the initial high performance of investments made by the SGIC/SGIO. The SGIC/SGIO never invested in these investments; they were instructed to bail out the empire of Robert Holmes a Court. That is what it was all about. In just a few moments the SGIC/SGIO took on these responsibilities as a result of a direction by the Government. We do not have to talk about that today, it is a matter of history.

Mr MacKinnon: But who bailed them out? It was the people of this State, who now have to pay.

Mr TRENORDEN: Exactly; but the ministerial statement still pretends that it was an investment. The pretence goes on: The statement says that when the Premier came to the job she pledged security, certainty and integrity of the operation and administration of Government; but what has happened today? Today this information was released. Was it released in this Parliament? No, it was released to the media at 12 noon. It was not released to this Parliament or to the people of Western Australia in the manner in which it should have been released. It was released outside this Chamber. That is one of the fundamental problems with this Government right now: It does not come to this Chamber and address us as a Parliament.

Mr Catania: Of course we do.

Mr TRENORDEN: The Government does not.

Dr Gallop: They are audited statements. You must give us credit.

Mr TRENORDEN: I believe in giving credit where credit is due.

The SPEAKER: Order! It is very important, for historical purposes amongst others, that the

Hansard reporter is able to take down in writing what is being said. It is extremely difficult when people are chatting loudly anywhere in the Chamber, but it is particularly difficult when people are doing so right next to the reporter.

Mr TRENORDEN: Thank you, Mr Speaker. I am happy to give credit where credit is due. When I moved a motion on this matter late last session the members for Perth and Ashburton voted for the motion and enabled us to receive the valuation of assets and liabilities. Those two members deserve the credit.

Mr Court: Otherwise we would not have had it until November.

Mr TRENORDEN: We would have been debating the new Bills relating to the proposed Insurance Commission of Western Australia and the new SGIC/SGIO Bill, which are to be introduced into this Parliament, in ignorance of the true position.

Mr MacKinnon: Had the Government had its way, those Bills would have been passed already.

Mr TRENORDEN: Exactly, and the credit lies with two Independent members, the members for Perth and Ashburton, who voted for the motion I moved.

Today's ministerial statement contains some very important facts. I will not discuss all the facts and figures because they have substantially been debated. However, if and when the proposed Insurance Commission of Western Australia is created it will start in deficit; I will not argue about the exact amount of the deficit. We are told that premiums will increase by 30 per cent on 1 October. Only a couple of months ago the premiums increased by 12 per cent, and soon they will rise again by 30 per cent. The Minister says it might be possible to index premiums approximately to the growth of average weekly earnings; he is actually saying the 42 per cent increase we have had already is not the limit.

Dr Gallop: We want to move to a system where it is self-funding.

Mr TRENORDEN: I accept that, and I agree, but I will not let the Minister get away with the blurb in his statement about what has happened in the past. The truth is that the Motor Vehicle Insurance Trust has problems because it has claims on one side, premium income on the other, and a gap in the middle. That gap used to be filled by investment income. The information released today indicated that investment income was 2.4 per cent or 2.6 per cent on assets, but these bodies are in diabolical trouble. Sadly, after two years of debate we still cannot come to this place on a level playing field and have a debate about what has happened. We are still trying to determine the facts of the past, and the game rolls on.

The SGIO should have an opportunity to trade its way out of trouble. It will receive \$80 million of taxpayers' money. The Opposition has said all along that the SGIO should stand alone with its own assets, and I applaud the fact that that is to happen. However, that could have been done under the original charter of 1986. Once that happens we can forget about the SGIO as it will enter the commercial world and trade as it should. Nevertheless, we still have a problem with the new ICWA because we do not know the level of its deficit. It is up to the Government to tell the Parliament that figure. Is it \$180 million or \$200 million? Unfortunately we cannot trust the Government because every time we have asked questions about this position it has generated a smokescreen, and that is continuing today.

The ICWA must pay up for claims associated with motor vehicle accidents, and I believe it has some problems with some of its funds. I was in Geraldton last week and 20 people indicated that they were having problems with claims lodged with the SGIO. Admittedly, some of these related to third party insurance and compensation with the SGIC, but these people were desperate for a resolution of their problems. The sooner this matter is laid to rest, the happier we will all be. Politics aside, this Parliament is meant to be running the State, yet the whole State has lost confidence in the way we operate. I do not blame people for a moment for that attitude is a result of the charades which have taken place in this State. We must give the SGIO the opportunity to trade without the monkey it currently has on its back. We must indicate to those who are waiting for motor vehicle insurance claims, and others involved with the ICWA, that claims will be paid in a responsible manner. When reading the document I have concerns regarding ICWA's liability - that is, the amount held in reserve to meet these claims - and I hope these will be cleared up by the Government. However, I shall not be surprised if they are not.

[Questions without notice taken.]

Sitting suspended from 5.58 to 7.30 pm.

MOTION - FORESTS

State Forest No 14 - Partial Revocation of Dedication

Debate resumed from 13 June.

MR OMODEI (Warren) [7.33 pm]: I support this motion, but at the outset I ask the Minister to explain to me, as I am rather new in this place, the difference between dealing with this matter by way of a motion rather than by way of a Bill. There may be a very simple explanation.

Mr Pearce: It is a standard process. The process itself is laid down by the Act.

Mr OMODEI: The proposal is to excise an area of 16 hectares out of State Forest No 14 for the purpose of alienating land where some Bunnings Ltd houses exist. This proposal is brought about as a result of the closure by Bunnings of the mill at Dwellingup. The reason for that was a lack of resources, but since then more resources have become available.

Mr Pearce: The mill was not closed as a result of a lack of resources; Bunnings has huge resources. It was closed as a result of a lack of sales.

Mr OMODEI: We could argue that point, but we now have two mills. The motion to alienate the land will not be opposed by members on this side of the House. Of course tangible benefits will result from the alienation because the houses will be able to be sold by the company to prospective purchasers, whether they be involved in the timber industry or come from outside the industry. That is very important for the town of Dwellingup. The economy of the town must be maintained and the retention of people in the town must be made possible.

To take the matter one step further, I seek a commitment from the Minister that the next step after the alienation will take place a little more quickly than is happening in other towns in the southwest. I refer to the towns of Northcliffe and Pemberton, where there is a proposal to sell Department of Conservation and Land Management houses to the general public, and the planning and subdivision of those lands has taken an excessive amount of time. I would like to think that in view of the urgency of this situation that planning process will occur quickly, because the alienation of land is only the first step in ensuring that those houses become available to the public. The next steps are subdivision and sale, and I would like the Minister's commitment that this matter will be dealt with expeditiously. We have no opposition to the excision; I concede there will be tangible benefits for the Shire of Murray. Public open space will be created which will make the town more attractive than it is already. Members on this side of the House support the proposal for the partial revocation of State Forest No 14 as quickly as possible.

MR WIESE (Wagin) [7.37 pm]: The National Party accepts what is being brought about by this motion and will support it. We have the opportunity to reflect on the need for this motion; that is, that as a result of the downturn in the timber industry, Bunnings Ltd's operations have been very severely affected, as have other mill operations throughout the southwest. This motion reflects that downturn. The motion will enable Bunnings to sell some houses in Dwellingup. When the houses eventually come onto the market, an attempt should be made to ensure that they are sold to people willing to live in the town of Dwellingup on a permanent basis, because that is the only way for the people of Dwellingup to gain a substantial benefit. I will not say it would be a disaster, but it would be distressing to the people of Dwellingup if these houses are sold to absentee owners who will not actually live there, or perhaps will live there on a part time basis. It is important for the town of Dwellingup to have permanent residents, not temporary residents who may buy those houses to escape from suburban living from time to time. We have seen a lot of this happening throughout the southern agricultural areas. Some older, retired people have decided not to spend the rest of their lives in cities. A major reason for that decision is that they feel they cannot live in the city in safety; they feel threatened by the crime and the violence, and we have spoken about that earlier today. Hence, when people retire many of them take the opportunity to sell their city houses and to move to country areas. They purchase a house in

the country in order to live without the threat of violence. They can still retain a substantial amount of money to provide for their old age, and many country towns have all the health and other facilities needed by older people. I imagine that the houses for sale at Dwellingup will be snapped up by people in those circumstances. I hope that the Minister can ensure, where possible, that the houses are bought by people who intend to live in the Dwellingup area permanently and not by those who will use the houses as weekend retreats.

Mr Pearce: In the first instance, they are to be offered to the people who are currently renting them.

Mr WIESE: That will go some way towards ensuring that the houses are bought by people with a willingness to live in them on a permanent basis. It will also ensure that Dwellingup will maintain its population and that businesses will carry on with some degree of stability. I accept the motion and commend it to the House.

MR READ (Murray) [7.43 pm]: I support the motion. Members will be aware that Dwellingup falls within the electorate of Murray. This motion is part of a commitment made to the residents of Dwellingup and the Shire of Murray following the recent closure of the Bunnings mill. Members will be aware that the good news was announced recently by the Minister for the Environment that two new mills will be opened in Dwellingup. That will alleviate the problems associated with the closure of the Bunnings mill. A matter of concern to the people who lost their jobs at the mill was security of tenure of accommodation. One of the purposes of the motion is to enable Bunnings to sell the houses to people who wish to buy them, and the Minister has stated that the people residing in the houses currently will receive first option. The previous speaker alluded to the attractiveness of Dwellingup to the people of Perth. Houses released by Bunnings in the past have been snapped up quickly by people looking for a different lifestyle from that offered in the cities. People from other areas in the region have also decided that Dwellingup has an ideal lifestyle and they have taken up houses as well.

The second purpose of the motion is to make available further land to the Shire of Murray. This will be welcomed by the shire because one of the problems faced in the area is the great demand for housing land. Unfortunately, because of the restrictions placed on development by the Peel-Harvey problem, a requirement exists for deep sewerage for development in the area. The shire has not been able to accommodate the demand for housing. Some of the forest areas that will become available for the shire will be used for recreation and housing purposes. That will represent a welcome addition to land and housing stocks.

As to the future of Dwellingup, the motion will go some way towards ensuring stability of population in Dwellingup. I am optimistic about the future of Dwellingup as a result of the opening of the two new timber mills -

Mr Omodei: Are they open yet?

Mr READ: No, but a definite commitment has been made that they will be opened. I am convinced that there will be no problem.

Another positive aspect of Dwellingup's future is the development of tourism. Recently the Minister for the Environment announced the identification of a site for a caravan park at Dwellingup. That will provide short term accommodation for tourists which until recently has not been available. Dwellingup has plans for a Tourist Information Centre which will also benefit the town. The natural beauty of the area will provide another industry in the town - apart from timber - which will ensure the town's long term viability. I welcome the support of the Opposition members.

MR BLAIKIE (Vasse) [7.47 pm]: I support the motion. It is important to indicate what the Parliament is about to do. The Executive Council has made a decision which has been endorsed by the Government of the State. The Governor has given an order to Parliament that by orders in council, published in the *Government Gazette*, areas of Crown land were dedicated in the State forest to be known as State Forest No 14. The order states that it is desirable to revoke in part the dedication of said lands as State Forest No 14 by excising that portion of such State forests as described in the schedule to the proposal. The final statement by the Governor is -

I do, therefore, now with the advice and consent of the Executive Council propose to the Parliament of Western Australia that the dedication of Crown lands as State forest No 14 be revoked in part by excising the area described in the Schedule.

The area described in the schedule relates to 16 hectares of the State forest. That is the area to be excised. If that happened in a series of other places around the State, one could imagine that people would rise in high dudgeon. However, the Government has considered that it is desirable and appropriate to excise that land. The Government has taken the matter to the Executive Council; an order has been made to the Parliament, and Parliament is considering whether the area of State forest should be excised. That is a commendable step. Parliament will make the decision regarding part of a State forest which is Crown land held in trust for the people of Western Australia.

It is important that members understand that this is one of the rare formal responsibilities that they have to make decisions in regard to certain types of Crown land and land in the Crown estate. To those people who say that Crown land cannot be excised I say that if the reason is valid the Parliament must automatically agree with it. Here we are talking about virtually flogging off some 16 hectares of Crown land and Parliament fully supports and endorses the Government's action. All members should be aware that this is a very important primary responsibility and every member should be involved. I support the Government's endeavours and commend its action.

MR PEARCE (Armadale - Minister for the Environment) [7.51 pm]: I appreciate the support of members from all sides of the House for this revocation. It is important to the continuation of the town of Dwellingup and is particularly vital to those people who once worked at the Bunnings mill who now have houses that they have occupied, in some cases, for a number of years and which they would have lost because of the loss of their jobs through the closure of the mill. Although it has taken a little while to resolve this matter we have now succeeded in replacing the single mill in Dwellingup with two mills.

Mr Omodei: According to the member for Murray you have not - they are proposals only. The proof of the pudding is in the eating.

MR PEARCE: I invite the member for Warren to sup because I said that we had succeeded in negotiating the reopening of two mills; that is a fact. The member for Warren is saying that although we have succeeded in negotiating it is possible that the mills will not open. I suppose it is possible the sun will not rise tomorrow. However, I suggest to the member for Warren that they will open and I invite the member to both the openings.

I was pleased the member came to the meeting we held at Dwellingup because amidst the sea of faces of the 200 or so people from the Dwellingup area, all of whom had beaming faces when we announced the plans we had to save the town from the troubles that it had hit, were five glum souls sitting on the left hand side of the front row. They were the members of the shadow Cabinet campaigning in the Mandurah-Murray area.

Mr Omodei: There were three, and two were from the south west region.

MR PEARCE: As we worked through how we were going to deal with the closure of that private enterprise mill in Dwellingup and how we were going to take action, everyone was clapping and cheering, but we had three glum faces among the beaming and smiling citizens. Those three faces looked sorry and sad indeed. I thought it was a bit sad that members opposite had to come in the first place - actually they were welcome - but they could have looked cheerful on behalf of the people. I have heard of people who take delight in the misfortunes of others because they think it will bring some benefit to themselves, but I have never seen people in that situation turn up and sit in the front row in the midst of the very people whose misfortunes they were hoping to batten upon. It has taken a little longer to resolve this issue than I would have hoped when I first spoke to the people at Dwellingup, and I took the trouble to go down to the town the second time round to apologise for the length of time it had taken.

Mr Omodei: So you should. I offered to support the revocation of land so that the issue of allocating the land and making the houses available could be fast tracked. The Minister for the Environment should acknowledge that.

MR PEARCE: I acknowledge that, but the member did it with a long face. I thought he could have been a touch more gracious about it. Members of the Opposition turned up hoping for big dividends, and they did not get any. Nevertheless, it is true that while I was giving commitments for mills in the town, for freeholding houses and for making land available, the Opposition gave a commitment to support the Government in this and I

appreciate that it has today honoured its commitment. How about a big smile for the people of Dwellingup? He managed it - I do not know if it was on behalf of the people of Dwellingup, but we are pleased to see that the member for Warren has shown a touch of grace in this whole business.

In contrast to the long faces on the Opposition shadow Ministers I really appreciate the support of the member for Murray in this whole business. It has not been easy for him in trying to negotiate the future, not only of the citizens of that town but also of the town. He has done an important job in representing the views and attitude of those people and in helping to bring about the negotiation which freeholded the houses, and by getting those two mills going again. The member for Murray has played an important role in this whole business and in moving for the revocation of the State forest it would be remiss of me if I did not pay a proper tribute to the work he has done. I also acknowledge the grudging support of the Opposition.

Question put and passed.

On motion by Mr Pearce (Minister for the Environment), resolved -

That the resolution be transmitted to the Council and its concurrence desired therein.

ACTS AMENDMENT (JUDICIAL QUALIFICATIONS) BILL

Second Reading

Debate resumed from 2 May.

MRS EDWARDES (Kingsley) [7.57 pm]: I support the Government in respect of this Bill. It was highlighted last year when we passed another Bill which talked about the qualifications for appointment as Master of the Supreme Court. It sets out the criteria of eligibility for appointment to judicial office. Presently, a legal practitioner can be appointed but he or she must have eight years' standing and practice. The difficulty in that is that the practice must be in Western Australia. This Bill takes away that unnecessary restriction and allows for a practitioner with experience in other jurisdictions, particularly overseas, where the Chief Justice and the Attorney General agree that experience can be considered because it is in a jurisdiction similar to that of Western Australia. This Bill basically updates that qualification provision. It will not mean a flood of outsiders coming into Western Australia, generally it will be people from Western Australia who have gone overseas to extend their experience and who will now be able to come back and hold office as a member of the judiciary in Western Australia. The Opposition also supports the proposed amendment to the Bill.

MR WIESE (Wagin) [7.59 pm]: The National Party supports the Bill. It is good that we can reach a situation where persons who have experience and equivalent qualifications can practise in Western Australia. It is a pity that we could not take some of these road blocks out in other areas so that persons with skills and qualifications obtained in other countries could likewise be able to practise in Western Australia by having the skills accepted by local bodies. A classic example would be the Australian Medical Association. The National Party accepts the Bill and commends it to the House.

MR D.L. SMITH (Mitchell - Minister for Lands) [8.00 pm]: I thank the members opposite for their support for the Acts Amendment (Judicial Qualifications) Bill. The reasons for the Bill were outlined by the member for Kingsley. I note the remarks of the member for Wagin on the need to extend these provisions to other professions and I assure him I will bear that in mind in matters in my jurisdiction and I will encourage my colleagues to do likewise.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Mr Watt) in the Chair; Mr D.L. Smith (Minister for Lands) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 8 repealed and a section substituted -**Mr D.L. SMITH:** I move -

Page 3, line 4 - To delete paragraph (d) and substitute the following -

(d) service, while admitted as a practitioner as defined in the *Legal Practitioners Act 1893* -

(i) as a registrar of the Court or the District Court; or

(ii) in a judicial or quasi-judicial capacity on any court, board, or tribunal constituted by a written law;

or

Members opposite have indicated their support of this amendment. It deals with a technical area which must be rectified and is being carried out at the request of the Chief Judge of the District Court.

Amendment put and passed.**Clause, as amended, put and passed.****Clauses 5 to 9 put and passed.****Title put and passed.****Bill reported, with an amendment.****HOME BUILDING CONTRACTS BILL***Second Reading*

Debate resumed from 9 May.

MR C.J. BARNETT (Cottesloe) [8.06 pm]: The Home Building Contracts Bill is a piece of consumer legislation. Its objectives, as stated by the Minister for Consumer Affairs, are to provide contractual protection for new home buyers and, therefore, provide them with a greater degree of certainty. It will also promote public confidence in the housing industry. The Bill refers to a disputes resolution procedure and, in fact, a proposed building disputes committee. This committee will be established by amendments to the Builders' Registration Act.

Members may feel a sense of *deja vu* about this Bill and I remind them of what has happened in the past year. The Bill has its origins in a building industry inquiry which made a series of recommendations in 1989. Since then the Minister for Consumer Affairs has made many public statements about the introduction of this legislation; indeed, it was introduced in the spring session of last year. Two Bills were introduced at that time, the Building Contracts Bill 1990 and a Bill which sought to amend the Builders' Registration Act. The Minister consulted both the Master Builders Association of WA and the Housing Industry Association on the Home Building Contracts Bill. That Bill was debated and passed by this House last year. However, the Minister did not consult widely on the Bill which was to amend the Builders' Registration Act. In fact a number of things in that Bill were not acceptable to the building industry. Near the end of the spring session last year the principal Bill, the Home Building Contracts Bill 1990, had passed this House and yet the Minister decided that the enabling Bill which was to set up the disputes tribunal would not proceed. The Home Building Contracts Bill 1990 left this House and was to go to the upper House. The Bill which would amend the Builders' Registration Act did not go anywhere; it did not pass through this House.

There were, and there remain, a number of problems with the Home Building Contracts Bill. Had it reached the upper House, our colleagues in that House quite correctly would not have rushed that Bill through the last days of the session. They said that they would defer their consideration of the Home Building Contracts Bill until the autumn session of 1991. Upon that the Minister immediately rushed to the Press and accused the Opposition of frustrating the passage of this legislation, knowing full well that she had not pushed forward with the amendments to the Builders' Registration Act. Even if the upper House had passed the Home Building Contracts Bill it could not have come into operation because the disputes

committee could not be set up. The Minister had not done her homework on the Bill which would amend the Builders' Registration Act.

Mrs Henderson: Why don't you tell the truth?

Mr C.J. BARNETT: That is the truth. I now come to the autumn session of 1991. The Minister at that time sought to continue the process and the most extraordinary situation occurred in this Parliament. The Home Building Contracts Bill 1990 had been passed by this House and had left this House, but in the meantime the Premier decided, for other reasons, to prorogue the Parliament. A piece of legislation had been passed by this House, had left this House but technically had not arrived in the other place. In correspondence between the Clerks of both Houses, they sought to resolve whether the Bill had left this House and whether it had arrived in the upper House.

I have heard of Ministers dropping the ball, but this Minister has set a precedent for this Parliament because she actually lost the ball between the two Houses and that is something which has never happened before.

Mr Catania: Why don't you say how good the Bill is?

Mr C.J. BARNETT: I will get to the Bill. The member for Balcatta has a commercial understanding and he should take an interest in this Bill.

The fact that this legislation disappeared did not matter because it provided the Minister with the opportunity to do some more work on the legislation and the industry and other groups had some input to it. Consequently, we had a significantly amended piece of legislation and the Home Building Contracts Bill was reintroduced during the autumn session this year. Towards the end of the previous session the Minister, having delivered her second reading speech, provided a few more media releases and made comments about the imminent passage of the legislation. We also heard a grievance from the member for Marangaroo about County Component Home Systems. At that stage the Opposition thought the Minister was about to proceed with the legislation because of the Dorothy Dix grievance.

Mr Catania: Was it a Dorothy Dix grievance?

Mr C.J. BARNETT: It was a setup to justify the Minister's actions. I am not defending the builder.

Mr Catania: It sounds as though you are.

Mr C.J. BARNETT: The Minister drew attention to the legislation on that occasion and we are now debating the legislation tonight.

In response to a comment by the member for Applecross about the legislation the Minister said that in spite of his constant chiming in, that Bill resulted from an inquiry set up by the Government in 1989 and has been progressed expeditiously. The progress is anything but expeditious; it is the greatest bungle I have observed in the year I have been in this place.

Mrs Henderson: Who told you it was not ready?

Mr C.J. BARNETT: The Minister gave her second reading speech on a Thursday and the convention of this House provides for the Opposition's response one week later. On the following Tuesday the Minister asked me whether we could consider the Bill and I told her that the Opposition would adhere to the convention of this House and it would be ready to debate the Bill one week after the Minister's second reading speech. I have been ready to debate it since then.

Mrs Henderson: You had two weeks and you were still not ready to debate it.

Mr C.J. BARNETT: We were quite ready to debate it at that time. The truth of the matter is that the Bill was dropped down the Notice Paper because the Leader of the House was so annoyed by the way that the Minister was handling the legislation, and also because there were more pressing matters. It has taken three years of talking and now the Bill, which has already been in two forms, is being debated.

The Bill is about home building contracts. It sets out to offer consumer protection and provides certainty for consumers. It has admirable objectives and contains some positive aspects. In case members of this House are confused and think that this Bill is the result of the serious problems which were experienced during the housing boom of the late 1980s they

should think again. Members will recall the collapse of the Mansard Group in which some 1 000 home buyers found themselves in a great deal of trouble. However, even if this Bill had been in place at that time it would not have had any impact on the Mansard situation. It would not have resolved the situation. It was only because the company had indemnity insurance through the Housing Industry Association that the home buyers got their houses built, at the end of the day.

On the surface this Bill is an innocuous piece of legislation. However, a cursory examination of it reveals that it is characterised by a lot of red tape. For many consumers it will mean a loss of flexibility and for others it will raise their building costs. It is not evident that this piece of consumer legislation will always be an advantage to consumers; in many cases it will disadvantage consumers.

I agree that the Minister has consulted many times, and in depth, with the Housing Industry Association, the Master Builders Association of Western Australia and consumer groups because of the complexities of the legislation and the unforeseen implications. More recently other groups have become involved and I refer to the Institute of Arbitrators Australia, the Institute of Architects and more recently the Law Society of Western Australia, which has raised serious concerns about the legislation from a legal point of view. They do not agree with all aspects of the legislation because there are conflicting interests in this Bill; however, they raised substantive points which the Opposition will air in this Parliament this evening.

I remind members of the main features of this Bill. It relates to all contracts for home building work between the value of \$6 000 and \$200 000 and it refers to the building of new homes and additions and alterations to existing homes. Contracts must be in writing and it specifies that any variations to the contracts also must be in writing. It states that the contracts must be for a fixed price and should not contain a rise and fall clause, but if there is such a clause the contract must clearly acknowledge it. The Bill sets a maximum deposit of 6.5 per cent of the value of the building work and specifies that progress payments can be made only for work done and materials supplied. It extends the defects liability period from 90 to 120 days and it tries to define the responsibilities of both the owners and the builders with respect to obtaining Water Authority of Western Australia, local government and other approvals.

The Bill to amend the Builders' Registration Act will establish a building disputes committee. It is yet another tribunal, and I understand that there are some 50 of these entities operating in this State, and it immediately raises the question of jurisdiction, differing interpretation and conflicts between the proposed committee and the court system. The Minister claims that the disputes committee will be inexpensive and speedy. I agree that it has the advantage of bringing together contractual disputes and workmanship disputes. However, it remains to be seen whether the committee will be inexpensive and speedy. I suspect that it will prove to be neither because of the deficiencies -

Mr Catania: Do you agree with the present system?

Mr C.J. BARNETT: We are not debating the present system. We are debating a proposed tribunal which it is alleged will improve the system. I would have thought that members of this House would deal responsibly with this Bill instead of coming in with one-liners which do not relate to the legislation. When we get to the Committee stage we will examine that point. I will be delighted to do so. I am glad that the member is showing interest in this point.

Mr Catania: I asked a sensible question. Is it better than the present system?

Mr C.J. BARNETT: We have a theory that the member for Balcatta is the only member on the other side with commercial knowledge, so he should not let us down. The Builders Registration Board essentially covers the southern part of the State. The Home Building Contracts Bill and the disputes committee established by it will apply Statewide. The committee will have responsibility for both contractual and workmanship disputes. It will be independent of the Builders Registration Board but will nevertheless be set up within that structure. The Builders Registration Board is required to fund the committee, which will hear disputes between builders and homeowners around the State. Its members will presumably be flying around and incurring costs that will be met by the Builders Registration Board, which is funded by builders in the southern part of the State. There seems to be a

tinge of inequity in a situation where owners and builders outside the southern part of the State will be able to use builders' funds from the southern part of the State. I know that the Minister's objective is to extend the coverage of the Builders Registration Board, but she has failed to address that problem.

I will now highlight some of the other problems with the Home Building Contracts Bill. The 1990 version of this Bill had no upper limit on its application. That created problems. For example, it specified a 6.5 per cent maximum deposit. That may seem a reasonable figure and it is for project homes. When one gets to high value homes built by low volume builders one is talking about a large degree of design and architectural work and consulting up front. In such cases the builder faces high risk and it may be appropriate, particularly to cover architectural and engineering advisers, for a 6.5 per cent deposit is inadequate. This raises the question of whether the Parliament wishes to provide consumer protection for wealthy people building large, expensive homes. I suggest such people can look after themselves and do not need consumer protection. The Minister agreed there was some weight to that argument and in response amended the Bill.

The present Bill applies to homes up to a value of \$200 000. That seems to solve the problem. However, it has created another problem. We now have a Home Building Contracts Bill setting out terms and conditions of contracts on buildings up to a value of \$200 000 and then from \$200 001 one gets into the court system and the law of contract. After 200 years or so of contract law under the common law we have a Minister proposing to turn that law on its head and have one law of contract for buildings valued at less than \$200 000 and another law of contract for buildings valued in excess of \$200 000. I accept the dilemma of the clause but put to the Minister that it has not solved the problem and that she probably has worse problems than before.

Mrs Henderson: What is the dilemma? There are no problems.

Mr C.J. BARNETT: I am more persuaded by the professional opinion coming from the Law Society about how this Bill will fare in the courts and the challenges that will occur than I am by the Minister's statement. Perhaps it is naive and foolish of me to take its opinion against that of the Minister for Consumer Affairs, but I have done that and, if that is careless, so be it. I have other concerns. There will be conflict between this Bill and the law of contract in common law. A number of clauses will prove in time to be voidable at common law. Other clauses will be found by the courts to be voidable through uncertainty. There are many of those in this Bill. Another matter of particular concern to the home building industry is some of the industrial relations aspects of the legislation. I refer particularly to the Minister's second reading speech where she states -

Home building work contracts with a value of more than \$200 000 will not be covered by the provisions of this Bill. A limit has been set to make it clear that this legislation is designed to regulate contracts between homeowners and builders, and it does not cover commercial building, multi-units and multistorey developments that are characteristically commercial enterprises.

I do not know whether it was by intent - and I hope the Minister will comment on this later - but that is a cause of great concern to the home building industry because it is more than implied by that expression that any building contract over \$200 000 will, in effect, be deemed to be a commercial contract.

Mrs Henderson: No, it does not.

Mr C.J. BARNETT: That is what it says. The Minister will have a chance to correct that later, and I hope she does.

Mrs Henderson: I will respond, but the member has not read the second reading speech properly.

Mr C.J. BARNETT: I will read it again -

Home building work contracts with a value of more than \$200 000 will not be covered by the provisions of this Bill. A limit has been set to make it clear that this legislation is designed to regulate contracts between homeowners and builders, and it does not cover commercial building, multi-units and multistorey developments that are characteristically commercial enterprises.

I put to the Minister that four units costing \$60 000 total \$240 000 and could well be interpreted by the courts, because of that statement, to be a commercial contract. I think all members of this House know the implication, if that is so.

Mrs Henderson: What are you talking about? Which court?

Mr C.J. BARNETT: The Minister hopes, and I suggest, with due respect, naively believes, that this Bill will be confined to her proposed disputes committee. It will not be so confined; it will be in the courts before she knows it.

Mrs Henderson: The member knows what Crown Law thought of that suggestion - it is ridiculous.

Mr C.J. BARNETT: If we are comparing Crown Law to the Law Society, well! That is a concern to the building industry, so I ask the Minister to clarify the matter when she responds so that the *Hansard* record shows what she intends by that clause. I say that because it could be taken by the court to mean that anything costing over \$200 000 is a commercial site. That may not have been the Minister's intention. However, that interpretation can be made. It is hard to make the Minister understand the difference between what she says and what is interpreted by the courts. I am not interested in what she believes but in what is contained in the second reading speech. I am fearful about how the courts will interpret that passage. I do not give a damn what the Minister thinks she said because I know what she said, but if those sites are interpreted by the courts as being commercial ones, all sorts of things change. Suddenly they become candidates for site allowances and for unionisation of those sites. I agree that that is an ongoing battle within the building industry. However, we have concerns because when the Minister for Consumer Affairs was the Minister for Housing, on her last day in that capacity she moved to put an industrial relations compliance unit into Homeswest. She also moved very late in that period to amend Homeswest contracts so that a specific clause would be taken out of the industrial award which gave unions the right of entry. It is true that unions have the right of entry under industrial awards, but the industrial award is a very long and complicated one, so why did the Minister pick that particular clause? She could have taken many of them but she took only that one. That is why we are just a little suspicious of the Minister. She is not the most trusted Minister, with due respect.

All I have done, against the cacophony of chatter in the background, is to invite the Minister to clarify her position; I hope she does so, because it is of grave concern to home builders. Should my worst fears come to pass and the unions unionise the home building industry and the cottage industry, home buyers in Western Australia can be assured that they will see a rise in the price of housing of at least 30 per cent. That is not in the interests of home ownership and that is why members on this side of the House take that wording in the Minister's second reading speech so seriously.

I will draw attention to a number of other aspects of the Bill in a general manner only, because it is more appropriate that I raise them at the Committee stage. Penalties are scattered throughout the Bill, and I believe the penalties are too high. Surely in any area of consumer legislation we should be trying to create an environment where the consumer and the purchaser, or in this case the builder, can strive to resolve problems in advance or, if they arise, resolve them amicably when they do. The penalties do not militate towards that. For instance, the builder is liable to a penalty of \$10 000 if he fails to put a heading on one part of the contract; there is a penalty of \$2 000 for failing to put a date on; there is a penalty of \$10 000 if, in response to a request for a copy of the contract, the developer takes more than seven days to get that copy back to the person who requested it. Those penalties are horrendous. The Minister does not understand that for a typical project home the deposit level might be of the order of \$1 000, and often they are small builders - small business people who are having a difficult time. If they are landed with a \$10 000 penalty simply for forgetting to put a heading on the contract -

Mrs Henderson: It is not, it is 10 per cent.

Mr C.J. BARNETT: - it will force businesses into failure. The penalties are excessive and during the Committee stage the Opposition will move to amend them.

I have mentioned briefly the problems of jurisdiction and I hope my colleague, the member for Kingsley, will elaborate on some of these areas. I am sure that she, as a member of the Law Society of Western Australia, will be able to do well for that organisation. There will

be disputes over jurisdiction between the proposed disputes committee and the courts, there will be different interpretations, and this Bill, if ever it is passed, will be challenged in the courts. Even though the Bill sets out to be an item of consumer legislation it is too one sided. It puts all of the onus and all of the penalties on the builder and requires little or no responsibility on behalf of home buyers.

Mrs Henderson: That is not true.

Mr C.J. BARNETT: It is unbalanced. There are elements of responsibility for the home buyer, but when we go through the Bill clause by clause sensible members will agree that it is one sided - one is nodding his head; I am glad he agrees in advance. It militates too much against the builder. If this Bill is passed it will not work. I do not object to the Bill's objectives; I do not oppose consumer protection or the objective of providing security for consumers and an enhanced level of confidence within the building industry. Indeed, the industry would endorse those objectives. However, the Bill is so prescriptive with respect to contracts that it will not be possible to write a contract which satisfies this Bill. I have not yet seen a contract that fits the Bill.

Mrs Henderson: What nonsense!

Mr C.J. BARNETT: It is not nonsense. The Bill prescribes what should be in the contract but the Minister has not produced a contract and it will be very difficult, in a typical housing situation, to produce the contract that satisfies this Bill. There was a better way to go. Indeed, the way the Opposition parties would have proceeded would have satisfied all of the objectives and avoided all of the problems; in other words, it would have helped consumers, provided security and confidence in the industry, and avoided the problems of conflicting jurisdictions - such as contract law, which goes in and out of phase according to whether the value is above or below \$200 000. All of those things could have been avoided had we simply adopted standard home building contracts, because there will not be a single contract which is acceptable and which works for all the different types of building, all the different circumstances, all the different local authorities, all the different provisions of the Water Authority of Western Australia and all the different planning agencies. There will not be a single home contract.

It would have been far better to have standard contracts. That would have afforded protection, because the Government could have required the disputes committee or the Builders Registration Board of WA to approve standard contracts. Groups such as the Master Builders Association of WA, the Housing Industry Association, and perhaps large private builders could have brought in a contract and said, "This suits the type of work we do and the type of house we build. Please look at it independently. If it needs amending we will change it and then use it for all the houses we build." That would have been the sensible, logical way to go; but we do not have a sensible, logical Minister. This Minister wants to legislate and have prescriptive detail, tie up builders and penalise developers. At the end of the day, because of her zeal to do that, she will actually harm consumers, limit their flexibility and impose more costs upon them.

Mr Speaker, you may have the impression that the Opposition is not entirely impressed with this Bill. We oppose the Bill.

Mrs Henderson: I thought you said you supported it.

Mr C.J. BARNETT: The Minister did not listen. We oppose the Bill. We oppose it not for its objectives or for what it sets out to do, but for the technical reason that it fails to achieve its objectives. In fact, it will create a whole range of new problems. At the Committee stage we will, to the best of our ability, try to improve the Bill, but that is a very difficult task because it is such a lousy Bill to start with. It is full of inconsistencies; nevertheless, we will try to amend and improve it. I hope that when this Bill goes to another place our colleagues there will have the good sense to refer it to the Legislation Committee, thereby allowing further input from anyone in the community who is interested, and have another attempt at improving this legislation.

Mrs Henderson: It is the same old story.

Mr C.J. BARNETT: It is the same old story because the Minister has announced this Bill three times. Three times in my parliamentary career, which spans one year and one week, the Minister has announced it. There have been three lots of Press releases. The Minister

rushed to *The West Australian* and had her photograph in the newspaper; yet here we are, a year later, and we still do not have the legislation. How many times has the Minister promised this to the consumer groups? She promised it to them before Christmas, yet she did not deliver. She proposed to do it last session, but she did not deliver.

Finally, we debate a Bill and find that it is useless. If the industry bodies are supportive of this legislation, I do not understand why I have volumes of files from the building and industry associations, architects, the Law Society, the Institute of Arbitrators and a whole range of people opposing it. If this Bill were an easy, neat piece of consumer legislation, and if the Minister and her advisers had done their jobs properly, we would pat her on the back. However, we cannot do that because this is a rotten piece of legislation. It will cause all kinds of problems and will not help the consumer. It fails in its objectives. I predict that this Government, or a future Government, will amend this legislation by including the provisions that I suggest; that is, a system either under the Fair Trading Act or under the Builders Registration Board where builders can produce standard contracts to be adopted, administered and interpreted through the board. This will meet the objectives of the legislation and will not create the host of problems this Bill does.

MRS EDWARDES (Kingsley) [8.41 pm]: I support the member for Cottesloe in opposing the Home Building Contracts Bill. In doing so I offer my experiences in legal practise when representing home buyers. It is one of the most frustrating and heartbreaking situations when couples ask how they can make their builder comply with what they wanted in their contract. Home buyers have a specific idea of what they expect their home to be like. This may be based on a show home they visited or based on plans they may have drawn up - sometimes it is based on both. However, somewhere down the line the builder may have misinterpreted what the home buyers wanted. This may have been a colour, a type of wood, the height of the ceiling or perhaps something far more structural; for example, if the building has a second storey and the top storey did not fit on to the bottom storey properly due to an engineering defect, this could create great problems. All sorts of problems can result in the home buyer not moving into his or her new home. A home is one of the most expensive items for which a person enters into a contract. When a young couple are saving for their first home, or when a couple have been married for a number of years and they want a retirement home, this is a very special matter for them.

It is true that the Builders Registration Board has not been as effective in the past as it could have been. It has not always resolved disputes satisfactorily. Also, it is often an expensive business for participants when acquiring legal representation, although it is not always necessary for home buyers to obtain legal representation. However, it is often the case that the builder is wiser and more experienced with these matters and he knows how to interpret the contract. Therefore the consumer is forced to obtain legal representation. In many instances in which the matter is not resolved by the Builders Registration Board, the matter is referred to the civil court for finalisation. We recognise the fact that the current situation has not always been effective. As the Minister recognised, it is in only a minority of cases where the builder has not done the right thing by the home buyer. It is a small problem when one compares the number of homes into which home buyers move every day to the number of disputes which arise.

Mr Catania: What percentage of people have difficulties with their builders?

Mrs EDWARDES: Can the member tell me?

Mr Catania: It is very high. It is about 90 per cent.

Mrs EDWARDES: I hope the Minister will bring the statistics into the House if that figure is correct. I believe that that is not the case.

Mrs Henderson: It is not a small problem for the individual concerned; it is a very major problem.

Mrs EDWARDES: I oppose this Bill because it is rewriting contract law and the Government, once again, will establish another tribunal. Also, I oppose the fact that the consumer will be no better off as a result of this legislation.

Mrs Henderson: Are you saying that the tribunal would not work better than the board?

Mrs EDWARDES: Excuse me, Minister! If the Minister wishes to make her little comments

she should do so during her own time. I want to make my points and the Minister is welcome to respond to all of them - I hope she does - but she should allow me the opportunity to express my views to the Chamber.

I also oppose the Bill because of the cost that it will impose on the consumer. The terms of the Bill must be incorporated into the contracts, and, as the previous speaker clearly identified, it will not work because it will involve increased costs to the consumer. As a matter of fact a new contract will have to be written for each area. It is possible that a contract will have to be written for each home purchased because of all the different regulations in different localities which will have to be taken into account. Each shire has different building requirements. Under the terms of this Bill these regulations will have to be incorporated into the contract. As a matter of fact, the terms of the Bill will also have to be included in the contract. Who will pay for the cost of drawing up each of these contracts? I indicate from previous experience that it is usually the lessee regarding lease contracts, and mortgagees with mortgages; therefore, the home buyer will pay for the drawing up of the contract. That will be great for the legal profession, but it will not help the consumer.

The construction of a home commences and several weeks later problems may arise through miscommunication or misinterpretation of what is expected of the builder by the home buyer. In that case, both parties will suddenly be looking for a way out. Who will pay for the costs involved in that situation? Under this Bill it is possible to terminate the contract, and that is where contract law has been rewritten, where under ordinary contract law the termination of a contract would not ordinarily be available. For instance, if a home has a suspended ceiling because it has a second storey, but if it were built of material other than that prescribed in the contract, the Builders Registration Board will say that the client still has a suspended ceiling which provided the necessary level and insulation and is doing the job it is meant to be doing. It could be said, "No, it is not the type of material you wanted, but you still have your suspended ceiling." However, under this Bill the contract can be terminated.

I find that absolutely amazing. Do not worry about the penalty, but worry about the fact that the contract can be terminated for reasons for which the ordinary law of contract, which has been established over centuries, can be tossed out the window. I wonder whether the Minister can give a projection of the number of determinations which are likely to occur. She has talked about the percentages; let her tell us exactly how many determinations are likely to be heard in a week, in a month or in a year; or how many times a week, a month, or a year the tribunal will sit. What will be the cost of setting up the tribunal? It will involve accommodation, installation of telephones, furniture, honorariums, secretarial resources, stationery and other establishment costs. I hesitate to say that the cost of setting up this tribunal will be in the vicinity of \$250 000; that does not understate the amount. That would be the cost of establishing a tribunal the purpose of which could be served quite easily by developing a standard building contract which would represent the interests of both parties. That would be a simple, inexpensive solution. It would be inexpensive to the consumer and to the taxpayer. Why did the Minister's adviser not advise her along that course? Why has the basic standard contract been tossed out the window in order to establish a tribunal? It is wrong to try to rewrite laws by increasing the number of regulations. That process helps to confuse people's rights rather than clarify them. That is why this legislation will not assist the home buyer. It is not a good piece of consumer law and it will help the legal profession to increase its fees for every building contract builders will be forced to write in order to include everything the Bill requires. In other words the Bill will cost the consumer and the taxpayer. The Opposition opposes it.

MR WIESE (Wagin) [8.52 pm]: It worries me when I hear that the beneficiaries of this legislation will be members of the legal profession because I do not carry a candle for them. Many other aspects of this legislation also worry me. I have spoken on those issues before and it is a pity we must go through the fruitless exercise of repeating them in this debate. It is fruitless more so because the Minister will not take the slightest notice of what is said.

Mrs Henderson: What gives you that impression?

Mr WIESE: That impression has been given to me by the Minister's conduct during this debate and on other pieces of legislation which have come into the House. She appears to have a completely closed mind to the fact that a contract requires two parties. Both the purchaser and the seller are involved and both parties must understand what is taking place

and that one party is dependent on the other. A contract of sale cannot be made unless one party is willing to be the purchaser. Also, a degree of fairness which acknowledges the needs of both parties, not the needs of only one party - the consumer - must be built into all legislation.

The legislation has gone overboard in protecting the rights of the consumer versus the rights of the provider of the service, in this case, the builder. The Minister reacted very strongly when the member for Cottesloe commented that he believed the legislation would disadvantage the consumer by incurring extra costs. The Minister denied that extra costs would be involved as a result of the Bill and asked the member for Cottesloe in what areas costs would be increased. I do not believe her reply covered the matter. I have highlighted some of the areas in which I believe extra costs would be incurred during the previous debate. I will do that again because I believe the consumer will be severely disadvantaged when builders are forced to adopt a different approach to their pricing policies. It is inevitable that if a builder is unable to build a rise or fall clause into a contract, he will set the price of the building at the highest amount in order to cover all eventualities which may occur between signing the contract and completing the building.

Mrs Henderson interjected.

Mr WIESE: Quite frankly, I believe a rise and fall clause has been to the advantage of the consumer in the past; in this case the person for whom the house is being built, because it ensures that in an unforeseen circumstance the builder and the home buyer are able to agree on a price rise.

Mr Catania: Can you give us any examples of that?

Mr WIESE: No I cannot because I have been involved in only about three or four home building contracts. In those cases the issues the same as those in this legislation were negotiated without the need for legislation and without the unnecessary impositions of this Bill. Very few homes are built under contract to a person on which changes are not made during the building of the home.

Mrs Henderson: That is not rise and fall, that is variation.

Mr WIESE: The Bill contains clauses which also affect variations.

Mrs Henderson: Would you agree that if a person takes out a loan that person expects the house to cost that amount of money?

Mr WIESE: Most people take out a loan in exactly those circumstances but they are very aware that as the building progresses some things which have been overlooked will involve extra costs. Very few people who sign a contract to build a house for, say, \$60 000 would take out a loan for \$60 000.

Mrs Henderson: That is because there is a difference between variation and rise and fall.

Mr WIESE: We are all probably aware of the difference between variations and rise and fall. The point I am making is that rise and fall contracts have provided an advantage to the person for whom the house is being built. When the builder is faced with this legislation I believe he will calculate his price to take account of everything that may go wrong, and so often does go wrong, during the building of a house. If this Bill is passed it will have an impact on the builder because that is how the legislation is pitched.

Mrs Henderson: That is not true.

Mr WIESE: The Minister says that is not true. That is the way the legislation is pitched. I will point out a clause and indicate how this legislation is directed so strongly at the builder. Clause 15 refers to the conduct or terms of contract that are unconscionable. The whole of that clause is directed at the builder. It says that a builder cannot "engage in conduct that is unconscionable, harsh or oppressive". It says that a builder shall not "enter into a contract that contains any provision that is unconscionable, harsh or oppressive".

Mrs Henderson interjected.

Mr WIESE: There are two parties to every contract. I wonder whether the Minister is really aware of what happens in commercial practice. Two parties are involved in drawing up a contract. Two parties read the contract and eventually sign it. It is a contract between two

people. It is not drawn up for the sole purposes of the builder. As I said, all of clause 15 deals with the things that a builder may not do. Can the Minister point me to any clause in the legislation which applies in similar terms to the homeowner? I do not believe there are any.

The legislation does not take into account rural people, be they builders or homeowners. A Perth builder building in a country town will subcontract the work. If the homeowner wants an alteration made to the home, the subcontractor will have to contact the builder in Perth to sign a variation of the contract before making the alteration. For example, the homeowner may want alterations made to the brickwork. The subcontractor will be required under this legislation to stop work immediately, make provision for the change in writing, contact the builder who has been contracted to build the house and get him to sign the agreement. That could take two or three days. In the meantime, the construction comes to a halt. Currently, the homeowner and the subcontractor who are on the spot can agree to an alteration and work continues as normal. This legislation will make that extremely difficult. It will be almost impossible in many cases for many of these clauses to operate when the legislation is applied to country areas. I do not believe that any consideration has been given to the effect that this legislation will have on builders and homeowners.

All speakers on this side have dwelt at great length on the clauses of the Bill. I hope that the Minister will take note of those thoughts and reply to them when she closes this debate. My main point is that I do not believe this legislation will achieve what the Minister says it will achieve. This legislation will have many adverse effects on the building industry and will add costs to a great number of home builders in the real world as opposed to the theoretical world with which this legislation deals. I do not believe legislation will achieve what the Minister is endeavouring to achieve.

MR CATANIA (Balcatta) [9.06 pm]: I support this legislation primarily because surveys in all capital cities in Australia, including Perth, have revealed that 90 per cent of people building their own homes have had problems with builders either because of a lack of communication -

Mr Lewis: Do you think this will solve it?

Mr CATANIA: Allow me to say my piece please. I believe it will. There has been a lack of communication between the parties, inaccurate documentation, construction delays and other grievances about builders by homeowners. One of the biggest problems when the contract is being drawn up is that many homeowners do not understand the contract, do not know what is in it, and do not know their or the builders' obligations under it. The member for Wagin said that he has never had problems with his contracts. Perhaps he is not one of the normal people when dealing with home contracts. Perhaps he is able to sort out his own problems through experience.

Mr C.J. Barnett: We agree with you so far. Perhaps the legislation makes it hard to achieve what you are after.

Mr CATANIA: Why? The contract will specify what the homeowner will get for his money.

Mr Lewis: The homeowner still won't understand it. You can put contracts in front of some people as long as you like, but they will never understand them.

Mr CATANIA: Is it not better to have legislation that states that certain specifications will be included in contracts?

Mr Lewis: You are saying that they do not understand now. This legislation will not make them understand.

Mr CATANIA: It will help with communication. I concede that people will not understand certain things.

Mr Lewis: I am glad you concede that.

Mr CATANIA: I conceded that to the member for Wagin. These changes enable the builder and the homeowner to sit down and talk about their contract. The member for Wagin stated that he does that in the normal course of events. Members must agree that the general process in the past has been for the builder to draw up the contract, place it in front of the prospective owner and ask him to sign it.

Mr Lewis: Only because the home builder does not have the money or resources to hire a lawyer to draft a contract. The contracts are standard contracts drawn up by the MBA or the HIA, which are generally accepted throughout the community.

Mr CATANIA: The legislation states that there must be a contract and it must comply with certain specifications. The inaccuracies that were evident in the past will not occur in future as a consequence of this legislation. It will reduce construction delays. In the past whenever a dispute has occurred the construction process has stopped.

Mr Lewis: It will cause an increase in building costs as builders will look for bigger margins.

Mr CATANIA: There may be an initial increase in cost but if the absence of any delays is taken into consideration it will save money overall. A number of instances of delays have occurred and I refer to one case reported in *The West Australian* on Thursday, 30 May 1991. The poor people concerned have been waiting seven months for their house to be completed and they have incurred an additional \$20 000 in the cost of building the home. If they had a different contract and builder and had paid an additional \$2 000 at the beginning of the construction, they would have saved \$18 000 in the long run.

Mr Lewis: Will it stop an unscrupulous builder?

Mr CATANIA: The intent of the legislation is to stop the unscrupulous builders.

Mr C.J. Barnett: Why not have several standard contracts? It will be hard to find a contract that fits the bill for everyone.

Mr CATANIA: Under the provisions of the legislation a standard contract will be used which will impose further obligations on the builder and the consumer. It is a two way street.

Mr C.J. Barnett: It is a one way street.

Mr CATANIA: Any legislation presented in this House which deals with consumer protection is always rejected by Opposition members.

Mrs Edwardes: That is not true.

Mr CATANIA: Of course it is. In the two years and four months I have been a member in this place I have never heard the Opposition accept any legislation to which consumer protection is attached.

Mr Lewis: That is because your Minister for Consumer Affairs has presented only one Bill and it has taken her three years to do that.

Mr CATANIA: The investment in a new home is probably the biggest investment most couples make and they do not want their dreams shattered by a builder who, in some instances, has no intention of providing the home they want from the building contract. We heard the contribution from the member for Marangaroo, and the member for Cottesloe said it was a frivolous grievance and that 30 people -

Mr C.J. Barnett: I did not mention the figure 30.

Point of Order

Mr C.J. BARNETT: I did not use the word "frivolous" and I claim to have been misrepresented by the member for Balcatta.

The SPEAKER: That is all very nice, but what is your point of order?

Mr C.J. BARNETT: The member for Balcatta has misrepresented my comments and I ask him to withdraw.

The SPEAKER: This is most extraordinary. It could almost be called a frivolous point of order.

Debate Resumed

Mr CATANIA: The member for Cottesloe may have used other words such as "set up" or "nonsense" but they meant the same thing to me. The other important aspect of this legislation is that fixed price contracts will be encouraged, and the inequitable and dubious rise and fall contracts will eventually be outlawed or will be of secondary consideration. The

question of progress payments is an important part of the legislation. Many complaints arise in this area, which is often the subject of litigation between owners and builders. By specifying when progress payments must be made the Government will remove a lot of heat from the issue. I have been dealing with the building industry for a number of years and am aware that another subject of litigation is the repair of defects and maintenance after the building has been completed. I hope that members opposite will agree that the increase of this maintenance period from 90 days to 120 days is acceptable.

Mr Lewis: I have no problem with that.

Mr CATANIA: I am glad to hear it.

Mr Lewis: It could be included in a contract anyway.

Mr CATANIA: I am pointing out the sections of this legislation which are progressive and which will not be opposed by the building industry.

Mr Lewis: Any decent builder would cover it for six months.

Mr CATANIA: The emphasis must be on the word "decent". Some would try to get away with it. The Bill clarifies the obligations of the builder and the consumer who contracts the builder. It is important that these obligations be specified. In the past the obligations were often known by only one side - the builder - who then had an advantage. Builders have more resources with which to obtain legal advice and they are aware of the workings of the Builders Registration Board. An important aspect of the legislation is that it makes clear the obligations of both parties. In that respect it is commendable.

Another important change proposed to the contracts and the building industry relates to the disputes committee. I was very surprised that members opposite did not agree with the establishment of the disputes committee. I understand it is a great improvement on the present situation. I have with me a small pamphlet published by the Builders Registration Board which refers to resolving disputes between builders and owners. It states that disputes can go on for months and months without a decision being made by the Builders Registration Board.

Mr C.J. Barnett: Do you believe the Bill will resolve that situation? Conflicts will still arise. Our argument is not with the objectives but with the procedures.

Mr CATANIA: When she was addressing this, the member for Kingsley's argument was that this new disputes committee should not be in existence at all. In fact it was an imposition on both consumer and builder.

Mr C.J. Barnett: You pointed to the conflicts with the court which have not been resolved by this Bill.

Mr CATANIA: If the member accepts the present position of the Builders Registration Board, what is proposed is superior to that.

Mr C.J. Barnett: That will be disproved in time.

Mr CATANIA: In time! That is a terrible comment.

Mr C.J. Barnett: I put it to you that there will be disputes relating to the effectiveness of this Bill. We are trying to be effective.

Mr CATANIA: Ninety per cent of people who engage in building contracts have a dispute with their builders. A large number of those disputes could be easily settled if they could go to a building disputes committee, but not if they must go through the present inefficient system in operation with the Builders Registration Board. This is what a consumer must do at the moment: He must advise the builder in writing of the complaint in detail. He must allow a reasonable time for the builder to communicate and/or attend to the problems. He must keep a copy of the correspondence. If no satisfaction is received he must obtain and submit a complaint form to the board, and he must ensure that all necessary details are complete and that copies of any documents specified in the complaint form are enclosed.

Mr Wiese: Do you think anything different will take place?

Mr CATANIA: Is it not far better to go to a committee and say that the plaster is rotting on the wall?

Mr C.J. Barnett: It does not work that way; you have not understood the Bill.

Mr CATANIA: I am very sorry. The system at the moment is long and drawn out and may still cause lengthy and costly legal disputes.

Mr C.J. Barnett: We were building you up earlier, but you have let us down; you have missed the point.

Mr CATANIA: I have no great desire to receive the member's accolades. The Bill completes the process whereby the whole building industry may have specified contracts and the consumer may go to a committee to resolve disputes. The Small Claims Tribunal is there to deal with disputes under \$6 000 and this can still be taken advantage of by those who have smaller complaints.

Let me build on the statement I made before. Members opposite turned their heads and said, "No, no, no" when I said that whenever consumer legislation appeared in this House they disagreed with it. I quoted the example of the member for Marangaroo who had his grievance viewed as frivolous. This is the sort of comment we have from members opposite when we deal with consumer legislation. This Government has the philosophy that fairness and equity should be the norm, and if anyone transgresses those principles they should be brought to book. Members opposite look at consumer legislation and work on the premise that if one can get away with it, it is right. That is why members opposite would not support this legislation, which is of some benefit to consumers and of some benefit to builders as well.

Some members have commented on the integrity of the Minister for Consumer Affairs, who has now called on the building industry to rectify the inequity in the roof tile laying business which is dominated by suppliers. She is trying to do that for the benefit of those involved in the tiling industry and for the benefit of consumers who will be able to contract on their own instead of having to go to the supplier to supply them with tiles and fixatives. These are all pieces of legislation which have been introduced by this Minister for Consumer Affairs. All this legislation represents changes which have been frowned upon by members opposite. I have noticed comments of derision from members opposite because they are not interested in giving protection to consumers; they are not interested in protecting the consumer who is making the greatest investment of his life with borrowed money. They are interested only in ensuring the interests of people who have advantages in the area of building. That is why the member for Cottesloe objected to this legislation. He is not concerned with consumers; he is concerned only with people in the building industry who can take advantage of those consumers who have no knowledge of contracts or what to expect from builders; they do not know what an eave is, or a retaining wall or whatever it might be.

Mr C.J. Barnett: You make a convincing case for a standard contract.

Mr CATANIA: I believe that a standard contract has a place in this legislation. In fact it is part of this legislation, and the Bill says that in that standard contract it will be necessary to specify what has been obtained from the builder.

Mr C.J. Barnett: But you will not be able to draw a contract under this legislation, as we will show you in during the Committee stage.

Mr CATANIA: I wait with bated breath! The consumers of Western Australia will have some satisfaction, as a result of this legislation, in knowing that there are people on this side of the House prepared to put up legislation which will have the effect of protecting their investment, particularly in the housing industry. It is a known fact that building a house is probably the largest investment a consumer will make. I support the legislation and sincerely hope that the Minister will be supported. It is an integral part of consumer protection legislation. It will bring some standardisation and order into building contracts in Western Australia. I commend this legislation to the House.

MRS HENDERSON (Thornlie - Minister for Consumer Affairs) [9.28 pm]: When this legislation was introduced last year the Opposition spokesman commented, "The Opposition parties are prepared to cooperate in the passage of this Bill." In the next session of Parliament, the same member said, when referring to the Bill before the House now, "That Bill passed, and I think everyone was reasonably satisfied." One cannot easily reconcile the member's comments tonight with those comments of satisfaction made approximately eight or nine months ago.

I would like to address some of the problems which the member raised on behalf of the Liberal Opposition tonight which he did not see as being problems when the Bill was introduced. The member mentioned first that he believed the legislation was too prescriptive, and he spent a considerable time explaining why he thought the legislation was unworkable and prescriptive. He went on to say that the solution was to have a standard contract. Nothing could be more prescriptive than to have standard contracts which would entirely limit any individual who wanted to build a house by drawing up his own contract, using an architect or whatever. The Bill gives an individual citizen considerable freedom in drawing up a contract, so long as the contract does not contradict the minimum requirements set down in the Bill.

The suggestion that every single contract used by every single citizen in Western Australia should be one or other of a set of standard contracts is 10 times more prescriptive than this Bill. The Bill establishes minimum requirements such as that a contract must be in writing. One could not say that is a unreasonable requirement. It was stated that a building contract should be dated as an essential requirement when most building contracts have within them a time limit within which a house must be constructed - such as 16, 18 or 26 weeks. Without a date the rest of the contract does not make sense. That is the key component of the contract.

Mr C.J. Barnett: The \$2 000 penalty is over the top.

Mrs HENDERSON: The member was most unhappy about my interrupting him. The member's suggestion is much more prescriptive than the contents of the Bill. The second point made by the member was that the Bill was so prescriptive that it would be unworkable; a contract would not be able to be drawn up anyway. The Housing Industry Association and the Master Builders Association have already drawn up contracts which fit the Bill because we have had two years' consultation on the Bill. Those bodies support the components of the Bill; they support all the features contained in it. They have already drawn up contracts ready to use. They will be very pleased to use them.

Since this Bill was introduced last year - and this has caused the Opposition spokesman to change his position - the Law Society has corresponded with him, as have the arbitrators. They have corresponded with me; I have received the same letters. It is well known that the Law Society is entitled to hold such a view. The society will seek wherever possible to prevent the functions of courts being taken away and given to other tribunals. The strong position of the Law Society is that it will oppose tribunals being created by the Government for special purposes. This is one of those occasions. This tribunal will assist to resolve quickly disputes between owners and builders. Anyone who would suggest that the current system where people take a contract to the court - as a useful way for a person to get a house built - in an attempt to resolve a dispute would need to be in fantasy land. The normal citizen in the street cannot afford a lawyer to attend court to resolve a contract dispute. In most cases, a builder would not want to go to court either because he would need to engage a lawyer as well. My experience has been that, other than the Law Society which as a matter of principle opposes the formation of new tribunals, everyone agrees that the current system to handle disputes in home building is not working. That is not a personal view; it is a fact that every year the Ministry of Consumer Affairs receives dozens of complaints relating to home building. It is the second largest area of complaint after used cars; it is a very significant area of complaint.

Mr Bloffwitch: It is a costly exercise.

Mrs HENDERSON: One would think so. One would also think that for each individual it is a very important area. It is one of the most important purchases or undertakings engaged in by people during their lifetime. Fairness must be established, as should basic ground rules. No-one denies that the current system of going through the local court does not work.

The member went on to say, as he said last year even though I explained it at the time, that the amendments to the Builders' Registration Act were introduced without consultation. Last year I explained that originally the Bill provided for disputes to go to the commercial tribunal. That was my preference in line with the recommendations of the inquiry. I had the legislation drafted in that way. The industry came to see me and said that it did not want that. So, as a result of consultation with the industry, the new BRB amendment Bill came in.

Mr C.J. Barnett: Why did the Minister say to me that the industry was happy? I walked to

my office and within half an hour I received telephone calls from the two major industry groups to say that I should stop the Bill.

Mrs HENDERSON: The member knows about the kinds of things the industry wanted to change.

Several members interjected.

The SPEAKER: Order! The Minister listened in relative silence.

Mrs HENDERSON: The industry put to me that it would like a closer link with the BRB. We appointed a chairman of both bodies. It was put to me that the industry did not like the use of the word "tribunal" so we changed it to "committee". They are not what I would call basic changes but I was prepared to make them after consultation. It is not true to say that when the Bill was introduced no consultation had occurred.

The next point made by the member was that if the Bill came in it would not resolve the problems and, for example, it would not resolve the problems of Mansard. Everyone knows that Mansard had a cash flow problem which related partly to the fact that costs were escalating at a rapid rate during the building boom. However, one of the largest single areas which caused consumers to cancel contracts was that Mansard was using a clause in its contracts which allowed the price to escalate if after 60 days the various approvals required had not been completed. Dozens of consumers told the Ministry of Consumer Affairs that Mansard was signing up literally hundreds of contracts and that it was not progressing any approvals. Mansard was not sending the approvals to the local authorities, in many cases, for weeks after the signing of them. So, there was no chance of approval within the 60 days. At the end of that time, the price went up by \$3 000 or \$4 000 or whatever; the consumers were very unhappy and that is not surprising.

The Bill tackles that problem and sets out the responsibilities of the builder and those of the owner to get those approvals. It does not allow either party to sit around and wait for the days to tick by and not submit applications or take action to get finance approved, in the case of the owner, or to get the plans to the council in the case of the builder. Those matters are addressed in the Bill. It might not have solved Mansard's cash flow problems but it would have had a significant effect on the consumers who ended up, in many cases, waiting 12 months or more from the date of the supposed completion of the house before they finally moved in. That caused enormous hardship.

Mr C.J. Barnett: It would not have stopped the collapse of Mansard.

Mrs HENDERSON: At the end of the day we must weigh up two matters, including the cash flow problems which partly related to signing some hundreds of contracts. If Mansard had not got away with the 60 day clause for so long it would not have signed the hundreds of contracts. It finally stopped signing the contracts as a result of action by the Ministry of Consumer Affairs. Whether Mansard would have collapsed or wound down operations and managed to trade out of difficulties is difficult to say.

Mr Wiese: Do you accept that the builder will hitch his price at the level of the worst situation?

Mrs HENDERSON: No. I will come to the member's point about rise and fall.

The next point made by the member for Cottesloe related to jurisdiction and coverage of the State. We brought in consumer protection as a result of an independent inquiry. The legislation follows the recommendations of the inquiry. It is not good enough to treat country people as second class citizens, or to say to them that we are setting up a mechanism for resolving disputes quickly or that we will make minimum standards for contracts but we will leave country people out of the equation.

The member raised the matter of jurisdiction.

Mr C.J. Barnett: I raised the subject of costing.

Mrs HENDERSON: I know. I will come to that. That is the reason we extended that to cover the whole State. We did not intend that country people should become second class citizens. Initially, the registered builders and the board will pay for it. I have given an undertaking to the board that if it costs more than what the board receives in registration fees the Government will provide additional funding; that is because previously the Ministry of

Consumer Affairs would have done some of this work. It is also in my plan that by the end of the first 12 months we will have extended the jurisdiction of the board so that country people will have the same opportunities as city folk to ensure they have a registered builder. That is long overdue.

I have not forgotten that the Deputy Leader of the Opposition asked for the number of complaints that were lodged in Irwin, and I will provide that later. The next question concerned an upper limit and whether it was intended that the Bill would cover the building industry. There is no question about that; the Bill is intended to cover home building only and that is the description in the long title of the Bill: An Act for the regulation of contracts between consumers and builders for the performance of certain home building work. That is very clear. The suggestion about providing an upper limit came partly out of the argument about prescriptiveness, that people at the upper end had more than enough opportunity to engage their own lawyer or use an architect to draw up their contract, and that they should have more freedom to be able to do that.

Mr Wiese: It is all right to rip off somebody who can afford to pay a lawyer.

Mrs HENDERSON: No, there was no talk of being ripped off. Originally this Bill did not have an upper limit because I believe that all consumers are deserving of the same protection, but the argument put to me was that people at the upper end of the market have the capacity to look after their own interests, that they can afford to seek legal advice, and that they do. To that extent an argument was put to me by architects that their contracts should not be prescribed by some of the sections of the Bill. That was not an overwhelming argument, but it was something about which that group felt very strongly. For that reason I was prepared in my usual flexible, amenable and cooperative way to include it. It would be my preference for that to be left out because all consumers deserve protection. I am prepared to reiterate the comments I made in my second reading speech as many times as is necessary: This Bill does not apply to commercial buildings, it applies to home buildings.

Mr C.J. Barnett: So you do not regard a multiunit housing development with a combined value of over \$200 000 as being a commercial site?

Mrs HENDERSON: I said this before in the definition.

Mr C.J. Barnett: You gave an undertaking to the industry that you would clarify your statement.

Mrs HENDERSON: I am doing that right now, just listen. I gave the undertaking that this Bill did not apply to commercial buildings. This was before there was any talk of an upper limit of \$200 000 - that came considerably later. I made those comments very clearly. Mr Barnett is quite right, the industry did ask me to say that, and I said that in my second reading speech. The Bill refers to the home or cottage building industry. It was not intended to cover multistoried blocks of flats. The limit of \$200 000 was put to me by architects. The member for Cottesloe has sought to combine the issue of the \$200 000 upper limit with the definition of "commercial", and to ask me whether I am saying that \$200 000 is the definition of what is commercial. No, I am not. What the member for Cottesloe read out a few moments ago did not say that at all. The Bill does not cover houses beyond \$200 000, and it does not cover commercial or industrial buildings. The two things are separate.

Mr C.J. Barnett: Are you saying that a development above \$200 000 is not a commercial site? The industry is concerned about your comments.

Mrs HENDERSON: I have said that it covers houses below \$200 000; it does not cover houses above \$200 000 and it does not cover commercial and industrial buildings; that is clear.

Mr C.J. Barnett: And multiunits, which are house sites?

Mrs HENDERSON: I said that in my second reading speech. I said it does not cover commercial, and multistoried blocks of flats are commercial. I have said it four times now.

Mr C.J. Barnett: You are confusing me, Minister, and perhaps I am slow.

Mrs HENDERSON: I think the member is.

Mr Wiese: The Minister keeps repeating the exact statement.

Mrs HENDERSON: I want to reply to the member for Wagin.

Mr C.J. Barnett: Is the block of home units that has a value of \$500 000 a home site or a commercial site?

Mrs HENDERSON: That is obviously not covered by this Bill; that is crystal clear. It is a commercial site.

Mr C.J. Barnett: Is it a commercial site in terms of what you said in your second reading speech?

Mrs HENDERSON: As far as I understand, the industry understands that to be a commercial site. But that is not covered by this Bill anyway, whether anyone calls it commercial or housing.

Mr C.J. Barnett: That is not the question the industry is concerned about.

Mrs HENDERSON: What is commercial and what is domestic construction is a matter determined by a rule of thumb in commercial contracts. As I understand it, the figure that is used there is about \$350 000. This Bill relates to home building and covers houses that cost below \$200 000; it does not cover houses above \$200 000; it does not cover multistoried units and blocks of flats, it does not cover commercial buildings, and it does not cover industrial buildings. That is as clear as I can put it.

Mr Wiese: How do you explain the difference between commercial multiunits and domestic multiunits?

Mrs HENDERSON: As the Bill stands at the moment the cut off is the \$200 000 figure. So if someone builds a duplex it is covered by the Bill. If someone builds a triplex and it costs less than \$200 000 it would be covered by the Bill. Once we get in quadruplexes I suspect we are getting into commercial buildings. In all my discussions with the building industry and the unions there is no clear cut line that everybody recognises. I realise that the different parties debate this continually but in the building industry generally most projects work on the basis of whether it is a commercial or a domestic contract.

Mr C.J. Barnett: You would help clarify this situation if you were to say that reference to the \$200 000 limit should in no way be taken to be interpreted as a definition of what is a home site and what is a commercial site.

Mrs HENDERSON: I am more than happy to say that. I am saying it right now! More than that, I checked on the possibility of any other judicial body taking into account what this Bill has as its cut off point, and I was told that that was an absolute nonsense. I know the suggestion that if houses below \$200 000 are included in this Bill and those above are not, that might somehow be taken in some other jurisdiction and used as an argument in a debate about what was commercial and what was domestic. That question has been examined by the Crown Law Department.

Mr C.J. Barnett: Will the Minister just say that \$200 000 will never be taken to define what is commercial and what is domestic?

Mrs HENDERSON: How can I say what other people in the community will define what is commercial and what is industrial; that is a ludicrous suggestion.

Mr C.J. Barnett: Your speech will be used to define that.

Mrs HENDERSON: The cut off point and the question of home building versus commercial building, which is in this Bill, is for the purpose of this Bill alone. That is exactly what I have told the industry and I cannot be any clearer than that.

Mr Wiese: Are you saying that a building above \$200 000 is commercial?

Mrs HENDERSON: No, it is not. We will come back to that during the Committee stage.

A question was raised about the \$10 000 penalty; that is the absolute maximum. For a first offence the tariff, as it is called, is normally 10 per cent, which is \$1 000. We are seeking to pick up the fringe, if you like, of the building industry and to make sure that those cowboys do not drag the rest of the industry into disrepute. If somebody is building a \$100 000 house they may need a penalty of about \$10 000 to make sure the contract is in writing; that is a very basic requirement. If the home owner cannot insist that the contracts are in writing what chance has he got of any kind of consumer protection? The industry believes that is an appropriate penalty.

The member for Kingsley raised some points, a couple of which I have already canvassed; one concerned the establishment of another tribunal. I made it quite clear that in my view the current system was not working. People are not happy taking their contracts through the local court and trying to resolve their problems. That causes immeasurable delays and costs. I understand the Law Society's position on that. It is not a small problem for individuals who have invested their life savings in order to buy a house, for that house to be delayed for months because of a dispute. That is a major problem. Every year the Ministry of Consumer Affairs receives dozens of formal and informal complaints about builders.

The National Party raised the question of rise and fall clauses and suggested that these clauses often assist consumers. That comment intrigued me because in most domestic contracts there are no rise and fall clauses, they are generally found only in commercial contracts. The reason for that is that commercial contracts usually run over a great length of time and during that time it is not uncommon for the cost of materials, supplies and wages to increase. However, domestic contracts are usually confined within a short time frame and are taken out by people who have arranged their finance first. They have saved for a deposit and borrowed a certain amount of money, and have a set amount of money to spend. A fixed price contract is usually signed by these people and they cannot afford to budget for rises and falls. It is unusual for domestic builders to include rise and fall clauses in contracts. However, it is a sure sign of a shonky builder if a rise and fall clause is included in a domestic contract.

Mr Wiese: I assure you the experience of people who build in the country is not that it happens over the short term. Often both renovations and home building is a prolonged process in many country areas.

Mrs HENDERSON: The member for Wagin will find that if he examined those contracts the vast majority are fixed price contracts and that the only builder who uses rise and fall clauses - and it is rare - cause many problems for the Ministry of Consumer Affairs. The building industry was happy to see the outlawing of rise and fall clauses in domestic building contracts. However, I admit that confusion arose over the question of variations. It is common for people to have variations to building contracts and for that to change the total costs. However, the total percentage of the change is usually not substantial.

The member for Wagin raised the question of the balance between owners and buyers and said that he thought the Bill was unbalanced and weighed heavily against the builder. He should examine the Bill carefully because he will find that some clauses outline clearly the responsibilities of builders in securing council approval. The responsibilities of owners are also outlined clearly. They include, owners' responsibility to obtain title to land and to organise their finances. It is not seen as unconscionable for a builder to request detailed information from an owner about his ability to pay, even before they agree to a variation. This Bill goes further than any other piece of legislation in this area in spelling out the responsibilities of owners. There are now Bills in each State - Western Australia is the last State to introduce such legislation - and I do not know of any other legislation that spells out more clearly the owners' responsibilities.

Mr Wiese: It is not providing that builders will do more.

Mrs HENDERSON: No, but most pieces of legislation are silent on that matter. If the owner does not manage to get his finance organised that is often a way out. This Bill makes it clear that that is one of the owner's key responsibilities.

This legislation is overdue because the building industry has been experiencing problems for many years. These problems have been outlined in inquiries held in the past 20 years and were reiterated in an inquiry into the home building industry recently. All the inquiries pointed to the same problems and suggested that something should be done. Western Australia is one of the last States to introduce this type of legislation which sets out the minimum requirements for home building contracts. Those minimum requirements include that the contract be in writing, be dated and specify the total price of the contract. They are minimal requirements and are the result of very lengthy consultations with the building industry. The building industry is now very happy with the legislation and believes that the Bill will lead to the building industry having greater credibility. The building industry believes that the Bill will boost confidence in the home building industry and will assist in the State's economic recovery. That will mean that consumers will not be concerned when

they hear stories about people having to live in caravans for six to 12 months because of delays caused by builders. This Bill will help in resolving such problems. I do not take credit for the content of the Bill. Most of the recommendations came from independent home building enquiries and many other sections of the building industry, including architects and consumers. It is a well researched Bill and is the result of widespread input by all interested parties. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Dr Alexander) in the Chair; Mrs Henderson (Minister for Consumer Affairs) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Interpretation

Mr WIESE: Mr Chairman, I indicate that the member for Avon will not be proceeding with the amendment he has on the Notice Paper.

Mr C.J. BARNETT: I thank the member for Avon for his cooperation and goodwill.

A number of inconsistencies arise in the definitions provided in this clause. First, I refer members to the definition of "dwelling" on page 3 of the Bill. I ask the Minister to clarify whether it is implied that we might need multiple single contracts for multiple dwelling developments. For example, if a commercial development provides for a caretaker's house, which will be a small part of the overall cost, will it require a separate contract?

I refer members to the definition of "home building work contract" which is a contract between a builder and an owner for the performance by the builder of home building work. It provides that a contract be drawn up if the building required costs between \$6 000 and \$200 000. The amount of \$6 000 is not a large amount of money and as my colleague the member for Applecross said one would be very lucky to have a decent wall constructed for that price. Recently I had a very modest wall built at my house and it cost \$4 700. It is easy for a minor adjustment to a residence to exceed \$6 000. This limit will mean that for a simple renovation all the provisions of this Bill will have to be complied with. Clause 3 also provides that the Bill will not apply if the amount payable under the contract for the work is \$200 000, or such other amount as is prescribed, or more. This figure was debated during the second reading stage of the Bill with reference to its impact on contract law and its implication on how a commercial site might be defined. This definition has probably created more problems than any other clause in this Bill. The Minister may recall that at one time I was in favour of no such clause at all and the member for Avon had an amendment on the Notice Paper to delete it. However, I came to the view that if it were deleted it would create a host of problems and that is the reason I propose to move an amendment to increase the figure to \$350 000. The building industry feels more comfortable with that figure, but I stress to members that I am not happy with it. What the Opposition is trying to do is to include a figure which is not as bad as that which is included in the Bill. The figure of \$350 000 is not the ideal figure, but we are trying to limit the problems that will arise from this Bill.

It is reasonable that if someone wants to have an independent arbiter, architect or another builder to represent his interests he is entitled to do that. It is not up to this Parliament to deny him that right.

Mrs Henderson: Where does the Bill take away that right?

Mr C.J. BARNETT: The Minister will have a chance to speak to the amendment when I move it. My proposed amendment does lean on the side of the owner and it will give people a greater freedom of choice. I will explain the specifics of the amendment when I move it.

Mr LEWIS: I have great difficulty with the minimum prescribed amount of \$6 000. I understand the figure has been taken from the Builders Registration Board's figures which, from memory, was first prescribed in 1968. Over the years the Government has been requested on a number of occasions to review that figure which captures virtually anyone who does anything around his home, including the construction of a screen wall or the

erection of a prefabricated outdoor type building. I know there are people in the industry who are not registered builders but they erect extensions like prefabricated sun rooms and it is difficult to erect them at a cost of less than \$6 000. This Bill is supposed to be looking after the people who are building new homes. Is that the case or is it to capture anyone who does any work around his home at a cost of over \$6 000? The Minister and the Government, through this Bill, is saying that anyone who wants to do more than \$6 000-worth of work around his home will have to sign a contract. That is going to the extreme. One cannot have a bathroom refurbished for under \$6 000. That is putting belts and braces on a situation not normally required by consumers. Would it be acceptable to move an amendment increasing that figure to \$12 000? If one takes the 1968 figure and extrapolates it it would be roughly \$12 000 in today's money. I can understand that the Government sees a need for this consumer legislation but I wonder whether everyone should have it imposed on them. Many second and third homeowners who wish to renovate their homes or build a patio with a pergola above it and a screen wall around it will be caught by this legislation and will have to sign a contract. Many people would be happy to have a friend, acquaintance or member of the family do that work for pay. The present situation will no longer apply and they will be compelled at law to have a stamped contract and to meet all the other conditions of this legislation. It goes too far. It is too prescriptive and leaves no room for a householder to move. I accept that a first homeowner can fall into a lot of traps, bearing in mind that in many cases they are young people. However, a person who has built two or three homes through a builder is very much aware of what is required and should not be required to have a contract they do not need. Any person having work performed to the value of \$6 000 or more will be automatically caught by this legislation.

Mr WIESE: I tried to point out during the second reading debate the areas where country people will be disadvantaged by this legislation. This is one such area. It costs between 10 per cent and 20 per cent more to build a house in the country. The minimum figure referred to basically refers to renovations. It costs country people a great deal more for a renovation than it costs for the same renovation in the metropolitan area. This clause setting a minimum amount of \$6 000 will substantially disadvantage country people. I believe the figure should be around \$15 000 but would be prepared to go along with the figure of \$12 000 suggested by the member for Applecross. The amount of \$6 000 is far too low and would greatly disadvantage country people doing renovations or additions because of the extra cost of building in country areas.

Mrs HENDERSON: The average complaint relates to an amount of less than \$1 000. Complaints are usually related to relatively small amounts.

Mr Lewis: People can go to the Small Claims Tribunal.

Mrs HENDERSON: The industry did not want people going to the Small Claims Tribunal. That is almost anathema to it. At the moment if people want to lodge a complaint about workmanship they go to the Builders Registration Board. We are bringing together complaints about workmanship and contractual matters. I think the members for Cottesloe and Applecross have misread the legislation. If they look at page 3 of the Bill they will see a definition of "home building work" which states -

"home building work" means the whole or part of the work of -

- (a) constructing or reconstructing a dwelling;
- (b) placing a dwelling on land;

And later -

- (d) constructing or carrying out any associated work in connection with -
 - (i) any work referred to in paragraph (a) or (b);

In other words, associated work such as a swimming pool, pergola, brick wall or landscaping comes under this Bill only when done at the same time as the house is built or an extension is put on. If the member for Cottesloe builds a wall in his back yard but is not putting on an extension to his house that is not associated work. The definition of "associated work" must be read in conjunction with the "home building work" definition and the definition of "builder". That shows the connection between the two.

Mr Lewis: If I wanted someone to build a screen wall costing \$7 000 around my swimming pool are you saying that this Bill does not catch that?

Mrs HENDERSON: No, because it is not associated with home building work done by a builder; it is on its own. If someone is building a house or doing an extension or renovation and at the same time has landscaping done, a pool put in or brick paving done, those things are caught.

Mr Lewis: What if it is done by a different contractor?

Mrs HENDERSON: It is part of the contract. The clause related to swimming pools and those sorts of extensions has been discussed extensively with the building industry and the swimming pool industry which are happy with what is in the Bill. They believe it is fair and workable. It is important that the amounts tally with the amounts from the Builders Registration Board, for obvious reasons.

Mr Lewis: But they are antiquated. If you were smart you would increase them.

Mrs HENDERSON: There are many people for whom the amount in conflict is small. Sometimes it is part of a contract for a quite small amount. If someone is building a house and part of the project is a contract for landscaping costing \$4 000 that is a substantial sum. If there is a dispute over \$1 000 of that landscaping amount, that is a substantial sum. Those are the sorts of matters we are looking at. That is why we have \$6 000 as a minimum.

Mr Lewis: If I write a contract for \$50 000 to build a new home and go to another party to have landscaping done at a cost of \$4 000, are you saying the two are aggregated so a person with a \$4 000 contract will be caught as well?

Mrs HENDERSON: The reason the associated work was included is that it is not uncommon for the builder to organise, on behalf of the owner, a contract for a swimming pool, pergola or brick paving. It may be that the contract is between the owner and the swimming pool company; the builder might not even be a party to the contract, but he organised it as part of the total package and it happens at the same time. It was a recommendation of our inquiry that peripheral works which go on at the same time as the construction of the house should be covered, and that is what we are doing here.

Mr Lewis: You are not listening.

Mrs HENDERSON: I am, and the answer is yes, because if someone has a contract with a builder but the swimming pool is put in by someone else -

Mr Lewis: And it costs only \$4 000 -

Mrs HENDERSON: No, it is the amount there.

The CHAIRMAN: Before we proceed, there are a couple of conversations around the Chamber which are distracting the Hansard reporter. Could members please tone them down.

Mr Lewis: The question is, is it included in the aggregate?

Mrs HENDERSON: It must be \$6 000 or more.

Mr Lewis: Let me get this clearly on the record. If I have a contract for \$50 000 for a home and I ask someone who has been recommended by the builder to build a screen wall and put in a pool, which might cost \$4 000 -

Mrs HENDERSON: That is not included.

Mr Lewis: But \$8 000 would be?

Mrs HENDERSON: Yes, it would be. It depends on the person with whom the contract is made, so if the contract is with the builder and he arranges for the swimming pool to be built and it is part of the total package, obviously it would be included in the total package, which might be \$120 000. However, if someone arranges a separate contract to build a retaining wall for \$2 000 it is not included; if it costs \$10 000, it is included.

Mr Lewis: I return to my first point about the \$6 000 minimum, which the Minister said the member for Cottesloe and I misunderstood. She said that if I had had a home for 20 years and wanted to build a brick wall around it which would cost \$7 000, it would not be included.

Mrs HENDERSON: That is right, because that is not associated work going on at the same time, or constructed by a builder.

Mr Lewis: I do not think you understand the legislation.

Mrs HENDERSON: I do, but the member for Applecross is not listening. It is possible for someone to have \$7 000 worth of renovations or extensions done to their home; those people should be covered and they are. If someone builds a wall on its own with no builder involved with renovations, extensions or other building work, that falls under the definition of home building work, so it is not covered, no matter how much it costs. However, if the wall is built as part of, at the same time as and in conjunction with extensions, renovations or a house building project, it is covered. If it is a separate contract it must be for more than \$6 000. I cannot be much clearer than that.

Mr Lewis: We did not misunderstand at all.

Mrs HENDERSON: Yes, the member asked whether, if his brother-in-law built a wall and he was not building a house at the same time, it would be covered. My answer was that it would not, because it cost only \$4 000.

Mr Lewis: If my brother-in-law said it would cost \$7 000 to build that wall and it is extraneous to a building contract for my house, would I have to sign a contract with my brother-in-law?

Mrs HENDERSON: Not if there is no other home building work going on and your brother-in-law is not a builder; I have already said that. The member should read the Bill. Associated work is work associated with home building work. The member is not trying to understand.

Mr Lewis: Isn't a brick wall around a house "associated work"?

Mrs HENDERSON: Only if home building work is going on at the same time. I have said that several times.

Mr Lewis: I will repeat the question: My house was built 10 years ago and I want to build a screen wall around the swimming pool. My brother-in-law is going to do the work, and he says it will cost \$7 000. The Minister is saying I would not, therefore, be required to sign a building contract for that work.

Mrs HENDERSON: That is right; that is what I have said all along.

Mr Lewis: I do not think the Minister understands her legislation.

Mrs HENDERSON: I understand it absolutely.

The CHAIRMAN: Order! This point has been back and forth across the Chamber several times.

Mrs HENDERSON: When the member for Applecross laughs, is he suggesting it should be included?

Mr Lewis: No, the legislation says so.

Mrs HENDERSON: No, the member did not read it correctly.

Mr C.J. BARNETT: I move -

Page 4, line 2 - To delete "\$6 000" and substitute "\$10 000".

Mrs HENDERSON: We chose to stipulate \$6 000 for a special reason. People can take claims below \$6 000 to the Small Claims Tribunal and those above \$10 000 to the Builders Registration Board. There is a gap between \$6 000 and \$10 000 where they have nowhere to go, except to the Local Court, which not many of them are keen to do. This Bill closes that gap and ensures that if a claim is below \$6 000 it can be taken to the Small Claims Tribunal and if it is \$6 000 or more it can be taken to the dispute resolving tribunal.

Mr Lewis: You said a moment ago that one does not need a contract.

Mrs HENDERSON: I have told the member for Applecross that if someone wants to extend his house and it costs \$6 000, he is covered by this legislation. The member may not know many constituents who do that, but I know plenty. I know people who alter rooms in their houses; they redo their kitchens and bathrooms and it costs about that sum, and those people are covered under this legislation.

Mr Lewis: But you just said they were not.

Mrs HENDERSON: No, I said that is home building work. If they renovate a bathroom or

kitchen that is home building work and it is covered from \$6 000 upwards. I cannot help it if the member finds it too hard to understand.

Mr Lewis interjected.

Mrs HENDERSON: No, it is only the member for Applecross. He is the only one who is confused.

Mr Wiese: I can assure the Minister that Mr Lewis is not the only one.

Mrs HENDERSON: I will say it again, for the last time. Home building work above \$6 000 is covered. That includes any form of home building work, whether it be renovations, extensions or new building work.

Mr Lewis: What about screen walls?

Mrs HENDERSON: A wall that is built by a builder in conjunction with an extension, a renovation or home building work is covered. A wall that costs less than \$6 000 and is just standing out in the backyard and has nothing to do with the Bill -

Mr Lewis: Why don't you admit that a screen wall costing more than \$6 000 is included? Why are you equivocating on this point?

Mrs HENDERSON: I am not. The problem is that the member for Applecross does not understand it. If the wall is built when the house or extension is built it is covered; if it is not built by a builder it is not. How much clearer can I be?

Mrs EDWARDES: It is clear the Minister does not understand her own legislation. I refer the Committee to the definition of home building work on page 3 of the Bill. It reads in part -

"home building work" means the whole or part of the work of -

(d) constructing or carrying out any associated work in connection with -

The definition of "associated work" which appears on page 2 of the Bill is -

"associated work" includes site works, swimming pools, spas, pergolas, carports, garages, sheds, fencing, retaining walls, paving, driveways, landscaping and other like works;

Mrs Henderson: Finish the sentence.

Mrs EDWARDES: I did finish the sentence.

Mrs Henderson: No, you did not.

Mrs EDWARDES: I did. I said "and other like works".

Mrs Henderson: You should finish reading the clause.

Mrs EDWARDES: Let me explain - the Minister has lost the Committee. I refer to page 3 of the Bill and the part referring to the definition of "home building work". It states, "the whole or part of the work of", and I now refer to (d), "construction or carrying out any associated work". I explained previously that associated work means everything from the site work to the retaining work, landscaping and other similar work. I refer back to the definition of "home building work". It states in paragraph (d) "construction or carrying out any associated work in connection with"; we now jump to (ii), "an existing dwelling". The member for Applecross was saying that if he had a screen wall built, which would be "associated work", which is included under the whole or part of the work of construction in connection with the existing dwelling, and he asked whether he would be covered under this Bill. The Minister clearly said no. If the work value were more than \$6 000, under the Bill he clearly would be included. Will the Minister explain?

Mrs HENDERSON: The member is seeking to confuse the Chamber in order to cover up the fact that the Opposition clearly will not support this consumer legislation.

Mrs Edwarde: Just explain it.

Mrs HENDERSON: I will; I am more than happy to do so. The member's amendment seeks to change the reference from \$6 000 to \$10 000. He said that it was not necessary to cover any work valued at \$6 000 and less than \$10 000. I have attempted to explain to the Committee that somebody who has a problem with home building work to the value of

\$6 000 - for example with a retaining wall, a screen wall or a wall around a swimming pool - can go to the Small Claims Tribunal to have the matter dealt with. If the work is valued above \$10 000, it is dealt with by the Builders Registration Board which considers matters of workmanship. This is a matter of contractual protection to the consumer. A gap exists between \$6 000 and \$10 000, and the amendment by the member for Cottesloe to change the \$6 000 to \$10 000 will not resolve the problem for the people with work between those values. The only way to resolve that problem is to include all building work between \$6 000 and \$10 000 to ensure that a group of people are not caught in the middle and cannot go to the Small Claims Tribunal or the Builders Registration Board. I do not know how much clearer I can be in explaining this.

Mrs Edwardes: Will a screen wall valued at \$7 000 be included?

Mrs HENDERSON: I do not support the suggestion that we should remove the people with work between the value of \$6 000 and \$10 000.

Mrs Edwardes: You are not answering the question.

Mrs HENDERSON: I have answered it three times already. I will leave the reference in the Bill at \$6 000.

Mr Lewis: It will be changed anyway; you should get smart.

Mrs HENDERSON: That is an arrogant remark. The member shows a total lack of concern for consumers. He says, "Blow those consumers who have a \$7 000 contract." I oppose the amendment.

Amendment put and a division taken with the following result -

Ayes (24)			
Mr Ainsworth	Mrs Edwardes	Mr McNee	Mr Trenorden
Mr C.J. Barnett	Mr Grayden	Mr Minson	Mr Fred Tubby
Mr Bradshaw	Mr House	Mr Nicholls	Dr Turnbull
Dr Constable	Mr Kierath	Mr Omodei	Mr Watt
Mr Court	Mr Lewis	Mr Shave	Mr Wiese
Mr Cowan	Mr MacKinnon	Mr Strickland	Mr Blaikie (<i>Teller</i>)

Noes (25)			
Mrs Beggs	Mr Grill	Mr McGinty	Mr Troy
Mr Bridge	Mrs Henderson	Mr Pearce	Dr Watson
Mr Catania	Mr Gordon Hill	Mr Read	Mr Wilson
Mr Cunningham	Mr Kobelke	Mr Ripper	Mrs Watkins (<i>Teller</i>)
Mr Donovan	Dr Lawrence	Mr D.L. Smith	
Dr Edwards	Mr Leahy	Mr P.J. Smith	
Mr Graham	Mr Marlborough	Mr Thomas	

Pairs

Mr Clarko
Mr Bloffwitch

Mr Taylor
Dr Gallop

Amendment thus negatived.

Mr C.J. BARNETT: I move -

Page 4, line 5 - To delete "\$200 000" and substitute "\$350 000".

I was not happy with the way this clause stood, and I am not happy with the member for Avon's suggestion to delete the whole clause. This whole part of the Bill is a fiasco. Frankly, an increase from \$200 000 to \$350 000 will simply reduce the number of conflicts arising through this legislation. It does not solve the problem or put in place a correct clause but simply reduces the number of times this clause will be seen to fail. It will still fail but will fail less often if the limit is \$350 000 rather than \$200 000. This amendment will make the situation more satisfactory.

Mrs HENDERSON: When this Bill was originally introduced it did not have an upper limit;

it covered all consumers. It was put to me, mainly by the architects, that there should be an upper limit in order to allow some freedom for those people in the very upper levels of the marketplace to negotiate their contracts without any recourse to this legislation. I accepted that argument mainly because I thought consumers who were building houses for about \$200 000 did not need the kind of protection we were seeking to provide. However, if we raise the limit to \$350 000 I do not think many people will be building houses at all. Not many houses are built for \$350 000.

Mr C.J. Barnett: I will invite you to my electorate some time.

Mrs HENDERSON: The member for Cottesloe would have all of those houses in his electorate.

Mr Trenorden: That really shows how ignorant you are.

Mrs HENDERSON: I am basing my argument on what the industry has told me. Probably less than one per cent of houses built in a year would be built for \$350 000. How many people can afford to build a house that costs more than \$350 000?

Mr MacKinnon: A few of your friends who have been referred to in recent days.

Mrs HENDERSON: None of them are my friends. The amendment is a joke; if the Opposition wants to remove the ceiling it should have attempted to delete the clause completely. I oppose the amendment.

Amendment put and a division taken with the following result -

Ayes (22)			
Mr Ainsworth	Mrs Edwards	Mr Minson	Dr Turnbull
Mr C.J. Barnett	Mr Grayden	Mr Omodei	Mr Watt
Mr Bloffwitch	Mr Kierath	Mr Shave	Mr Wiese
Mr Bradshaw	Mr Lewis	Mr Strickland	Mr Blaikie (<i>Teller</i>)
Dr Constable	Mr MacKinnon	Mr Trenorden	
Mr Court	Mr McNee	Mr Fred Tubby	
Noes (26)			
Mr Michael Barnett	Mr Graham	Mr Marlborough	Mr Thomas
Mrs Beggs	Mr Grill	Mr McGinty	Mr Troy
Mr Bridge	Mrs Henderson	Mr Pearce	Dr Watson
Mr Catania	Mr Gordon Hill	Mr Read	Mr Wilson
Mr Cunningham	Mr Kobelke	Mr Ripper	Mrs Watkins (<i>Teller</i>)
Mr Donovan	Dr Lawrence	Mr D.L. Smith	
Dr Edwards	Mr Leahy	Mr P.J. Smith	

Pairs

Mr Nicholls
Mr Clarko

Dr Gallop
Mr Taylor

Amendment thus negatived.

Mr C.J. BARNETT: I move -

Page 4, after line 6 - To insert after "more" the following new paragraph -

; or

- (c) a contract for the performance of home building work where all amounts payable under the contract are only payable if certified to be payable by an independent certifier engaged by the owner.

The definition of home building contract means a contract between the builder and owner for the performance by the builder of home building work, but does not include certain things. This Bill should not apply in a case where an owner decides to employ a qualified person to represent his interests. If Parliament denies that it is denying that person a right. It is important that people have the right to take care of their own affairs and to engage professionals to look after their interests.

Mrs HENDERSON: The member for Cottesloe's point is contradictory. A moment ago he sought to restrict the opportunity for home builders to engage their own architects and work outside the Bill by increasing the amount payable under the contract for the work from \$200 000 to \$350 000 which would have limited that opportunity to a handful of people in the State. Now he is seeking to include a clause which, according to him, does the opposite to that. This clause seeks to exempt from the Act any contract in which an architect or another professional is involved in drawing up the contract or the plans. Every other State in Australia has this kind of legislation. None of them provides exemptions for contracts that are drawn up for architects and the reason is a good one. If we provide that opportunity, the kinds of people we are seeking to catch by this legislation - it is not the vast majority of builders - are the fringe dwellers, the cowboys and those people in the industry who, particularly during buoyant times, take advantage of consumers, lead to enormous hardship and bring the industry into disrepute. There is nothing to stop that kind of company from seeking to use this loophole and engage an architect as a means of avoiding the implications of this legislation.

Mr C.J. Barnett: Not many people in the project home market employ their own architects.

Mrs HENDERSON: The member is right. However, as I said, this will leave a loophole so that a project home company, if it chooses, can engage an architect to ensure all of its contracts do not fall under the provisions of this legislation.

Mr C.J. Barnett: There are loopholes in this legislation that a truck can drive through.

Mrs HENDERSON: That may be the member's view. He keeps saying that, but when it comes to the crunch, he moves totally inconsistent amendments such as the one he moved only a moment ago which attempted to cut out all of the people who build homes worth between \$200 000 and \$350 000 which is the bulk of the upper income people -

Mr C.J. Barnett: You do not understand the market accurately.

Mrs HENDERSON: I understand it exactly. This amendment seeks to exempt any contract drawn up by an architect. We are including architect drawn up contracts in this Bill because we are talking about a contract between an owner and a builder. If an owner uses an architect as his agent to negotiate with the builder, so be it. However, the contract must meet the minimum standards set down in the legislation. As I said, no other State has gone down this path for the reason I have just outlined and I therefore oppose the amendment.

Mr LEWIS: The first thing the Committee should understand is that, just because other States have it, it is not necessarily right.

Mrs Henderson: That was not the only reason I gave.

Mr LEWIS: Quite often this Government has a "follow me" mentality. The Minister said the amendment would leave a loophole for a builder to hire an architect and not be caught by the legislation. The Minister's argument has no substance whatsoever. The Minister is stubborn and pig headed. She has not been prepared to accept a legitimate amendment to her legislation because she thinks she is the font of all knowledge on contract law. People may not wish to be saddled with this legislation. They may wish to contract a quantity surveyor, an architect or an engineer to look after their interests. This legislation does not let them do that. I suggest that this clause does not provide an individual with the right to contract his or her own architect.

Mrs Henderson: Our legislation does not prevent anyone from engaging an architect.

Mr LEWIS: It restricts a person from engaging a professional to look after his or her interests. This amendment spells out loud and clear my right to hire a quantity surveyor to look after my interests.

Mrs Henderson: You can do that right now.

Mr LEWIS: No, I cannot because the Minister said a moment ago that she cannot accept the amendment because it is a loophole for the builder. She has not even read the amendment.

Mr WIESE: During the second reading debate, I said that I believed this legislation was directed solely to the protection of the homeowner. The Minister vowed that I was wrong. If ever we needed an example of the Minister's attitude, we had it when the Minister said that the amendment was a loophole which could be used by the builders to rip off the poor little

homeowner when the amendment actually refers to somebody engaged by the homeowner, not the builder. If ever we needed an example of the Minister's attitude to this legislation and whether it is directed to one side, we had it then. The legislation needs to consider both parties involved in the building of a house; that is, the homeowner and the builder. If we have to have legislation to protect people, it should protect both sides of the argument. This legislation seeks to protect one side only and because of that it is flawed.

Mrs HENDERSON: There is nothing in this legislation preventing a citizen from engaging an architect, an engineer, a quantity surveyor or any other professional person he wishes to engage to assist him in the construction of his house. However, the contract that is drawn up by the architect on behalf of the owner with the builder must meet minimum requirements laid down in the Bill. I referred to a loophole because only after dealing with some of these fringe dwellers does one become aware of the ways in which these provisions can be used.

Mr C.J. Barnett: You tar all builders with the same brush.

Mrs HENDERSON: No, I do not. In fact, earlier this evening I said that the vast majority of builders would not be affected by this legislation and that is why they support it. I said it would not be unusual for an unscrupulous builder to say to an owner, "You shall have your contract drawn up by this architect" because they will be able to use that as a way of avoiding the minimum requirements of the contract.

Mr C.J. Barnett: Who is getting fanciful now?

Mrs HENDERSON: That is not being fanciful. If the member had had the kinds of experiences I have had, he would know that cowboys, in trying to limit this legislation, could do that and there would be nothing to stop them doing that. That is the reason I reject the amendment. One of the amazing things that the members for Applecross and Cottesloe said is that they were seeking to give opportunities to people, particularly at the upper end of the market, to engage their own architects and do their own thing. However, they wanted to increase the limit from \$200 000 to \$350 000 which would mean that the people who were trying to do their own thing would have been caught by this legislation. The reality is that the people at the upper end of the income bracket use cost plus contracts which are not covered by the legislation. Therefore, it will not be a problem. In my view the amendment should be rejected - not just because it is the view of every other State, although every other State has examined this proposal and rejected it - because it provides an obvious loophole and does not provide the protection for consumers that they deserve, merely because they use an architect to act as an agent in the drawing up of the contract.

Mr LEWIS: One of the great differences between Labor Party philosophy and Liberal Party philosophy relates to freedom of the individual. Individuals should be free to employ competent people to look after their interests. They should not be saddled with legislation that they feel may impact on their construction costs. The bottom line is that as a result of the provisions of this legislation the builder will increase his margin and his estimates because he will not put himself into a position in which he could incur a loss because he is not allowed to negotiate a rise and fall contract. A builder will cover himself by marking up his costs by 15 per cent rather than 10 per cent. The Minister is saying that in future a person will not be allowed to hire a competent manager and pay for construction of a building on an estimate of cost plus management cost basis, but must be saddled with this lousy legislation. People will not have the right to appoint their own independent arbitrator or consultant to look after their interests during construction. The Minister is being absolutely unreasonable and pig-headed. She cannot justify in any way her refusal to accept the amendment.

Amendment put and a division taken with the following result -

Ayes (24)

Mr Ainsworth	Mr Cowan	Mr MacKinnon	Mr Trenorden
Mr C.J. Barnett	Mrs Edwardes	Mr McNee	Mr Fred Tubby
Mr Bloffwitch	Mr Grayden	Mr Minson	Dr Turnbull
Mr Bradshaw	Mr House	Mr Omodei	Mr Watt
Dr Constable	Mr Kierath	Mr Shave	Mr Wiese
Mr Court	Mr Lewis	Mr Strickland	Mr Blaikie (Teller)

Noes (26)

Mr Michael Barnett	Mr Graham	Mr Marlborough	Mr Thomas
Mrs Beggs	Mr Grill	Mr McGinty	Mr Troy
Mr Bridge	Mrs Henderson	Mr Pearce	Dr Watson
Mr Catania	Mr Gordon Hill	Mr Read	Mr Wilson
Mr Cunningham	Mr Kobelke	Mr Ripper	Mrs Watkins (Teller)
Mr Donovan	Dr Lawrence	Mr D.L. Smith	
Dr Edwards	Mr Leahy	Mr P.J. Smith	

Pairs

Mr Nicholls
Mr Clarko

Dr Gallop
Mr Taylor

Amendment thus negatived.

Mr WIESE: I want to clarify a matter which I believe the Minister has left very much in the air.

[Leave granted for speech to be continued.]

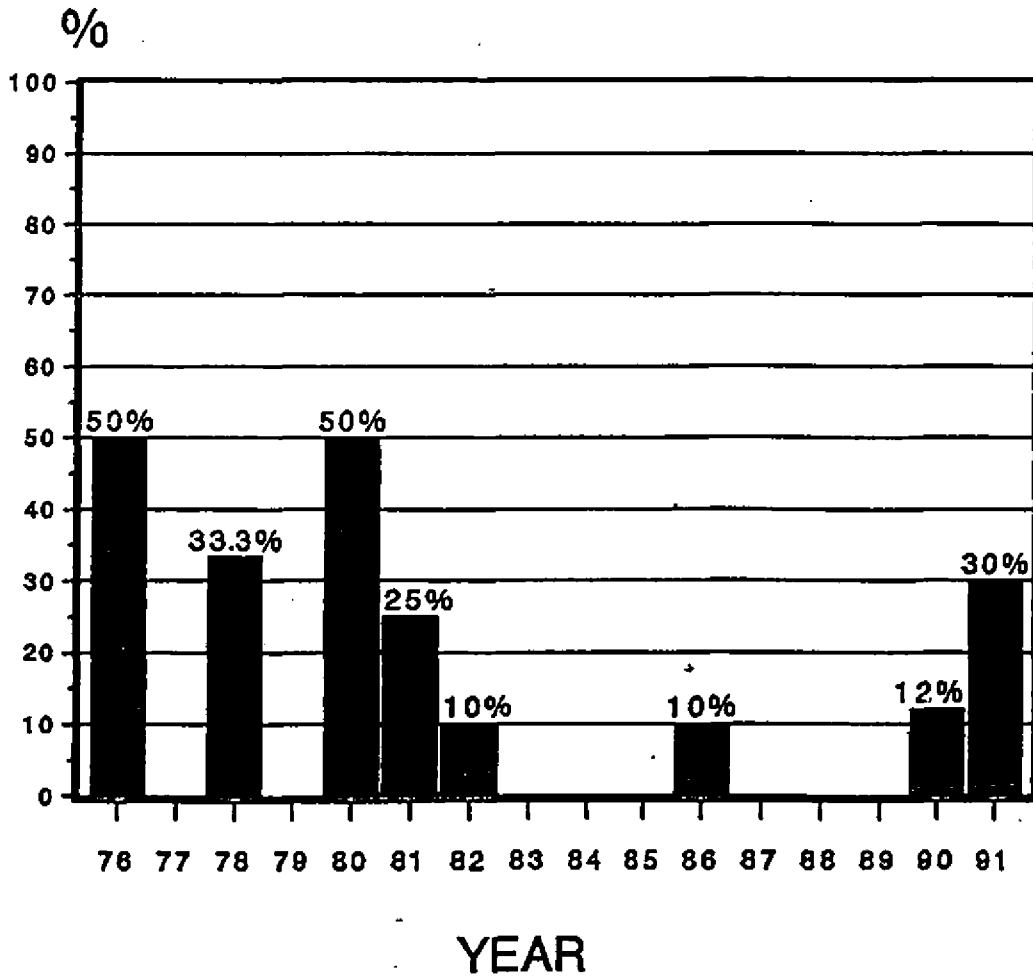
Progress

Progress reported and leave given to sit again, on motion by Mrs Henderson (Minister for Consumer Affairs).

House adjourned at 11.11 pm

APPENDIX A

INCREASES IN THIRD PARTY INSURANCE PREMIUMS
BETWEEN 1976 AND 1991



QUESTIONS ON NOTICE

HEPBURN HEIGHTS - RARE AND ENDANGERED SPECIES

Scientific Documentation Evidence

594. Mr MINSON to the Minister for the Environment:

- (1) Further to question without notice 81 of 1991, can the Minister provide the scientific documentation in support of his answer?
- (2) If so, will the Minister do so?
- (3) Is the report in *The West Australian* of 29 April 1991 of the admission by Mr Colin Sanders that the Environmental Protection Authority had not set foot on Hepburn Heights, true?
- (4) Has the Government bulldozed the land so that it will be free of the Minister's proposed legislation to prevent development on sites with rare or endangered species?
- (5) Is there a Department of Conservation and Land Management report by botanist Mr Keighery of a very rare plant species occurring at Hepburn Heights?

Mr PEARCE replied:

(1)-(2)

In regard to Lot 1 Stephenson Avenue - Knightsbridge - this land is within the System 6 area relating to important greater Bold Park conservation zone. The Environmental Protection Authority reported upon the intrinsic environmental values of this area in Bulletin 322, March 1988. Hepburn Heights was not included in the System 6 review. System 6 evolved from substantial public participation and input. There are a number of biological reports relevant to Hepburn Heights which draw different conclusions as to the environmental value of this area.

- (3) The rezoning of Hepburn Heights from Public Purpose - Special Uses - to Urban was 'informally assessed with public advice' by the Environmental Protection Authority. This level of assessment did not require the members of the authority to visit the location. The Environmental Protection Authority sought at this time an inspection report from the Department of Conservation and Land Management which was considered by the authority in providing its advice.
- (4) No.
- (5) No. There is a Department of Conservation and Land Management report which identifies a previously unrecorded species of plant for the Perth area, which is of botanical interest.

LAND - NARRIKUP, MANYPEAKS, MT BARKER

Subdivisional Development Infrastructure Costs

612. Mr HOUSE to the Minister for Planning:

What is the approximate cost of providing the following developmental infrastructure for a new subdivision block in the locations of Narrikup, Manypeaks and Mt Barker -

- (a) water;
- (b) sewerage;
- (c) drainage;
- (d) main roads;
- (e) minor roads;
- (f) electricity;
- (g) gas?

Mr D.L. SMITH replied:

Many variables exist in determining costs for any subdivisional development. These include the physical characteristics of the land, the existence of available services, the availability of construction materials, the scale of development, the development specifications of local government and the charges by local government, WAWA and SECWA. It would be misleading, therefore, to provide any approximate figures. Also, the Department of Land Administration has not recently developed any subdivisions in the areas mentioned and any costs would be hypothetical. However, the member may care to note the cost of a proposed 12 lot residential subdivision at Northcliffe, the development of which has recently been abandoned -

Development Component	Total Cost \$	Average Cost/Lot \$
Survey	4 000	334
Kerbed bitumen road	65 500	5 458
Overhead electricity	17 774	1 481
Reticulated Water	41 891	3 491
Landscaping	<u>2 400</u>	<u>200</u>
	<u>131 565</u>	<u>10 964</u>

KINGS PARK RESTAURANT - REDEVELOPMENT

653. Mr COURT to the Minister for the Environment:

What is the current position in relation to the construction of the new restaurant in Kings Park?

Mr PEARCE replied:

In response to a call for expressions of interest in the redevelopment of the restaurant complex, Kings Park Board received five proposals. The board expects to be able to conclude an agreement with one of the parties in the near future.

POLLUTION - FUEL TRUCK DEPOTS, TANKS, STATIONS *Vapour Ban Regulations*

684. Mr COURT to the Minister for the Environment:

- (1) Is the Government going to introduce regulations banning vapours going into the atmosphere from fuel truck depots, tanks and stations?
- (2) If yes, will the industry be consulted in the drawing up of these regulations?
- (3) Will priority be given to service stations operating in built up residential areas?
- (4) What is the cost of installing back-venting at an average service station?

Mr PEARCE replied:

(1)-(3)

Yes.

- (4) It is difficult to define an "average service station", however, one equipment supplier indicates \$9 000 as an indicative cost.

NULLARBOR PLAIN - WORLD HERITAGE LISTING

686. Mr COURT to the Minister for the Environment:

- (1) Does the Government believe it is necessary for all of the Nullarbor Plain to be World Heritage listed?
- (2) Does the Government have the necessary power at its disposal today to ensure that this area is properly managed?

Mr PEARCE replied:

- (1) The Government will consider this matter following a study of the World Heritage values of the area to be carried out jointly with the South Australian and Commonwealth Governments.
- (2) Proper management of conservation values is achievable subject to the availability of management resources.

STATE BANK OF SOUTH AUSTRALIA - GOVERNMENT BORROWINGS OR ASSETS SALE

783. Mrs EDWARDES to the Minister for the Environment:

- (1) Has any of the Government departments or instrumentalities (agencies) under the Minister's responsibility -
 - (a) borrowed money from, or
 - (b) sold any assets
 to the State Bank of South Australia or any of its subsidiaries during the last three years?
- (2) If so, will the Minister detail such transactions?

Mr PEARCE replied:

- (1) No.
- (2) Not applicable.

FIRE BRIGADE - EMERGENCY RESCUE TEAM, FREMANTLE FIRE STATION *Decommission Decision*

798. Mr MacKINNON to the Minister representing the Minister for Emergency Services:

- (1) Has the Western Australian Fire Brigades Board made a decision to decommission the emergency rescue tender presently stationed at Fremantle fire station during this year?
- (2) If so, when was the decision made?
- (3) Why was the decision made?

Mr GORDON HILL replied:

The following answer was provided by the Minister for Emergency Services -

- (1) Yes.
- (2) In July 1989.
- (3) By adopting the philosophy to carry rescue equipment on all metropolitan pumpers the brigade will be able to provide a greater capability and service to the community with regard to the road traffic accident rescue role. This decision was made with the endorsement of the Fire Brigade Employees Industrial Union and will expand the brigade's rescue capability tenfold.

HOSPITALS - INJURY DISCHARGES *Bicycle Injury Discharges*

802. Mr NICHOLLS to the Minister for Health:

- (1) How many people have been injured and needed medical treatment at a hospital in Western Australia, each year since 1981?
- (2) Are there any statistics available to indicate the ages of people who have suffered injury while riding a bicycle and the breakdown of such injuries in categories of -
 - (a) minor;
 - (b) serious;
 - (c) fatal?

- (3) Are there any statistics to indicate the different causes of accidents causing injuries to cyclists above?

Mr WILSON replied:

- (1) The number of discharges from acute hospitals with a principal diagnosis of injury or poisoning are -

1981 - 33 403
 1982 - 33 188
 1983 - 33 249
 1984 - 33 397
 1985 - 33 337
 1986 - 33 799
 1987 - 33 096
 1988 - 33 185
 1989 - 33 824
 *1990 - 32 430

- (2) The number of hospital discharges for patients involved in bicycle accidents, broken down by seriousness of injury and by age group area -

1989				
Age	Minor	Serious	Fatal	Total
0-4	35	14	-	49
5-14	178	123	1	302
15-29	99	58	-	157
30-59	32	45	-	77
60+	8	9	-	17
Total	352	249	1	602

*1990				
Age	Minor	Serious	Fatal	Total
0-4	52	16	-	68
5-14	176	117	9	302
15-29	79	62	-	141
30-59	52	52	2	106
60+	8	12	-	20
Total	367	259	11	637

- (3) Bicycle accident data are grouped into bicycle alone accidents and accidents involving other vehicles -

	1989	*1990
Bicycle alone	487	527
With other vehicle	115	110
Total	602	637

Bicycle alone accidents cover all cases where no other moving vehicles were involved; for example, where a cyclist falls off his bicycle, or where a cyclist crashes into a pedestrian, into a parked car or a fence.

* The 1990 morbidity files are only 95 per cent complete. Final figures will not be known until the outstanding data is available later this year.

WILDLIFE CONSERVATION ACT - CHANGES *Wildflower Pickers - Licence Condition Changes*

807 Mr OMODEI to the Minister for the Environment:

- (1) Has the Wildlife Conservation Act 1950 been changed in the past five years?
- (2) (a) If yes, will the Minister advise of changes;
 (b) if not, why not?
- (3) Have the licence conditions for commercial wildflower pickers changed in the past five years?

- (4) (a) If yes to (3), will the Minister advise the changes;
- (b) if not, why not?
- (5) (a) Does the Department of Conservation and Land Management intend to allow wildflower pickers access to clear felling areas prior to logging;
- (b) if not, why not?
- (6) Does CALM intend to allow wildflower pickers into -
 - (a) national parks;
 - (b) State forest;
 - (c) other reserves;
 - (d) vacant crown land;
 for the purposes of harvesting wildflowers?
- (7) If no to (6), why not?
- (8) (a) Has the State Government considered the value of the wildflower resource existing in the public estate of Western Australia;
- (b) will the Minister give an estimated value of this resource;
- (c) if not, why not?

Mr PEARCE replied:

- (1) No.
- (2) (a) Not applicable.
- (b) The member for Warren has not identified any specific subject area where he believes there should have been changes, so I am not in a position to address whatever his concerns may be. Nevertheless, the Department of Conservation and Land Management is reviewing the Act and will be submitting recommendations for my consideration.
- (3) Yes.
- (4) (a) The changes are substantial and I will provide the member with a copy of the current standard licence conditions and a copy of the standard licence conditions which existed in 1985.
- (b) Not applicable.
- (5) (a) Yes, subject to operational constraints.
- (b) Not applicable.
- (6) (a) No.
- (b) Yes.
- (c) No in the case of nature reserves. In other reserves the answer is dependent on the purpose of the reserve and the permission of the controlling authority as detailed in the licence conditions being provided to the member.
- (d) Yes.
- (7) Commercial picking of wildflowers is inconsistent with the purpose of national parks and nature reserves. In the case of other reserves the controlling authorities have the right to determine whether commercial wildflower picking is consistent with the purpose of the reserve.
- (8) (a) In providing for operations of a commercial wildflower picking industry on public lands, the State Government clearly recognises that those lands contain a valuable wildflower resource.
- (b) No survey has been conducted to estimate the value of the wildflower resource on public lands; however, advice from the Department of

Agriculture, based on figures from the Australian Bureau of Statistics, is that Western Australian flower exports in 1989 were worth approximately \$8.5 million.

(c) See (b).

SPORT AND RECREATION - INCOME AND EXPENDITURE

Superdrome, Velodrome, Brigadoon Equestrian Centre, Whiteman Park Shooting Complex

821. Mr WATT to the Minister representing the Minister for Sport and Recreation:

- (1) What was the actual income generated and expense incurred for the current financial year up to 30 April 1991 for each of the following -
 - (a) Western Australian Sports Centre (Superdrome) at Mt Claremont;
 - (b) the velodrome at Midvale;
 - (c) the equestrian centre at Brigadoon;
 - (d) the shooting complex at Whiteman Park?
- (2) (a) Has any other income, such as sponsorship, been received for any of the above;
- (b) if so, how much?
- (3) If any are expecting a budget shortfall for the full financial year, what funds will be used to make up the shortfall?
- (4) (a) Does the Government plan to balance the budget for each in the next financial year;
- (b) if so, what are the details?

Mr GORDON HILL replied:

(1)-(4)

The three facilities named in (1)(a), (b), (c) and (d) are managed and run by non-State Government bodies and I therefore refer the honourable member to them directly to obtain the information he requires.

With regard to the Western Australian Sports Centre at Mt Claremont the following information is supplied -

Actual income including approved funding as at 30 April 1991 was \$7 810 278. Included in the above figure is the value of sponsorship received by the sports centre to the value of \$51 422. Actual expenditure incurred as at 30 April 1991 was \$8 184 461. The Government will use CRF funds to make up the shortfall. The Government, through the 1991-92 Budget, will determine the appropriate amount of deficit funding required by the Superdrome.

HEALTH DEPARTMENT - CHEMICAL INDUSTRY FUNCTIONS

Officer Sponsorship

840. Dr ALEXANDER to the Minister for Health:

- (1) Has the chemical industry or members of the chemical industry paid Health Department officers to attend -
 - (a) conferences;
 - (b) meetings;
 - (c) study tours;
 - (d) other excursions
 including -
 - (i) travel costs and/or;
 - (ii) accommodation and/or;
 - (iii) meals?

- (2) If yes, how can the Health Department remain independent of chemical industry influence?
- (3) For each sponsorship received, what was -
 - (a) the name of the company and/or association providing the sponsorship;
 - (b) the name of the officer receiving the sponsorship;
 - (c) the event/tour or excursion at which the officer's attendance was sponsored?
- (4) (a) Has the chemical industry or members of the chemical industry provided funds to Health Department officers for any purpose other than the purpose listed in (1);
 - (b) if so, what was this purpose?

Mr WILSON replied:

- (1) Occasions have occurred when Health Department officers have been invited to attend conferences and meetings.
- (2) Health Department officers comply with the Government's established code of conduct for public servants and the Public Service Administrative Instructions which provide a standard for professional integrity and accountability. Within the divisions of the department there are various internal procedures and obligations established to ensure sensitivity and good judgment is used when examining conflicts of interests.
- (3)
 - (a) Smith Kline and French
 - (b) Dr Marion Bucens
 - (c) International Conference on Hepatitis, Houston, Texas, March/April 1990
 - (a) Bayer
 - (b) Dr David Smith
 - (c) International Conference on Quinolones, Berlin, May 1990
 - (a) Bayer
 - (b) Dr David Smith
 - (c) Address on new antibiotics to GPs, Geraldton, October 1990
 - (a) Abbott Company
 - (b) Dr Marion Bucens and Miss Suzette Pow
 - (c) National meeting on AIDS testing, Melbourne, November 1990
 - (a) Smith Kline and Beecham
 - (b) Dr David Smith
 - (c) International Congress of Chemotherapy, Berlin, June 1990
 - (a) Astra Pharmaceuticals
 - (b) Dr Tim Lambert
 - (c) Multicentre trial of Remoxipride, Sydney, August 1990
 - (a) Eli Lilly Australia
 - (b) Dr M Schineanu
 - (c) Antidepressant Drugs, Melbourne, February 1991
- (4)
 - (a) Yes
 - (b) Trials and research arrangements have been funded via a trust account to enable departmental officers to be involved in developmental programs.

GOVERNMENT EMPLOYEES - TERM OF GOVERNMENT APPOINTMENTS
Former Members

855. Mr COURT to the Premier:

- (1) How many people working for the Government have term of Government appointments?

(2) Does this include any former members of Parliament?

(3) Who are these members?

Dr LAWRENCE replied:

(1) There are 69 people employed under the Public Service Act with term of Government appointments.

(2) No.

(3) Not applicable.

EAST WEST INSIGHT PTY LTD - INSIGHT WEST
Government Employment

882. Mr BRADSHAW to the Premier:

Will the Premier advise when an answer will be given to question without notice 125 of 1991 and the letter from me dated 29 May 1991 in response to the Premier's letter with regard to my question?

Dr LAWRENCE replied:

In reply to question without notice 125, I requested the information sought from each Minister and have listed below those departments/agencies that engaged Insight West, East West Insight Pty Ltd for polling or any other purpose.

Department of Agriculture

In 1987, the services of Insight West were used by the Department of Agriculture and in November of that year an account for \$3 907.50 was paid.

Technology and Industry Development Authority

On 20 January 1989, an amount of \$6 500 was paid to Insight West for work undertaken for the former Deputy Premier into community attitudes to the State Government providing financial assistance for the establishment of a Sarich engine plant in Western Australia.

Department of Trade Development

The former Department of Trade Development engaged the services of Insight Research, an associated company of Insight West, on 5 December 1990 to conduct a survey of management from the manufacturing sector to measure the demand for a proposed Diploma of Management (Manufacturing) course.

The selection of Insight Research followed a former tender procedure inviting proposals from three market research companies on 9 November 1990:

Donovan Research
AGB McNair
Insight Research

Proposals were submitted by the latter two companies and evaluated on 22 November 1990. The project was awarded to Insight Research. The cost of the project was \$5 000.

Western Australian Tourism Commission

The Western Australian Tourism Commission engaged Insight Research.

Totalisator Agency Board

TAB engaged Insight Research to conduct a recent advertising tracking study. Insight Research were selected from three companies that replied to a tender document.

AGRICULTURE DEPARTMENT - TECHNICAL OFFICERS
Overseas Visits

894. Mr TRENORDEN to the Minister for Agriculture:

(1) What technical officers of the Department of Agriculture have made visits to countries overseas during the years -

- (a) 1989-90;
- (b) 1990-91?
- (2) What such visits are contemplated for the balance of this year?
- (3) Would the Minister give the name of the technical officers concerned in each case together with -
 - (a) their status in the permanent staff lists;
 - (b) their academic qualifications;
 - (c) the countries visited by them;
 - (d) the purpose and duration of the visit;
 - (e) the cost and amount (if any) borne by the State?

Mr BRIDGE replied:

(1)-(3)

Information on State assisted overseas travel is shown in the table provided. Other officers have travelled on industry and other external funds. All overseas visits are assessed as of benefit to the State.

[See paper No 513.]

TREE PLANTINGS - PEEL-HARVEY COASTAL PLAIN CATCHMENT

Role evaluation

909. Mr BRADSHAW to the Minister for the Environment:

- (1) Has the Department of Conservation and Land Management in collaboration with the Department of Agriculture re-evaluated the role of the tree planting program in the Peel-Harvey coastal plain catchment in the last nine months?
- (2) If yes, what is the result of that evaluation?
- (3) Will the tree fund achieve the forestry component of the management strategy?

Mr PEARCE replied:

- (1) No evaluation has been done. The Department of Conservation and Land Management is awaiting trial results before there can be an evaluation.
- (2) Not applicable.
- (3) As previously advised, Tree Fund, the company formed to attract investment in afforestation for both commercial and environmental reasons, has been discontinued. Tree Trust, the concept of Government and private enterprise promoting tree planting for both commercial and environmental purposes continues, and a number of initiatives have been taken by the Government and the private sector aimed at achieving this goal.

SANDALWOOD - LOCATION, EXPORTS, LICENCES

923. Mr HOUSE to the Minister for the Environment:

- (1) In terms of hectares, how much sandalwood is present in Western Australia?
- (2) Where is the sandalwood located in Western Australia?
- (3) To which countries does Western Australia export sandalwood?
- (4) How many special one-off licences to harvest sandalwood have been issued to pastoralists on the grounds of financial hardship?
- (5) How many licences of this type does the Minister intend to issue?
- (6) What does the sandalwood collection licence cost per year?

Mr PEARCE replied:

- (1) Sandalwood naturally occurs over an area of 90 million hectares in WA, including -

13 million hectares within cleared agricultural areas where only remnant sandalwood remains.

77 million hectares through the pastoral lands, VCL and inland reserves.

- (2) Sandalwood occurs in the southern half of WA from the southern Pilbara through the pastoral areas of the Gascoyne, Murchison, Goldfields and Yilgarn and VCL and reserves of the desert and northern Nullarbor. Remnants occur in the wheatbelt.
- (3) Hong Kong
Taiwan
Mainland China
Singapore
Malaysia
Thailand
- (4) Nil. In recent years pastoralists have been issued licences only under environmental hardship provisions.
- (5) About 15 licences may be issued during 1991 dependent on evaluation of advice that has been requested from the Western Australian Pastoral Lessees Association, the Pastoralists and Graziers Association of WA (Inc) and Western Australian Farmers Federation (Inc).
- (6) There is no cost.

CSBP & FARMERS LTD - SUPERPHOSPHATE

Under Four Tonnes Charge

924. Mr BRADSHAW to the Minister for Consumer Affairs:

- (1) Does CSBP Farmers Ltd charge an extra \$10.00 per tonne for superphosphate orders under four tonnes?
- (2) If not, will the Minister investigate the matter and indicate whether this is a reasonable premium charged?

Mrs HENDERSON replied:

- (1) Yes.
- (2) I am presently seeking an explanation from the company and will provide the member with the information he has requested in due course.

MINERAL SANDS - JANGARDUP

Bunbury Port Transport Options - Jardee-Jangardup Rail Option

930. Mr P.J. SMITH to the Minister for Transport:

In canvassing the options for transport of mineral sands from Jangardup to Bunbury -

- (a) was the option of rail from Jangardup via Jardee or similar point considered;
- (b) if so -
 - (i) what was the estimated cost of the new rail from Jardee to Jangardup;
 - (ii) what was the estimated cost of upgrading the rail from Jardee to Bunbury?

Mrs BEGGS replied:

- (a) The option was road from Jangardup to Jardee and rail from Jardee to Bunbury.
- (b) (i) Not considered.
(ii) \$600 000 in 1989, siding only - wood chips to Bunbury. This excludes the costs of rolling stock and operating costs and does not include the

cost of road construction from Jangardup to Jardee. In this regard, it is relevant that the total road and rail distance using this option was 255 kilometres from Beenup and 215 kilometres from Jangardup compared to a road distance via Sues Road along alignments being considered in 1989 of 130 kilometres from Beenup and 150 kilometres from Jangardup.

CENTRAL PARK DEVELOPMENT - CONTRACT PRICE

Completion Date

936. Mr MacKINNON to the Minister Assisting the Treasurer:

- (1) Is the Central Park building project on schedule?
- (2) What is its estimated total contract price?
- (3) What was the estimated contract price at the commencement of the building?
- (4) What was the expected completion date at that time?
- (5) What is the current expected completion date?

Dr GALLOP replied:

- (1) No.
- (2) The State Government's portion is \$227.8 million.
- (3)-(4)

It is not possible to provide the information requested, with reference to the building commencement date. When works on the site commenced in 1986, they were undertaken on a reimbursable basis, with no final contract price or set completion date for the car park or tower. At that stage the construction was being carried out under a joint venture between Midtown Property Trust and the Government Employees Superannuation Board. The joint venture was subsequently subject to several participant changes and it was not until November 1988 that a final contract for the car park was documented. Although at that time there was no contract or commitment for the tower, it was estimated that the total construction cost for both the car park and tower would be \$245.3 million. With no commitment for construction of the tower, there was no expected completion date.

- (5) The tower is expected to be completed in September 1992 and the associated siteworks in December 1992.

GOVERNMENT DEPARTMENTS AND AGENCIES - DECENTRALISATION POLICY

Land Administration Department - Central City Services

939. Mr MacKINNON to the Premier:

- (1) What is the Government's policy on the decentralisation of Government services out of the central city area?
- (2) With respect to the relocation of the Department of Land Administration, what services are to be maintained in the central city area?

Dr LAWRENCE replied:

- (1) The following statements are drawn from the Labor Party's platform and clearly indicate the Government's policy objectives and its commitment to regional development through carefully evaluated decentralisation initiatives such as the relocation of the Department of Land Administration to Midland -

Labour regards urban and regional planning as an important element in its program to produce a fairer distribution of resources, economic activity and social facilities between the State's regions and across the Perth metropolitan region . . .

Labour believes that regional planning and development should be carried out in co-operation with local authorities and should include an appraisal of the economic, transport, environmental and social potential of an area and proposals for future development and quality of life of the region.

The Perth central area remains the major focus of private and public sector administration, specialist retailing activity and an important recreational and entertainment focus within the metropolitan region. However, the city centre is losing life and attraction and is becoming choked with traffic as it is increasingly dominated by large-scale commercial development.

- (2) The Department of Land Administration will maintain a "shopfront" office in the Perth central business district. This office, staffed by approximately 30 people, will provide a wide range of DOLA's products and services and will be linked to the department's Midland headquarters by telephone, fibre-optic computer link, facsimile and a regular courier service.

The following services and products are proposed to be made available from DOLA's CBD office -

Optical Disc Imagery Prints of -

- Certificates of Title
- Freehold survey plans, diagrams, strata plans
- Transfer of Land Act documents such as transfers, mortgages, caveats, etc
- Crown land records
- Geodetic standard survey marks

Cameronics Project Products -

- Crown survey plans and diagrams
- Freehold field book prints
- Gas pipeline field book prints
- Keysheet plan prints
- Freehold index plan prints
- Public plans
- Aerial photograph index

Microfilm Products -

- Transfer of Land Act documents (registered prior to 1991)
- Memorial books
- Valuation maps
- Early Crown and freehold leases
- Memorandum of provisions

Mapping Products -

- Major commercially viable products, such as touring maps, publications, street directories and wall maps

Other Services -

- Fiche products delivery
- Geodetic and remote sensing products
- Receipt of bond and rental payments for properties controlled by DOLA
- Collection of documents from the conveyancing community and general public, with a delivery service to Midland for processing. There will also be the availability of a priority notice protection scheme.
- Access to deed poll index
- Payment of accounts

ANIMALS - INDIGENOUS ANIMALS, WESTERN AUSTRALIA
Birds, Mammals, Reptiles, Frogs, Fish

942. Mr GRAYDEN to the Minister for the Environment:

How many species of indigenous -

- (a) birds;
- (b) mammals;
- (c) reptiles;
- (d) frogs;
- (e) fish;

are known to exist in Western Australia?

Mr PEARCE replied:

The number of indigenous species in particular groups in Western Australia is as follows -

Birds	478
Mammals	179
Reptiles	400
Frogs	73
Inland Fish	55

COMMERCIALISATION AND CORPORATISATION IN WESTERN AUSTRALIA -
SEMINAR 23-24 JULY
Government Funding

945. Mr MacKINNON to the Premier:

- (1) What support in financial terms is the Government giving to the seminar being held on 23-24 July 1991, entitled Commercialisation and Corporatisation in Western Australia?
- (2) How many public servants or Government officers will be attending this seminar as full fee paying delegates?

Dr LAWRENCE replied:

- (1) None whatsoever.
- (2) Attendance at conferences organised by private sector companies is the budget responsibility of departmental and statutory authority chief executive officers. The Government does not intend to interfere with the autonomy of CEOs in such matters and hence cannot advise the numbers of public servants or Government officers who will be in attendance as full fee paying delegates.

EXECUTIVE COUNCIL - ROLE AND FUNCTION REVIEW
Progress

947. Mr MacKINNON to the Premier:

- (1) What progress has been made with the review of the role and function of the Executive Council initiated by the Government?
- (2) When is it likely that decisions will be made as a consequence of this review?

Dr LAWRENCE replied:

(1)-(2)

Following Cabinet approval on 3 December 1990 instructions were issued to the Parliamentary Counsel on 20 December 1990 to draft a Bill for an Acts Amendment (Executive Council) Act to implement the bulk of the legislative changes identified by the Executive Council Review process. Preparation of the Bill and the timing of its introduction to the Parliament will depend on the Government's legislative priorities for the remainder of this session.

Departmental officers conducting the review are continuing their consultations with Ministers in respect of those Acts to which it has not been appropriate to uniformly apply the approved rationale for submitting matters to Executive Council. Once this stage has been completed it is proposed that Cabinet approval be sought for the preparation of a second Bill to implement any recommended changes.

ABORIGINES - MIDLAND AREA

Drug Abuse Action

949. Mr MacKINNON to the Minister for Health:

What action is the Government currently taking to address the question of drug abuse amongst the Aboriginal communities in the Midland area?

Mr WILSON replied:

Substantial action has been taken in the Midland area to deal with alcohol and other drug use problems. Projects targeted specifically at Aboriginal people include -

Regular meetings of local Aboriginal people, the Alcohol and Drug Authority, and Department for Community Services, to address alcohol and other drug use problems.

Professional education programs for Aboriginal health workers which includes a health worker servicing the Midland area.

Professional support and funding for the Noongar Alcohol and Substance Abuse Committee, a non-Government agency dealing with metropolitan Aboriginal alcohol and other drug problems.

The Health Department's Quit and Drinksafe campaigns are working with Aboriginal communities to produce culturally appropriate prevention programs to reduce the prevalence of smoking and drug abuse.

Projects aimed at the general community which impact on Aboriginal communities include -

Professional training for the Department for Community Services staff to deal with addiction problems;

Implementation of assessment and brief interventions for patients at the Swan Districts Hospital;

An Alcohol and Drug Authority and Department for Community Services project to deal with solvent use problems in the Midland area;

A Midland Gate Shopping Centre project, supported by the Alcohol and Drug Authority and the Department for Community Services to deal with solvent use and other anti-social activities in the shopping centre; and

The Alcohol and Drug Authority has opened an office in Midland on 17 June 1991 to work with the local community and other health and welfare professionals in identifying and addressing alcohol and other drug problems.

EDUCATION MINISTRY - DERBY STUDENT HOSTEL

Closure Plans

950. Mr MacKINNON to the Minister representing the Minister for Education:

(1) Is the Government planning to close the student hostel in Derby?

(2) If so, when is it likely that the hostel will close?

Dr GALLOP replied:

(1) No.

(2) Not applicable.

SOUTH WEST DEVELOPMENT AUTHORITY - EMPLOYMENT STATISTICS

951. Mr MacKINNON to the Minister for South West:

- (1) How many people currently work for the South West Development Authority?
- (2) What were the equivalent staff numbers for the SWDA for the years ending -
 - (a) 30 June 1987;
 - (b) 30 June 1988;
 - (c) 30 June 1989;
 - (d) 30 June 1990?

Mr D.L. SMITH replied:

The numbers given below are based on full time equivalent of positions in the authority -

- (1) As at 30 June 1991 = 32
- (2) (a) 30 June 1987 = 20
 - (b) 30 June 1988 = 23
 - (c) 30 June 1989 = 31
 - (d) 30 June 1990 = 37

SOUTH WEST DEVELOPMENT AUTHORITY - INCOME AND EXPENDITURE
STATEMENT, 1990
Other Staffing Costs

952. Mr MacKINNON to the Minister for South West:

Will the Minister please detail the "other staffing costs" of \$260 771 as detailed in the South West Development Authority's income and expenditure statement for the year ended 30 June 1990?

Mr D.L. SMITH replied:

Details of other staffing costs of \$260 771 -

Item	\$
Payroll tax	97 129
Fringe benefits tax	16 285
Travel - kilometrage*	13 176
Travel - allowances*	26 178
Travel - fares	885
Hire charges - motor vehicles	546
Transfer and removal expenses	8 944
Uniforms - staff	471
Occupational health expenses	236
Staff other allowances	2 730
Staff training fees	11 423
Workers' compensation insurance	5 400
Superannuation - State contribution	80 412
Advertising - staff vacancies	3 957
Less: Adjustment for accrued expenses in financial year 1988-89	(7 001)
	<u>260 771</u>

* These items include expenses incurred by board members and members of the advisory committee.

SOUTH WEST DEVELOPMENT AUTHORITY - INCOME AND EXPENDITURE
STATEMENT, 1990
Project Consultants and Professional Fees Expenditure

953. Mr MacKINNON to the Minister for South West:

Will the Minister detail the following "Projects consultants and professional fees" expenditure for the years ended -

(a) 30 June 1989 (\$246 597);

(b) 30 June 1990 (\$145 346);

as shown in the South West Development Authority's income and expenditure statement for the year ended 30 June 1990?

Mr D.L. SMITH replied:

(a) Project consultants and professional fees of \$246 597 for 30 June 1989 were spent on the following -

Project	\$
SWDA Corporate Plan	16 507
SWDA Information System Development	6 886
Waste Disposal Study	5 000
SWDA Accounting Manual	10 326
Video Production	32 000
South West Strategy	14 919
Busselton, Capel, Nannup Railway Study	13 500
Edenvale Development	43 722
Donnybrook Road Study	7 000
Industrial Development in the South West	5 800
Daimaru Promotion	45 995
Radio Program	2 000
Housing Needs Study	2 000
Support Needs of the Elderly	3 000
Internal Audit Fees	3 890
People's Day Celebrations	2 500
SW Regional Museum Study	13 500
Miscellaneous Minor Projects	<u>18 052</u>
	<u>246 597</u>

(b) Project consultants and professional fees of \$145 346 for 30 June 1990 were spent on the following -

Project	\$
Preparation of the Authority's	
Information Technology Plan	5 000
Legal Costs	3 130
Landscaping - Koombana Drive	4 783
Townscape Scheme	3 464
Mandurah City Project	44 500
Mandurah Senior Citizens Centre	74 390
Mandurah City Concept	5 900
Internal Audit and Accounting Fees	3 130
Miscellaneous Minor Projects	<u>1 050</u>
	<u>145 346</u>

SOUTH WEST DEVELOPMENT AUTHORITY - INCOME AND EXPENDITURE STATEMENT, 1990

Other Services and Contracts Expenditure

954. Mr MacKINNON to the Minister for South West:

Will the Minister detail "Other services and contracts" expenditure for the years ended -

(a) 30 June 1989 (\$658 967);

(b) 30 June 1990 (\$328 902);

as shown in the South West Development Authority's income and expenditure statement for the year ended 30 June 1990?

Mr D.L. SMITH replied:

(a)-(b)

Other services and contracts amounting to \$658 967 and \$328 902 for 30 June 1989 and 30 June 1990 respectively are as follows -

Item	30.6.89 \$	30.6.90 \$
Office rental	143 595	199 528
Hire of vehicles, equipment and other facilities	3 301	13 134
Cleaning services	3 657	6 221
Other non professional services	8 831	5 296
Meeting expenses	72 723	17 583
Motor vehicle licences	0	1 643
Freight and cartage	7 808	272
Insurance - other than staff	4 687	8 707
Advertising - other than staff	75 995	12 695
Printing	224 613	6 616
Office renovations	6 520	9 818
Minor service charges	<u>135 519</u>	<u>66 392</u>
	686 249	347 906
Less: Accrual adjustments	<u>27 282</u>	<u>19 004</u>
	<u>658 967</u>	<u>328 902</u>

The substantial variation between the expenditure for the two financial years is mainly due to the adoption of structured program budgeting in the financial year 1990-91. Under the new budget approach, stricter control is exercised to distinguish between administration costs and expenses that are project related; the latter category of costs are reported as 'Project expenses' in the authority's Income and Expenditure Statement.

SOUTH WEST DEVELOPMENT AUTHORITY - INCOME AND EXPENDITURE STATEMENT, 1990

Fixed Assets Written Off - Grants and Subsidies-Public Organisations Expenditure

955. Mr MacKINNON to the Minister for South West:

Will the Minister detail expenditure incurred in respect of Grants and Subsidies - Public organisations under the heading "Fixed assets written off" for the years ended -

(a) 30 June 1989 (\$247 175);

(b) 30 June 1990 (\$1 476 285);

as shown in the South West Development Authority's income and expenditure statement for the year ended 30 June 1990?

Mr D.L. SMITH replied:

The Minister has not read the items according to their alignment in the authority's income and expenditure statement for the year ended 30 June 1990. No fixed assets were written off in the year ended 30 June 1990. The amount of \$28 195 of fixed assets written off in the year ended 30 June 1989 relates to a building demolished on one of the authority's properties. The details of 'Grants and subsidies' and 'Project expenses' for the year ended 30 June 1990 were given in the authority's answers to parliamentary question 472 of the Legislative Assembly.

SOUTH WEST DEVELOPMENT AUTHORITY - INCOME AND EXPENDITURE STATEMENT, 1990

Fixed Assets Written Off - Grants and Subsidies-Private Organisations Expenditure

956. Mr MacKINNON to the Minister for South West:

Will the Minister detail expenditure incurred in respect of Grants and Subsidies - "Private organisations" under the heading "Fixed assets written off" for the years ended -

(a) 30 June 1989 (\$385 227);

(b) 30 June 1990 (\$564 446);

as shown in the South West Development Authority's income and expenditure statement for the year ended 30 June 1990?

Mr D.L. SMITH replied:

See answer to question 955.

**SOUTH WEST DEVELOPMENT AUTHORITY - INCOME AND EXPENDITURE
STATEMENT, 1990**

Fixed Assets Written Off - Project Expenses Expenditure

957. Mr MacKINNON to the Minister for South West:

Will the Minister detail the "Project expenses" expenditure under the heading "Fixed assets written off" for the years ended -

(a) 30 June 1989 (\$5 650 069);

(b) 30 June 1990 (\$3 722 612);

as shown in the South West Development Authority's income and expenditure statement for the year ended 30 June 1990?

Mr D.L. SMITH replied:

See answer to question 955.

**ROYAL COMMISSION INTO COMMERCIAL ACTIVITIES OF GOVERNMENT
AND OTHER MATTERS - EMPLOYEES**

Parliament List

958. Mrs BUCHANAN to the Premier:

Referring to question 905 of 1991, concerning numbers of employees with the Royal Commission into Commercial Activities of Government and Other Matters, as Royal Commission officers already make available to some sections of the media and others, loosely attached to the Commission, a list of names, positions and telephone extension numbers for at least 111 of its officers as at 16 April 1991, will the Premier ask the Royal Commission to provide a list to Parliament?

Dr LAWRENCE replied:

The commission has informed me that no telephone lists are made available to any persons not engaged by the commission.

**ROYAL COMMISSION INTO COMMERCIAL ACTIVITIES OF GOVERNMENT
AND OTHER MATTERS - OFFICERS**

Overseas Interviews

959. Mr GRILL to the Premier:

(1) Has it been necessary for any officers of the Royal Commission into Commercial Activities of Government and Other Matters to travel overseas to interview persons in relationship to matters before the Royal Commission?

(2) If yes -

(a) what was the cost of that travel in each case;

(b) to what destination did the officers travel;

(c) has the information gained been put to any use?

Dr LAWRENCE replied:

(1)-(2)

The commission is not prepared to provide comment on operational matters that require its attention. However, in line with the Government's commitment to financial accountability, it is my intention to disclose the commission's operating costs to Parliament on a regular basis. In addition, the details of the commission's expenditure will be subject to scrutiny by Parliament during debate on the Consolidated Revenue Fund Estimates.

CHINA - ZHEJIANG DELEGATION
Western Australian Visit

960. Mr OMODEI to the Minister for Agriculture:

- (1) Will the Minister advise the detail of the visit to Western Australia of a proposed delegation from the Chinese province of Zhejiang?
- (2) If not, why not?
- (3) Who is funding the delegation and what is its purpose?
- (4) Which areas of Western Australia will the delegation visit and will members of Parliament in those districts be advised accordingly?
- (5) Will local producers and businesses be given the opportunity to discuss matters of mutual interest to all parties?
- (6) If not, why not?
- (7) Is the proposed visit structured on an exchange of information basis?
- (8) If not, why not?

Mr BRIDGE replied:

- (1) Yes.
- (2) Not applicable.
- (3) The visit is being funded jointly by the Zhejiang Provincial Government - international air fares; the Department of State Development - accommodation and internal travel; and the Department of Agriculture - incidental expenses. The purpose of the visit is technical exchange of agricultural information and exploration of business opportunities. The visit has been arranged under the auspices of the Western Australian-Zhejiang sister state relationship. Four Chinese specialists will be visiting, led by the Director General of the Zhejiang Provincial Department of Agriculture. They will be in Western Australia for five days.
- (4) The delegation will visit the Wongan Hills and Northam districts to examine dryland farming technology and explore the possibilities for further processing of sheepskins. They will examine fruit and vegetable production, handling, packing, and storage on the coastal plain and in the hills region. Also they will examine honey and pollen production and technology. In view of the technical nature of the mission, members of Parliament in the district have not been involved.
- (5) Yes.
- (6) Not applicable.
- (7) Yes.
- (8) Not applicable.

ROADS - NANNUP SHIRE

Control - Jalbarragup Road and Bridge, Daradup Road, Longbottom Road

961. Mr OMODEI to the Minister for Transport:

- (1) Will the Minister advise under whose control are the following roads located in the Nannup Shire -
 - (a) Jalbarragup Road from Brook Road to Stacey Road;
 - (b) Daradup Road;
 - (c) Longbottom Road?
- (2) If not, why not?
- (3) Will the Minister advise under whose control is the Jalbarragup Bridge?
- (4) (a) Has the bridge been closed permanently;

- (b) if yes, why has Jalbarragup Bridge been closed?
- (5) Can the bridge be repaired to a suitable standard to service the adjacent special rural subdivision?
- (6) If not, why not?
- (7) Are residents in this locality reliant on Jalbarragup bridge as an escape route in case of fire?
- (8) If so, why?

Mrs BEGGS replied:

- (1) (a) Nannup Shire Council.
(b) Department of Conservation and Land Management.
(c) Nannup Shire Council.
- (2) Not applicable.
- (3) Nannup Shire Council.
- (4) (a) Yes.
(b) The bridge was closed in January 1989 because it was in an unsafe condition.
- (5) No.
- (6) The bridge timbers have deteriorated to the point where repair is not practicable.
- (7) Alternative access to Jalbarragup is available via Longbottom Road, which crosses the Blackwood River at Roberts Bridge.
- (8) Not applicable.

SCHOOLS - HEAD LICE OUTBREAK

963. Dr ALEXANDER to the Minister representing the Minister for Education:

- (1) Have there recently been recurrent outbreaks of head lice in schools in the metropolitan area?
- (2) If so, in which schools?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

- (1) The ministry is unaware of outbreaks of head lice which are more severe than have occurred in the past.
- (2) Not applicable.

HOUSING - CONCRETE SLABS

Australian Standards

965. Mr KIERATH to the Minister for Local Government:

- (1) Are there Australian standards that apply to concrete slabs for housing?
- (2) Could anything less than the Australian standards only apply with the approval of a structural engineer?
- (3) Further, do engineers rarely inspect the concrete slab as constructed by concrete contractors?
- (4) Is it a requirement that the slabs should be inspected by the structural engineers?
- (5) What action will the Minister take to enforce the inspection of jobs and the enforcement of the Australian standards?
- (6) Further, is it the Minister's intention to take any action over inspection of driveways and crossovers?

Mr D.L. SMITH replied:

- (1) Yes - A\$2 870.1 - 1988 "Residential Slabs & Footings".
- (2) Yes - also with the approval of the local authority and based on known practice.
- (3) Only when engaged to do so.
- (4) No.
- (5)-(6) It is not known what action is likely to be taken by the Minister for Housing on his intentions in respect of driveways and/or crossovers.

SCHOOLS - KENDENUP SCHOOL

Repair and Painting

967. Mr HOUSE to the Minister representing the Minister for Education:

- (1) In relation to the Minister's reply to question 816 of 1991 at what number of priority is the repair and painting of the Kendenup school on the 1991-92 programmed maintenance schedule, given that plaster has been falling off the walls in recent days?
- (2) How much does the Minister estimate the repair and painting of the Kendenup school will cost in terms of the 1991-92 programmed maintenance schedule?
- (3) Does the cleaner share her storage area with the library, canteen and craft departments?
- (4) Does the Minister consider the above situation to be acceptable?
- (5) If no, what action does the Minister intend to take to rectify the situation?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

(1)-(2)

The cost of internal repair work and painting has been estimated at \$6 800 and external repairs have been estimated at \$6 000. The work is not critical but is considered desirable and will be included in the school's maintenance schedule.

(3) Yes.

(4) It is not the ministry's policy to provide separate library and craft room facilities at schools with enrolments less than 100. The responsibility for allocating space for these facilities rests with the school.

(5) Not applicable.

RURAL ADJUSTMENT AND FINANCE CORPORATION - TRUST ACCOUNTS

Treasury Management

968. Mr HOUSE to the Treasurer:

- (1) Does the Treasury manage the Rural Adjustment and Finance Corporation's trust accounts?
- (2) If yes, does the Treasury invest these funds in the short-term money market?
- (3) What proportion of the trust accounts' funds are invested in the short-term money market?
- (4) How much interest is earned by these invested moneys?
- (5) Is the interest earned credited to either the trust accounts or the Consolidated Revenue Fund?
- (6) If the interest is being credited to the Consolidated Revenue Fund, what are the reasons for this transfer?

Dr LAWRENCE replied:

(1)-(2)

Yes.

(3) All.

(4) In the financial year 1989-90 Treasury credited RAFCOR accounts with \$1 657 232 interest. This was for trust funds on which the corporation was credited with interest.

(5) \$1 657 232 credited to trust funds and interest earned on accounts for closed schemes is credited to CRF by Treasury.

(6) While the State receives most of its revenue from the Commonwealth and from State taxes and charges, it relies on interest revenue to fund other programs including those to assist the rural sector.

SAWLOGS - ROYALTIES

Whittakers Ltd

969. Mr HOUSE to the Minister for the Environment:

Will the Minister outline the royalty payments made or to be made by Whittakers to the Government for all grades and species of saw logs at -

(a) 1 January 1991;

(b) 1 July 1991?

Mr PEARCE replied:

I understand the question has been extended to, "Can the Minister outline the royalty payments made or to be made by Whittakers to the Government for all grades and species of saw logs at -

(a) 1 July 1990;

(b) 1 January 1991;

(c) 1 July 1991?"

I assume the requirement is for payments made or to be made for the six months prior to the dates nominated.

(a)	Royalty due and paid	\$1 578 174.02
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(b)	Royalty due and paid	\$451 510.43
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(c)	Royalty due	\$1 499 866.33
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	Royalty paid	\$1 180 596.36
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The company paid its accounts in accordance with agreed credit terms.

SAWLOGS - ROYALTIES

Bunnings Ltd

970. Mr HOUSE to the Minister for the Environment:

Will the Minister outline the royalty payments made or to be made by Bunnings to the Government for all grades and species of saw logs at -

(a) 1 January 1991;

(b) 1 July 1991?

Mr PEARCE replied:

I understand the question has been extended to, "Can the Minister outline the royalty payments made or to be made by Bunnings to the Government for all grades and species of saw logs at -

(a) 1 July 1990;

(b) 1 January 1991;

(c) 1 July 1991?"

I assume the requirement is for payments made or to be made for the six months prior to the dates nominated.

(a)	Royalty due and paid	\$6 145 160.33
(b)	Royalty due and paid	\$3 285 356.36
(c)	Royalty due	\$4 157 578.74
	Royalty paid	\$3 368 968.09

The company paid its accounts in accordance with agreed credit terms.

LAND - CANNING VALE LAND DEVELOPMENT

Diuris Purdeii - Rare and Endangered Species

971. Mr KIERATH to the Minister for the Environment:

With reference to the development of land at Canning Vale by the Winthrop Joint Venture and others, and attention focused on *Diuris purdeii*, a species of donkey orchid -

- (a) is the Minister aware that there are three other rare and endangered species located in this general location;
- (b) can the Minister advise whether any research has been done on these species;
- (c) if so, what is the research;
- (d) if not, when is it proposed to research these three endangered species;
- (e) further, what action is the Minister prepared to take to ensure the survival of these other endangered species?

Mr PEARCE replied:

- (a) Yes.
- (b) Research is being undertaken on one species, *Drakaea jeanensis*.
- (c) Study of the conservation genetics and population ecology.
- (d) There is no current proposal for the remaining two species, which are considered to be relatively more common. With 260 plant species declared to be rare, it is not possible to carry out research on every one. Research and recovery plans are being developed for those considered to be in the most critical condition.
- (e) The population of these species at the Canning Vale site are not considered to be especially significant to their conservation. *Drakaea jeanensis* is known from 13 populations from Ruabon to Bindoon - three on nature reserves and two on other Crown reserves; *Drakaea micrantha* from five widespread populations from Walpole to Perth - two in State forest and one on a nature reserve; and *Caladenia huegelii* from 20 populations from the D'Entrecasteaux National Park to Melaleuca Park north of Perth - two populations in national park and a nature reserve, plus one in a proposed nature reserve, one in State forest and three in other Crown reserves.

STATE WAGE CASE - ACCORD MARK 6

Government Policy

972. Mr KIERATH to the Minister for Productivity and Labour Relations:

- (1) Is there a letter from the Department of Productivity and Labour Relations outlining the Government's position last October in regard to the State wage case and accord Mark 6, in which the Government stressed -

"no agreement can be finalised in advance of wage fixing principle being probably determined through the National and State Wage hearings and any agreement must be ratified by the Australian and Western Australian Commissions"?
- (2) Will the Minister advise whether the Government still holds of that view or, if that view has changed, then the reasons for that change in view?

- (3) If the Government's policy has changed will the Minister advise whether the Minister is prepared to examine the common rule provisions within the industrial relations system?
- (4) Is it the Government's intention to eliminate State wage cases all together, especially if it is not going to abide by the results and decisions of the State Wage Case?

Mrs HENDERSON replied:

- (1) Yes.
- (2) The Government has finalised an agreement with the Trades and Labor Council to provide a framework for the implementation of Accord Mark VI in the Western Australian public sector. The agreement stipulates that agreed wage adjustments should be inserted into awards when practicable.
- (3) The issue of common rule provisions has been raised in the Tripartite Labour Consultative Committee where it is currently being considered.
- (4) Section 51 of the Western Australian Industrial Relations Act 1979 requires the Western Australian Industrial Relations Commission to consider, and if they so decide, to give effect to a national wage decision. The Government is not considering altering this provision.

BICYCLES - ACCIDENTS

Medical Treatment Statistics

973. Mr BRADSHAW to the Minister representing the Minister for Police:

- (1) How many bicycle accidents have been recorded in the past five years resulting in riders requiring medical treatment?
- (2) Are accidents recorded for both public roadways and cycleways?
- (3) If both, what is the breakdown of accident occurring on roadways and cycleways?

Mr GORDON HILL replied:

The Minister for Police has provided the following reply -

- (1) In the period 1985-1989 a total of 2 820 persons were reported to police as requiring medical treatment resulting from push cycle accidents. Figures for 1990 are not yet available.
- (2) Yes.
- (3) This information is not available as they are not recorded under separate categories.

BICYCLES - ACCIDENTS

Head Injuries

974. Mr BRADSHAW to the Minister for Health:

- (1) How many head injuries have been recorded from bicycle accidents in the past five years?
- (2) What were the age groups of those involved?
- (3) How many of these accidents occurred on cycleways versus roadways?
- (4) How many head injuries have been recorded from bicycle accidents on Rottnest Island in the past five years?

Mr WILSON replied:

- (1) Head injuries from bicycle accidents -

1986	-	253
1987	-	210
1988	-	253
1989	-	177
1990*	-	191

(2) Age groups of head injuries from bicycle accidents -

AGE	1986	1987	1988	1989	1990*
0-4	14	12	4	6	9
5-9	64	48	60	41	42
10-14	79	66	78	53	66
15-19	33	33	44	35	25
20-29	33	26	33	19	18
30-39	14	11	12	8	11
40-49	7	7	10	6	10
50-59	5	6	8	6	7
60+	4	1	4	3	3
ALL	253	210	253	177	191

*1990 data is approximately 95% complete.

(3) Information not available.

(4) Data on head injuries from bicycle accidents on Rottneest Island is not available. Total numbers of bicycle accidents presenting at the Nursing Post on Rottneest Island are -

1986-87	- 504
1987-88	- 343
1988-89	- 462
1989-90	- 506
1990/May 1991	- 453

WELLINGTON DAM - SALT LEVELS

975. Mr BRADSHAW to the Minister for Water Resources:

- (1) What have been the salt levels of the Wellington dam for the past five years?
- (2) Is the irrigation water from the Wellington dam being shandied with the Harris River dam water?
- (3) How often are the salt levels at the Wellington dam taken?

Mr BRIDGE replied:

- (1) Salt levels within the dam vary considerably with inflow and between stratas within the water body. Over the past five years at the offtake for the great southern towns water supply scheme the salinity level has been as high as 1 300 mg/L and is currently 837 mg/L.
- (2) No.
- (3) Daily.

RESIDENTIAL TENANCY ACT 1987 - RESIDENTIAL RENT BONDS

Interest

976. Mr BRADSHAW to the Minister for Consumer Affairs:

- (1) How much interest has been collected from residential rent bonds since this money has been collected by the Government?
- (2) Does this money cover the cost of running the bureaucracy set up under the Residential Tenancy Act 1987?
- (3) How many disputes have been dealt with since the Act came into effect?

Mrs HENDERSON replied:

- (1) Since the introduction of the Residential Tenancies Act on 1 October 1989, the following monies have been generated by the rental accommodation fund.
 - (a) Interest received from financial institutions 1.10.89 to 31.3.91 - \$1 300 000.

- (b) Interest received on funds lodged with the Bond Administrator 1.10.89 to 31.3.91 - \$230 000.
- (2) In the financial year October 1989 to June 1990 a loss of \$487 000 was incurred over monies received. It is expected that in 1990/91 the interest from the fund will meet the costs incurred by the Ministry of Consumer Affairs and the Crown Law Department in administering the Act.
- (3) Since the Residential Tenancies Act was introduced on 1 October 1989 both the Ministry of Consumer Affairs and the Small Disputes Division of the Local Court have dealt with the resolution of disputes. I am advised that approximately 2 700 applications have been made to the courts since 1 October 1989. An example of a typical period of activity within the courts is as follows:
- | | |
|---|--------|
| Applications to metropolitan courts 1.7.90 - 31.12.90 | 495 |
| Applications to country courts 1.7.90 - 31.12.90 | 101 |
| Ministry of Consumer Affairs: | |
| Telephone inquiries 1.7.90 - 31.5.91 | 33 840 |
| Formal complaints investigated 1.10.89 - 10.6.91 | 946 |

HEALTH DEPARTMENT - PRIVATE SCHOOLS

Health Screening Stoppage - Special Consultant on Community and Child Health Services Report Recommendation

977. Mr MINSON to the Minister for Health:

- (1) Is it correct that the "Executive Overview and Recommendations" on the Report of the Special Consultant on Community and Child Health Services presented to the Commissioner of Health in December 1990 recommends the discontinuance of health screening for independent schools in Western Australia?
- (2) If yes, does the Minister intend to implement this recommendation?
- (3) If yes to (2) when does the Minister intend to implement this recommendation?

Mr WILSON replied:

- (1) Recommendation 24 of the report of the Special Consultant on Community and Child Health Services states -

Screening services by C&CHS in school year 8 should be usually restricted to government schools, and the provision of appropriate information material to private sector schools.

The only physical screening test recommended for year 8 is testing of vision using the Snellen alphabetical chart. Many private sector secondary schools have a school nurse on site. From the viewpoint of gaining maximum benefit from society's resources, the consultant considered that an anachronism was occurring in some instances where a school nurse was withdrawn from a public sector school to perform year 8 screening in a private sector school, despite that school having its own school nurse.

- (2) The period for public comment on the report has elapsed only recently, and some late responses are still to be received. No decisions have been made on any of the 185 recommendations at this time.
- (3) Not applicable.

NATIONAL PARKS - ENVIRONMENTAL PROTECTION AUTHORITY BULLETIN 460

National Park Proposal - Visitor Estimates

980. Mr MINSON to the Minister for the Environment:

- (1) Will the Minister provide estimates and the basis for those estimates of annual

visitor numbers to the area proposed for a national park in the Environmental Protection Authority Bulletin 460 for the five year period 1986-1990 inclusive?

(2) If not, why not?

(3) (a) What are anticipated annual visitor numbers for the five year period 1991-94 inclusive;

(b) what is the basis for that expectation?

Mr PEARCE replied:

(1) No. It is not possible to provide estimates, although as indicated in EPA Bulletin 424 the area is visited by four-wheel drive clubs and is used by scout groups.

(2) It is not possible to provide estimates because traffic counters are not in place to measure existing visitation levels which would form the basis for any prediction.

(3) See answer to (2) above.

BURSWOOD RESORT CASINO - ENVIRONMENTAL ASSESSMENT

981. Mr MINSON to the Minister for the Environment:

(1) Why was there no formal public environmental assessment of the Burswood Casino and Resort development project?

(2) What environmental documentation regarding the project, if any, was submitted and evaluated by the Environmental Protection Authority?

(3) What environmental advice, if any, did the Environmental Protection Authority give the Government regarding the project?

(4) Is that advice, mentioned in question (3), available?

Mr PEARCE replied:

(1)-(2)

Development of the Burswood Casino and Resort land was subject to a Public Environmental Report and an Environmental Protection Authority Report was prepared and published as Bulletin 248.

(3)-(4)

I table a copy of Bulletin 248.

[See paper No 517.]

SWAN RIVER - BURSWOOD RESORT CASINO *Pollutants Contributor Inquiry*

983. Mr MINSON to the Minister for the Environment:

As a thorough article on the content and leaching of pollutants from sanitary landfill sites in the United States published in the May 1991 edition of the "National Geographic" magazine indicates that reticulation of parklands and golf courses overlying sanitary landfill sites such as the Burswood complex may be a substantial contributor of nuisance pollutants to the Swan River -

(a) will the Minister ensure an investigation of the leaching hazard from the Burswood site;

(b) if not, why not;

(c) if yes to (a), will the Minister ensure the participation of a suitably qualified and experience scientist acceptable to the Opposition in any such investigation;

(d) if no to (c), why not;

(e) if contaminants are leaching from the site who will be legally and financially responsible for the clean up?

Mr PEARCE replied:

The Swan River Trust is well aware of the potential for sanitary land fill sites to be a source of river contamination. An agreement has recently been reached between the Trust and the Burswood Park Board to undertake a comprehensive study to determine the magnitude of any effect which the land fill site at Burswood may be having on the river and appropriate mechanisms for future management of the issue.

SCHOOLS - SHACKLETON PRIMARY SCHOOL
Fenitrothion Spray - Locust Control Campaign

984. Dr ALEXANDER to the Minister for Agriculture:

- (1) Further to question 564 of 1991, on what date was the Shackleton Primary School site sprayed with fenitrothion as part of the 1990-91 locust control campaign?
- (2) (a) Was the above application of fenitrothion at the Shackleton Primary School carried out in accordance with regulations relating to the application of the pesticide for the control of locust;
 (b) if not, in what way did the application breach relevant regulations?
- (3) (a) If no to (2), has the operator or company been prosecuted;
 (b) if not, why not?
- (4) What were the readings of chemical residues, including additives, degradation products and contaminants of fenitrothion obtained in Government soil assays at the Shackleton Primary School site following the fenitrothion application (for each reading please provide name and formula of substance)?
- (5) For each reading listed in response to (4), please specify the date on which each sample was taken?
- (6) In view of the Shackleton experience, is the widely circulated Agriculture Protection Board statement, also appearing in its article *Hopper Stopper* of September 1990, that "fenitrothion breaks down to harmless products in a matter of days" incorrect as far as the Western Australian wheatbelt is concerned?
- (7) What is the persistence of -
 (a) fenitrothion;
 (b) its degradation products;
 (c) its contaminants;
 in Western Australian wheatbelt conditions?

Mr BRIDGE replied:

- (1) 3 November 1990.
- (2) Health Department advise that analyses indicate that in some specific locations the recommended rate of application must have been exceeded or multiple applications applied.
- (3) Health Department advises -
 (a) No.
 (b) Advice from Crown Law Department that prosecution was unlikely to succeed based on evidence.
- (4)-(5) Results and dates as follows -
 Shackleton Primary School - results of soil analysis

Sample Site	Pre Cleanup		Post Cleanup			
	23/11	10/12	14/12	17/12	8/1	21/1
	fenitrothion mg/kg (dry basis)					
Lawn area	160	120	67	28	22	14
Breezeway	180	220	220	100	0.5	1
Outer playground	2300	<1	3	1	0.6	<1
Adjacent to play equipment	-	2	<1	<1	0.1	<1
Eastern side of quadrangle	-	45	18	30	4.8	
Gutter at edge of quadrangle	-	280	620	390	6.9	2
Near cricket pitch	-	<1	1	<1	<0.1	2
Vegetable garden	-	11	<1	<1	0.1	2

Analyses were for fenitrothion only.

(6) Government Chemistry Centre advises - no, if recommended rates are used.

(7) Government Chemistry Centre advises that at recommended rates -

(a)-(c)

Negligible.

LAMBS - SLAUGHTER FIGURES

985. Mr TRENORDEN to the Minister for Agriculture:

Will the Minister supply the following figures for the 1989-90 fiscal year plus nine months ended March 1991, in regard to lambs slaughtered, total numbers and weight, total value paid out to producers, total value received, administration and killing costs and net profit or loss segregated into the following categories -

- for lambs slaughtered at service facilities and marketed by Western Australian Meat Marketing Corporation or its agents for export markets;
- for lambs slaughtered at service facilities and marketed by WAMMC to the Australian domestic market with these figures broken down into lambs marketed to the Western Australian market and those sent to the Eastern States;
- other lambs slaughtered by private companies and marketed by those companies (on which all WAMMC charges have been paid) for export markets;
- other lambs slaughtered by private companies and marketed by those companies (on which all WAMMC charges have been paid) for the Australian domestic market, being those export rejects;
- other lambs slaughtered by private companies for the Western Australian market (on which all WAMMC charges have been paid);
- supply the number and value of lambs imported into the State by both WAMMC and private companies, and of lambs acquired by WAMMC in the Eastern States to fill export orders and at what cost?

Mr BRIDGE replied:

(a)-(e)

The information is not available in the detail requested.

(f)

	1989/90	1990/91 (to date)
Private Companies	109 162	24 042
WAMMC	Nil	3 200*

*Lambs imported during a period of industrial dispute. A portion of these were broken up and used to fill export orders.

LICE - HEAD LICE
Pharmaceutical Treatment Products

986. Dr ALEXANDER to the Minister for Health:

- (1) What are the pharmaceutical products available in Western Australia with which to treat head lice (please specify brand name, active ingredient and concentration of active ingredient)?
- (2) Of the products listed in (1), which products does the Health Department not recommend for use and what is the reason the products is/are not recommended?
- (3) For each product listed in (1) -
 - (a) what are the instructions for use;
 - (b) is the Health Department satisfied that the instructions for use are adequate?
- (4) If no to (3)(b), which instruction/s does the Health Department consider inadequate and why does it consider it/them inadequate?
- (5) Do any of the instructions for use for products listed in (1) contain -
 - (a) warnings against repeated use;
 - (b) advice on recommended frequency of use?
- (6) What is the Health Department's responsibility in approving instructions for use of each of the products listed in (1)?

Mr WILSON replied:

- (1) Pharmaceuticals, including those products used to treat head lice, are not required to be registered by the Health Department of Western Australia. The Commonwealth Government has recently introduced therapeutic goods legislation which sets up an Australian Register of Therapeutic Goods. It would be expected that products used to treat head lice would be included in that Register.
- (2)-(6) Not applicable.

NATIONAL PARKS - BUNGLE BUNGLE NATIONAL PARK
Piccaninny Gorge - Four-wheel Drives

987. Dr ALEXANDER to the Minister for the Environment:

- (1)
 - (a) Are four-wheel drives permitted to enter and drive in Piccaninny Gorge in the Bungle Bungle National Park;
 - (b) if no, how long has this prohibition been in place?
- (2)
 - (a) Did the Department of Conservation and Land Management give permission for the making of the advertisement;
 - (b) did CALM give permission for the use of the vehicle in Piccaninny Gorge;
 - (c) if yes to (a) and (b), what were the conditions of the approvals;
 - (d) did the conditions of approval require the lifting of a prohibition of the use of four-wheel drives in Piccaninny Gorge or any other area of the Bungle Bungle National Park;
 - (e) if yes to (d), how can this activity be justified in such a fragile and unique area;
 - (f) if approval was not given, what action will be taken by the Minister against Mitsubishi for the use of Piccaninny Gorge in this manner?
- (3)
 - (a) What action will the Minister take to ensure the public is made aware that four-wheel driving is not an acceptable activity in the World Heritage area of Piccaninny Gorge in the Bungle Bungles;

- (b) if none, why not?
- (4) (a) Did CALM officers receive any payment for supervising the filming of this advertisement;
- (b) if yes, how much;
- (c) if not, why not?
- (5) (a) Did CALM receive any payment for allowing the filming of this advertisement;
- (b) if yes, how much;
- (c) if no, why not?

Mr PEARCE replied:

- (1) (a) No.
- (b) Since 1987 when the area was reserved as a national park.
- (2) (a) Yes.
- (b) No.
- (c) A copy of the conditions is tabled.
- [See paper No 514.]
- (d) No.
- (e) The Department has complained to the company regarding its actions in breaching the permit. The company has responded that the ranger who supervised the filming of the advertisement allowed the area to be accessed in breach of the licence conditions. Formal disciplinary action has been taken against the ranger.
- (f) Although the filming of off-road sequences was unauthorised it is accepted that no environmental damage has occurred. Consequently, as the company considered that it was acting with proper approval, no further action is proposed.
- (3) (a) The area is not a World Heritage area. However, CALM has maximised publicity of this incident to advise the public that off-road driving is totally unacceptable in environmentally sensitive areas.
- (b) Not applicable.
- (4) (a) No.
- (b) Not applicable.
- (c) See answer to (5).
- (5) (a) Yes.
- (b) \$1 870 for providing supervision for the filming.
- (c) Not applicable.

CONSERVATION AND LAND MANAGEMENT DEPARTMENT - TIMBER INDUSTRY

Conservationist's Sawn Timber Report 1990 - Final Analysis Report

988. Dr ALEXANDER to the Minister for the Environment:

- (1) As in May 1990 conservationists published a report which showed that more than 685 square kilometres of State forest could be saved without net job losses if sawmills were required to improve the level of sawn timber recovered from every sawing they milled by only 18-20 per cent and in June the Department of Conservation and Land Management produced a draft analysis of the report -
- (a) has CALM produced a final analysis of the report;
- (b) if so, will the Minister table the document;

- (c) if not, when will CALM produce and publish its final analysis of the report?
- (2) (a) As the draft analysis stated that CALM "is prepared to oversee a properly controlled utilisation trial involving any or all sections of the timber industry provided the trial is conducted scientifically" has the trial been carried out;
- (b) if so, will the Minister table the results of the trial;
- (c) if the trial has not been conducted, in view of the importance to the timber industry and the environment of maximising sawn timber recovery and the Government's commitment to sustainable development, will the Minister require CALM to conduct it at the earliest opportunity;
- (d) if not, why not?

Mr PEARCE replied:

- (1) (a) No. CALM's draft analysis of the paper "Towards a Forest Accord in Western Australia" produced by the Coalition for Denmark's Environment, revealed such a large number of flaws of logic, errors of fact and lack of basic understanding of the timber production and timber industry, that it was considered the report did not warrant further analysis.
- (b) CALM's analysis of the Coalition for Denmark's environment paper "Towards a Forest Accord in Western Australia" is attached.
- (c) Not applicable.
- (2) (a) No.
- (b) Not applicable.
- (c) It was never my intention that CALM initiate a sawmilling trial as suggested by the Coalition for Denmark's Environment. I was, and still am, agreeable for CALM to oversee a sawmilling trial devised and conducted by the sawmilling industry itself.

CALM operates a Wood Utilisation Research Centre, which includes a small sawmill, at Harvey. If requested to do, I would be prepared to seriously consider any proposal made by the Forest Industries Federation (WA) Inc to draw on the facilities and expertise available at Harvey.
- (d) Answered by 2(c).

INDUSTRIAL RELATIONS COMMISSION - EMPLOYERS AND UNIONS *Similar Treatment*

989. Mr KIERATH to the Minister for Productivity and Labour Relations:

- (1) Should both employers and unions receive similar treatment by the Industrial Relations Commission?
- (2) In relation to application No. 2407 of 1989 by Western Mining Corporation, will the Minister advise when the application was lodged and for what purpose?
- (3) When was there a hearing and before which commissioner?
- (4) What was the outcome of that hearing?
- (5) When was the conference held by the commissioner?
- (6) What was the outcome of that conference?
- (7) When was there a commission in court session hearing?
- (8) What was the outcome of that hearing?
- (9) Has there been a decision to date?

- (10) What is the total number of days elapsed, since the application was lodged and when is a decision expected?
- (11) Further, in relation to application No. 85 of 1991 by the Australian Metal Workers Shipwrights Union of Australia, when was that application lodged and for what purpose?
- (12) Did the metal workers then go on strike?
- (13) Did they picket the refinery?
- (14) What dates were they on strike?
- (15) Was this during a critical economic phase of production at the refinery?
- (16) When was an application for a compulsory conference lodged and by whom?
- (17) When was the conference held and before whom?
- (18) What was the outcome of that conference?
- (19) Did the workers fail to return to work and how many days elapsed after the conference before they returned to work?
- (20) What was the date of the court hearing of the union application and before whom?
- (21) How many days lapsed between the unions application being lodged and being heard?
- (22) How does the Minister reconcile this outrageous and disgraceful example of differential treatment between employers and unions?

Mrs HENDERSON replied:

- (1) Yes.
- (2) (a) 12 October 1989.
(b) To amend the Wages Clause.
- (3) 30 January 1990 before Commissioner Gregor.
- (4) Referred to the Commission in Court Session as a Special Case.
- (5) 8 November 1990 before the Chief Commissioner.
- (6) Referral to the Commission in Court Session as a Special Case.
- (7) 27 May 1991.
- (8) Decision was reserved.
- (9) No.
- (10) (a) 617 days to 30 June 1991.
(b) A matter for the Western Australian Industrial Relations Commission.
- (11) Application 85/91 to vary the award was lodged on 18 January 1991.
- (12) The Commission's record on Application 85 of 91 do not disclose any strike action. However conference application 52/91 lodged by the employer claims the employees were on strike from 16-21 January 1991.
- (13)-(5) See 12.
- (16) Conference Application 52 of 91 was lodged by the employer on 21 January 1991.
- (17) 22 January 1991 before Senior Commissioner Halliwell.
- (18) Application 85/91 proceeded.
- (19) Commission has no record.
- (20) 30 January 1991 before Senior Commissioner Halliwell.
- (21) 12 days.

- (22) It is illogical to compare the two applications in the manner suggested by the question as the hearing of matters are affected by so many other factors beyond the Industrial Commission. Such factors include, the merits of the case, the wishes of the parties and particularly in relation to Application 2407, the fact that the employers argued a preliminary point of major importance which the Commission had to dispose of before deciding the main issue. It would be improper for the Government to complain in the manner suggested by the question because the Commission is an independent quasi judicial body not subject to the direction by Government. However, if any of the parties to either application are concerned about delays or quick hearings then they have a right to seek explanation from the Chief Commissioner.

ABORIGINES - FUNERALS

Attendance Allowance

991. Mr MINSON to the Minister for Aboriginal Affairs:

- (1) Is an allowance paid to Aboriginal persons to attend funerals?
- (2) If yes -
 - (a) do the recipients of the funeral allowance have to be relatives of the deceased;
 - (b) how much is the allowance?

Dr WATSON replied:

- (1) No.
- (2) Not applicable.

HOSPITALS - TEACHING AND NON-TEACHING HOSPITALS

Maintenance Tenders

992. Mr MINSON to the Minister for Health:

- (1) Has the Western Australian Government considered calling tenders for some or all of the painting, electrical, plumbing, gardening, general maintenance and similar engineering services to teaching hospitals and non-teaching hospitals?
- (2) If yes -
 - (a) were there projected savings;
 - (b) what were these projected savings;
 - (c) why has the scheme not been implemented since experience in other States and countries indicate there are savings to be made?
- (3) If no -
 - (a) why has the Government not considered implementing this course of action;
 - (b) will it consider it;
 - (c) if no to 3(b), why not?

Mr WILSON replied:

- (1) Yes. A number of health care units of the Health Department of WA have called tenders for a wide range of maintenance related activities.
- (2) (a) Yes.
 - (b) Details on a Statewide basis are not readily obtainable having regard to the number of projects undertaken and the number of health care units involved.
 - (c) Tenders have been called on a number of occasions where a cost saving potential has been indicated.
- (3) Not applicable.

**BREAST CANCER - NATIONAL PROGRAM FOR THE EARLY DETECTION OF
BREAST CANCER**
Government Funding

993. Mr MINSON to the Minister for Health:

- (1) Was the Western Australian Government allocated funding from the \$64 million set aside by the Federal Government through the national program for the early detection of breast cancer?
- (2) If yes -
 - (a) how much funding was allocated to Western Australia;
 - (b) how much of this money has been spent and what has it been spent on;
 - (c) what is the number of accredited breast cancer assessment centres in Western Australia and where are these centres;
 - (d) what is the number of breast cancer screening centres in Western Australia and where are these centres;
 - (e) how many mobile mammography units are there in Western Australia and where do they operate?

Mr WILSON replied:

- (1) Yes.
- (2) (a) The first round unmatched funding offer is for \$1 117 500. Matched funding for the following years to 1994 would have the Commonwealth provide a total of \$5 101 098, and the Health Department of WA \$3 983 598.
This funding is conditional on Western Australia meeting national program conditions including all screening and diagnostic procedures being free from Medicare rebates.
- (b) \$40 000 of the \$1 117 500 has been forwarded to the Health Department of Western Australia to fund negotiations with the Commonwealth regarding Western Australia joining the National Programme for the Early Detection of Breast Cancer.
- (c) There are currently no accredited breast cancer assessment centres in Western Australia. Women with screen detected abnormalities have been referred back to their nominated general practitioners for referral to existing public and private medical facilities. The senior medical officer at the women's cancer prevention unit assists the general practitioners in ensuring that these women attend centres with specific expertise in breast disease and its treatment.
- (d) Western Australia has three screening mammography centres. Another will commence screening in December this year. One is a fixed unit located in Cannington, the others are mobile in country areas.
- (e) Two of these screening services are mobile. One serves the Health Department's South West region, and the other the Geraldton, Mid-West, Pilbara and Kimberley regions. The unit due to open in December will be mobile and service the Great Southern region.

DUNNE'S AVIATION, GERALDTON - OIL SPILL, JURIE BAY
Marine and Harbours Department Flight Request

994. Mr MINSON to the Minister for Transport:

- (1) Did an officer from the Department of Marine and Harbours call for Dunne's Aviation, Geraldton, to fly to Jurien Bay during the recent oil spill incident?
- (2) If yes -
 - (a) Why was Dunne's Aviation requested to fly to Jurien Bay;

- (b) Was Dunne's Aviation's plane used;
- (c) If not, why not?

Mrs BEGGS replied:

- (1) Inquiries were made with Dunne's Aviation as to suitability and availability only.
- (2) (a) The inquiry to Dunne's Aviation was made to gauge the suitability of the company and availability of its aircraft.
- (b) No.
- (c) Dunne were not considered suitable as they did not have certification for work over water beyond three miles. Also, they did not have the relevant experience. Dunne were less suitable than the Australia Maritime Resources Aircraft.

OIL SPILL - JURIEEN BAY
Aerial Treatment

995. Mr MINSON to the Minister for Transport:

- (1) Was the recent oil spill at Jurien Bay treated from the air?
- (2) If yes -
 - (a) how many planes were used;
 - (b) what companies' planes were used;
 - (c) where are these companies based;
 - (d) what was the cost of the aerial work on the oil spill?

Mrs BEGGS replied:

- (1) Yes.
- (2) (a) Two.
- (b) Australian Maritime Resources.
- (c) One aircraft at Wagin, Western Australia.
One aircraft at Adelaide, South Australia.
- (d) Not known, as aircraft were initially activated by Australian Institute of Petroleum on behalf of BP. Final invoices are being paid by insurers.

HEALTH DEPARTMENT - WOMEN'S HEALTH SERVICES REVIEW
Pregnancy, Childbirth, After Childbirth

996. Mr MINSON to the Minister for Health:

- (1) Has a review of health services for women during pregnancy, childbirth and after childbirth been conducted?
- (2) If yes -
 - (a) what is the name of this review;
 - (b) who was involved in the task force which prepared the review;
 - (c) when is it expected the costing of the review's recommendations will be finalised by the Health Department;
 - (d) when are the review's recommendations expected to go before the Cabinet?

Mr WILSON replied:

- (1) Yes as part of an overall review of obstetric, neonatal and gynaecological services in Western Australia.
- (2) (a) Report of the Ministerial Task Force to review obstetric, neonatal and gynaecological services in Western Australia. The report was completed in January 1990.

- (b) Forty-nine people from a wide cross section of community, consumer, and provider interest and expertise participated on the task force and its five working parties. The membership of the task force was as attached.
- (c) The Health Department completed an analysis of the review's recommendations in August 1990 including an assessment of cost implications. Progressive implementation of the review's recommendations has commenced in line with this assessment.
- (d) The review's recommendations were considered by Cabinet in February 1990 and the report released by the Premier on 20 March 1990.

TASK FORCE MEMBERSHIP

Professor Con Michael (Chairman)	Professor of Obstetrics and Gynaecology, University of Western Australia
Dr Diane Davies	Director of Medical Services, King Edward Memorial Hospital for Women
Ms Pat Martin	Director of Nursing, King Edward Memorial Hospital for Women
Dr Ron Hagan	Neonatal Paediatrician, King Edward Memorial Hospital for Women
Ms Thea Mendelsohn	Executive Co-ordinator Women's Health Policy Unit, Health Department of WA
Ms Judith David	Royal Australian Nursing Federation
Ms Joan Winch	Aboriginal Medical Service
Ms Chris Massey	Australian College of Midwives WA (Inc)
Dr Charles Thelander	Royal Australian College of General Practitioners
Ms Jean Walker	Country Women's Association
Ms Maria Hart	Nursing Mother's Association
Ms Enid Facer	Independent Midwives
Dr Michael Price	Royal Australian College of Obstetricians and Gynaecologists
Dr Vivienne Waddell	Health Department of WA
Ms Edwina Spence	Multicultural & Ethnic Affairs Commission
Secretariat -	
Ms Nancy Lee	Project Officer
Ms Susan Jones	Secretary

IN VITRO FERTILISATION - PRIVATE CLINICS Cost

997. Mr MINSON to the Minister for Health:

- (1) What is the estimated cost of each in vitro fertilization birth in Western Australia's private clinics?
- (2) How much of that cost is paid by the Western Australian taxpayers?
- (3) Is the Government considering setting up a public clinic?

Mr WILSON replied:

- (1) In 1986 a detailed costing was done which estimated the cost of each IVF birth in WA as \$57 000. It is likely that the current cost of each IVF birth in WA's private clinics remains similar to that.

- (2) Again in 1986 about one half of the cost for each IVF birth, that is, about \$30 000, was covered by direct Government expenditure and the current proportion is likely to be similar.
- (3) No.

HOSPITALS - HOSPITAL BOARDS *Changes*

998. Mr BRADSHAW to the Minister for Health:

- (1) Does the Minister or the Health Department intend to do away with hospital boards?
- (2) If yes, when is this envisaged?
- (3) If changes are to be made to hospital boards, what are these changes?

Mr WILSON replied:

- (1) This will be dependent on the review of the metropolitan health services being undertaken by the consulting firm Deloitte Ross Tohmatsu, which is to provide advice to Government on the best structure for the future management of its health services.

- (2)-(3) Not applicable.

SEWERAGE - COUNTRY CHARGES

999. Mr BRADSHAW to the Minister for Water Resources:

- (1) Why is the rate in the dollar for sewerage higher in the country than the city?
- (2) Why are some properties charged a fixed rate for drainage and others charged on the gross rental value of the property?
- (3) Why are properties in the country that are connected to the sewerage charged a fixed charge for water and not given the first 150kl water usage free?

Mr BRIDGE replied:

- (1) In the metropolitan area there are common sewerage rates. In country areas separate rates are determined for each sewerage scheme. These rates are primarily based on the costs associated with each scheme. As a result, in some country towns the rate applied to property values may be higher than that applied in the metropolitan area. The actual charge to individual customers will therefore be dependent upon the value of their individual property.
- (2) Drainage rates in areas constituted under the Metropolitan Water Authority Act have historically been based on gross rental value. Rates in those areas constituted under the Land Drainage Act - country areas - have historically been based on property size. No attempt has been made to modify either arrangement.
- (3) The metropolitan and country water consumption tariffs are different due to -
 - (a) the higher cost of providing water to country customers;
 - (b) the carry-over of two different charging structures when the Water Authority was formed in 1985.

Elements of the two structures have been changed in the interim, but a water allowance has not been extended to country customers due to considerations of cost and water conservation.

MILK - PURCHASER *Dairy Company Non-payment Insurance Levy*

1000. Mr BRADSHAW to the Minister for Agriculture:

- (1) Who is the actual purchaser of the dairy milk from milk producers?

- (2) If the Dairy Industry Authority of Western Australia is responsible for the purchase of that milk, why has a levy been imposed on dairy farmers to insure against non-payment by the dairy companies?

Mr BRIDGE replied:

- (1) Milk supplied for sale in Western Australia as white milk - market milk - for human consumption is vested in the Dairy Industry Authority. Other milk is purchased by the dairy processing companies.
- (2) Following default in payment for market milk supplies by a dairy processing company in 1990, the Authority has taken out credit insurance to protect against similar circumstances occurring in future. Sectors which are involved or derive benefits from market milk vesting arrangements are providing finance to cover the cost of this insurance.

WATER CONSUMPTION - VARIABLE ALLOWANCES PROPOSAL

1001. Mr KIERATH to the Minister for Water Resources:

- (1) As large families are currently allocated the same amount of allowable water consumption as a single person living alone, does the Government intend to rectify this inequity by allocating the allowable amount of water consumption on the basis of the number of persons of the same family living in a household?
- (2) If not, why not?
- (3) When could any such changes be expected to be implemented?
- (4) Are large families presently being penalised under the current system of water consumption allocation?

Mr BRIDGE replied:

- (1) The Government does not currently have any proposal for introducing variable water consumption allowances.
- (2) The water pricing policy is based on a principle of "user pays".
- (3) Refer to answer (1) above.
- (4) No, especially when one considers that water rates are charged for each property and not on the basis of number of residents per property.

WATER AUTHORITY OF WESTERN AUSTRALIA - WILLETTON 7C *Sewerage Promise Correspondence*

1003. Mr KIERATH to the Minister for Water Resources:

- (1) With respect to correspondence dated 10 February 1984 from the Water Authority of Western Australia to the residents of the unsewered area known as Willetton 7C, promising sewerage for the area, which has a high watertable and abuts the Canning River, did that correspondence acknowledge that the City of Canning Health Department and the Department of Conservation and Land Management consider that this area should be sewered and ask that WAWA do this as a matter of priority?
- (2) Did WAWA also state in the letter that sewerage would be provided in the next few years?
- (3) Did WAWA write a subsequent letter dated 4 July 1990 to residents admitting that the design was not proceeded with because funds were limited and works with a higher priority proceeded?
- (4) What were those works of a higher priority?
- (5) Were \$3 million of funds allocated for sewerage works in this area redirected to WAWA work at the Hillarys Marina?

Mr BRIDGE replied:

- (1) Yes, but no promise of sewerage for the area was given.

- (2) No, the letter stated "Investigation and design of the scheme will start soon with the aim of providing sewerage in the next few years."
- (3) Yes.
- (4) Willetton 7C could not be seweraged until Willetton 6H was completed, which was in 1986-87.
Areas of higher priority of the infill sewerage program have been in the Balcatta, Balga and Yokine areas which contribute to the Gwelup public underground water supply area.
- (5) No, capital costs associated with developments are a separate program and prefunded by developers where necessary.

**WESTERN AUSTRALIAN TOURISM COMMISSION - INSIGHT WEST
CONTRACTS**
Insight Research Contracts

1006. Mr BRADSHAW to the Minister for Tourism:

With reference to question 882 of 1991 will the Minister -

- (a) list the number of contracts the Tourism Commission has undertaken with Insight West and Insight Research;
- (b) give the dollar values for each of these contracts;
- (c) advise if either Insight West or Insight Research was the cheapest tender;
- (d) advise if tenders were called for these contracts?

Mrs BEGGS replied:

- (a) Three contracts have been undertaken with Insight Research -
 - (i) Western Australian Tourism Monitor 1989-90.
 - (ii) Western Australian Tourism Monitor 1990-91.
 - (iii) 1990 Drug Offensive Masters Visitor Numbers and Expenditure Assessment.
- (b)
 - (i) \$160 000
 - (ii) \$181 200
 - (iii) \$7 500.
- (c) The successful tenderer was selected on the basis of ability to meet the objectives. The price was preset by the Western Australian Tourism Commission.
- (d) Tenders were called for the following -
Western Australian Tourism Monitor 1989-90.
Seventeen companies were invited to tender, six companies accepted the invitation.
1990 Drug Offensive Masters Research.
Six companies were invited to tender, three companies accepted the invitation.
Insight Research's contract for the Western Australian Tourism Monitor was renewed for the 1990-91 survey period. This renewal was a consideration as was part as the initial tender document -
While this project is for the period July 1989 to June 1990, consideration will be given to the negotiation of a two, or three year contract.

HEALTH PROMOTION FOUNDATION - REVENUE

1012. Mr MacKINNON to the Minister for Health:

- (1) How much revenue has been raised by the Health Promotion Foundation during the current financial year?
- (2) How have these funds been allocated?

Mr WILSON replied:

- (1) The Health Promotion Foundation has received \$1.947 million in the current financial year. (\$1.741 million relates to 10 per cent of the Business Franchise (Tobacco) Act collections made by the Commissioner of State Taxation which is paid to the Foundation from Consolidated Revenue and covers the months of May and June 1991. The Balance, \$0.206 million is the interest earned on the balance of the WA Health Promotion fund to 1 May 1991).
- (2) The majority of these funds are yet to be allocated. Only \$0.121 million has been allocated to Health Promotion project grants and sports and arts project sponsorships.

COUNTRY TOURISM ASSOCIATION - MANAGEMENT REVIEW

Task Force Members

1016. Mr MacKINNON to the Minister for Tourism:

- (1) Has the Government appointed a task force to review the Government support via funding of the Country Tourism Association?
- (2) If so, who are the members of that task force?
- (3) What are the terms of reference of the task force?
- (4) When is it expected to report?

Mrs BEGGS replied:

- (1) The taskforce has been set up to undertake a management review of the Country Tourism Association.
- (2) Mr Kevin Harrison - Chairperson
Mr Steve T'Anson
Mr Steve Crawford
Mr Ray Bird.
- (3) To examine the functions performed by the Country Tourism Association and, where appropriate, make recommendations for change.
To review the current structure of the Country Tourism Association and, if necessary, alternative structures.
To examine alternative methods of funding the Country Tourism Association.
- (4) 6 September 1991.

WESTERN AUSTRALIAN TOURISM COMMISSION - PERTH OFFICE

Opening Hours

to the Minister for Tourism:

- (1) Does the Tourism Commission Perth office open seven days a week?
- (2) If not, what hours does it open?
- (3) If the office is not trading seven days a week, why not?

Mrs BEGGS replied:

- (1) No.
- (2) Monday to Friday 8.30 am - 5.00 pm
Saturday 9.00 am - 1.00 pm
- (3) There is insufficient demand for the Perth Tourist Centre to be open on

Saturday afternoon and Sunday. An arrangement has been made with a travel agency/coach operator to handle any inquiries whilst the Tourist Centre is closed.

NATIONAL RAIL FREIGHT CORPORATION - LEGISLATION

1018. Mr MacKINNON to the Minister for Transport:

- (1) Will the Government be required to bring legislation before the State Parliament to authorise the formation of the National Rail Freight Corporation with Western Australia's participation?
- (2) If so, when will that legislation come forward?
- (3) If no legislation is required, when will full details of Western Australia's participation in the National Rail Freight Corporation be tabled?

Mrs BEGGS replied:

- (1) Yes.
- (2) As soon as practicable, most likely during the current parliamentary session.
- (3) Not applicable.

AGRICULTURE DEPARTMENT - RYE-GRASS TOXICITY *Mineral Supplements - Stock Loss Reduction*

1023. Mr McNEE to the Minister for Agriculture :

- (1) Has the Department of Agriculture sought detailed information from farmers claiming that mineral supplements appear to reduce stock losses on paddocks affected by rye-grass toxicity and enquired whether farmers have made similar claims to manufacturers of mineral supplements?
- (2) If not, why not?
- (3) Will the Department of Agriculture run trials this spring/summer to test if mineral supplements such as Rumevite or Siromin will reduce sheep losses on pasture affected by rye-grass toxicity?

Mr BRIDGE replied:

- (1)-(3)
It has been reported to the Department of Agriculture that the use of cobalt prevented the development of annual rye-grass toxicity on two farms in the Moora area. This information has been passed to the CSIRO, which is carrying out research on treatments which will prevent ARG. It is understood that CSIRO will include cobalt treatments in future field trials. There are no plans to include Rimevite or Siromin in field trials at this time.

RAILWAYS - ELECTRIFICATION *Perth-Midland Line, Perth-Armadale Line, Perth-Fremantle Line*

1024. Mr McNEE to the Minister for Transport:

- (1) When will the electric train service commence on:
 - (a) the Perth to Midland line;
 - (b) the Perth to Armadale line;
 - (c) the Perth to Fremantle line?
- (2) Has the fault in the new rail cars been eliminated?
- (3)
 - (a) what is/was the fault;
 - (b) what is/was it caused by;
 - (c) what work was done/is being done to rectify it;
 - (d) how much did/will the work cost;
 - (e) who paid/will pay for the work?

Mrs BEGGS replied:

- (1) The commencement date for train services on all lines is the subject of current consideration and negotiations with the manufacturers. I will provide an answer as soon as the operational, engineering and planning issues are resolved.
- (2) Substantial progress has been made in reducing the effects of the problem so that it does not cause discomfort to passengers.
- (3) (a)-(b) The transmission of vertical frequencies from the bogies to the railcar body.
- (c) Detailed measurements and modelling of the frequency spectrums in the cars have been carried out and modifications have been made by the contractor to the suspension and damping systems.
- (d) This work was carried out by the manufacturing contractor and the costs are not known to me.
- (e) The costs are to the manufacturer.

ABALONE - COMMERCIAL LICENCES

1025. Mr McNEE to the Minister for Fisheries:

With respect to commercial licences enabling the taking of abalone in Western Australia, will the Minister please advise:

- (a) when were such licences first issued;
- (b) when did they become transferrable;
- (c) when were they first able to be held in the name of a company, partnership or trust;
- (d) when did they first form property of a company, partnership or trust whilst held in the name of a nominee, partner or trustee;
- (e) has it been the case in the past that such licences could not be held by persons who simultaneously held such licences interstate;
- (f) if yes to (e) why;
- (g) when were annual catch limits first imposed;
- (h) when were licence holders allowed to employ a person to take abalone in parallel with or in place of the licence holder?

Mr GORDON HILL replied:

- (a) 1972.
- (b) Under the limited entry abalone fishery notice which came into effect on 17 September 1976.
- (c) Under current policy guidelines abalone licences may not be held in the name of a company, partnership or trust.
- (d) Not applicable, see (c). However if there are financial arrangements entered into by fishermen, not drawn to the Fisheries Department's attention, some could be in existence.
- (e) No.
- (f) Not applicable.
- (g) Zone 1 - 1985
Zone 2 - 1986
Zone 3 - 1988
- (h) Under current policy guidelines only abalone licensees may take abalone.

STATESHIPS - FREIGHT EARNINGS

Singapore, Kuching, Indonesian Ports - MV Konecny, MV Gordon Reid

1026. Mr McNEE to the Minister for Transport:

- (1) With reference to the Stateships trade between Singapore/Kuching/Indonesian ports will the Minister advise;
 - (a) in the financial year 1991, what freight was earned on the trade;
 - (b) earnings and total cargoes carried for the last three voyages of the *MV Konecny*:
 - (i) average freight rates for these voyages;
 - (ii) indicative rates of competitors on the same run;
 - (c) what proportion of the losses incurred on round voyages Fremantle/Fremantle are attributable to these interport diversions;
 - (d) what commissions, agency fees and other remunerations are paid to port agents, brokers and any other bodies involved in the trade;
 - (e) what is the corporate structure of the Hai Sun Hup Stateships Marketing (Singapore) Pty Ltd;
 - (i) who are the directors;
 - (ii) who are the shareholders;
 - (iii) what accounts have been published for this company?
- (2) With reference to the *MV Gordon Reid* would the Minister advise:
 - (a) the northbound and southbound cargoes and freight earnings for voyages three, four and five;
 - (b) what is the total loss on the first five voyages?

Mrs BEGGS replied:

- (1) (a) \$68 332.
- (b) For *MV Frank Konecny* voyages 5, 6 and 7.
 - * Cargoes - 4 containers.
 - * Earnings - \$4 206.
 - (i) \$1 051 per container.
 - (ii) No regular services for a comparison to be drawn.
- (c) None. Vessels only call at ports where there is cargo to be shipped to or from Western Australia.
- (d) Standard agency fees of five per cent outward and 2.5 per cent inward on gross freight is paid to agents representing Stateships at the various ports.
- (e) Hai Sun Hup Group Ltd is a publicly listed company on the Singapore Stock Exchange. Hai Sun Hup Group are the appointed general agents for Stateships in South East Asia. In order to give focus and identify to the marketing efforts in the region for Stateships vessels, Hai Sun Hup established Stateships Marketing (Singapore) Pty Ltd as a private company.
 - (i)-(ii) Mr Siew Kam Onn,
Mr Heng Ah Bah,
both employees of Hai Sun Hup.
 - (iii) As a private company it is exempt from the publication of accounts.
- (2) (a)-(b)

Whilst I appreciate the member's interest in the value and the improvement of the financial and operating performance of Stateships, I am not prepared to release detailed trading information which would

clearly give a competitive advantage to Stateships' competitors. As a Government trading enterprise, Stateships is required to undertake far greater public disclosure than its competitors and as such, to answer the member's question could well be to the detriment of the State's interest.

RAILWAYS - RAILCARS
Servicing and Maintenance

1027. Mr McNEE to the Minister for Transport:

With reference to question 683 of 1991, will the Minister advise:

- (a) how many railcars were overhauled;
- (b) a general outline of the overhaul procedure;
- (c) how often are the cars overhauled;
- (d) how many railcars were serviced and maintained;
- (e) a general outline of servicing and maintenance procedures;
- (f) how often are the cars serviced and maintained;
- (g) a list of which trains apart from the *Australind* used the track in the financial year 1989-90;
- (h) what was the total cost for the financial year 1989-90 of:
 - (i) track maintenance;
 - (ii) track and structure maintenance;
 - (iii) signal and communications maintenance;
- (i) what was the total tonnage on the line in the financial year 1989-90;
- (j) what proportion of the total tonnage was the *Australind's* contribution;
- (k) a list of train and on-train crew and their salaries and costs for the financial year 1989-90;
- (l) how many litres of fuel was consumed in the 1989-90 financial year;
- (m) who provided the cleaning service for the rail cars;
- (n) how often is the cleaning service put out to tender;
- (o) who provided the catering service;
- (p) why is not the service rented to a private restaurant/company for a fee;
- (q) how many tickets were sold through travel agents in the financial year 1989-90 and how much revenue did this generate;
- (r) what was the total number of tickets sold in the financial year 1989-90 and how much revenue did this generate;
- (s) how is the travel agent's commission calculated;
- (t) a list of station and booking office staff and their salaries and costs;
- (u) an explanation and breakdown of the heading "signalling duties";
- (v) a detailed breakdown of the heading "corporate overheads" and an explanation of the calculation process used to arrive at the figures;
- (w) the date of purchase and date of delivery of each railcar, its cost and the total amount depreciated to date;
- (x) what was the total depreciation on line assets on the line used by the *Australind*;
- (y) how was interest on loan funds calculated for:
 - (i) railcars;
 - (ii) line assets;

- (z) what was the total interest on loan funds for line assets used by the *Australind*;
- (aa) when the line assets were put in place, their cost at the time, the total interest paid to date;
- (ab) the total interest paid to date on the railcars?

Mrs BEGGS replied:

As the member is aware I have already provided him with considerable information on the running of the *Australind* in response to question 2108 of 1990 and 683 of 1991. Records are not maintained in a form which would enable all of this additional detail to be extracted without the use of excessive resources. As an alternative if the member so desires I will arrange for Westrail's passenger management people to meet with him with a view to discussing the matter further.

HEALTH PROMOTION FOUNDATION - SPORTS FUNDING

1028. Mr COWAN to the Minister for Health:

- (1) Has the Health Promotion Foundation made a decision not to provide funds for sports programs involving recurrent expenditure?
- (2) Is the Minister aware that sports training and development programs inevitably involve recurrent funding?
- (3) Is it government policy that sports training and development programs should be denied Foundation funding?

Mr WILSON replied:

- (1) No, however it has made it clear in its guidelines that organisations should be able to demonstrate the potential to become ongoing viable programs and not reliant on continued sponsor support.
- (2) Yes.
- (3) When legislation to establish the Health Promotion Foundation was before the Parliament, the honourable member and his colleagues specifically sought assurance from the Government that the foundation would be able to operate independently of Government policy. Funding decisions by the foundation are as a consequence unfettered by any Government policy.

HEALTH PROMOTION FOUNDATION - SPORTS FUNDING

Tobacco Company Sponsorship Eligibility

1029. Mr COWAN to the Minister for Health:

- (1) Has the Health Promotion Foundation made a decision that, where a sport receives tobacco company sponsorship at the elite level, it will not be eligible for foundation funding at any level?
- (2) If yes, why was the decision made and under what legislative authority?
- (3) Does the Government support the decision and, if not, what action is the Minister taking in relation to that decision?

Mr WILSON replied:

(1)-(2)

In accordance with section 23 of the Tobacco Control Act 1990 and on the advice of its sports advisory committee, the foundation has adopted a funding guidelines that it is inappropriate to fund/sponsor any organisations which continue to accept any form of funding from tobacco companies or their related foundations, involved in the marketing and/or distribution of tobacco products, or the advertising of tobacco products.

Where organisations have a direct affiliation to a national body that accepts funding as outlined above and delivers tobacco sponsorship benefits in WA the foundation has resolved that it is inappropriate to sponsor such

organisations. However, sports which relinquish their tobacco sponsorship will be eligible to apply for funding. As of 8 February 1992 all sports will be clean of tobacco sponsorship unless an exemption is granted.

- (3) The foundation has been established as an independent body and has acted appropriately. It has interpreted the objectives of the Act and has established its operational guidelines and policies accordingly.

STATESHIPS - LIVE GOAT TRADE
Stock Carrying Module

1037. Mr COWAN to the Minister for Transport:

- (1) Has Stateships, or any local company commissioned by Stateships, developed a prototype shipping container for exporting live goats?
- (2) If yes, what has been spent on the development of that prototype so far?
- (3) Is it proposed to manufacture these containers commercially?
- (4) If yes to (3), can the Minister assure the House that local manufacturers will be given the opportunity to do the work?

Mrs BEGGS replied:

- (1) Yes, Stateships has designed and developed a stock carrying module for use on container ships.
- (2) \$27 099.12.
- (3)-(4) Yes.

GREENBURG, MS ROBIN - SENIOR CITIZENS

Cash for Home Equity Scheme Seminar - Bureau for the Aged's Attendance

1039. Mr COWAN to the Minister for Seniors:

- (1) Did officers from the Bureau for the Aged attend a seminar organised by a real estate agency and held at the Alexander Library in 1989, to which senior citizens were invited to come and hear about a scheme in which they could raise cash through the equity they had in their homes?
- (2) Were senior citizens introduced to Ms Robin Greenburg at this meeting, with a view to them entering into a cash for equity deal with her?
- (3) Did the bureau's officers make a report, verbal or written, back to the bureau or the then Minister advising that the scheme was a scam that appeared to have no other purpose than to rip off the elderly?
- (4) If yes to (3), did the report identify Ms Greenburg as the person behind the scheme, and can the Minister confirm that a warning issued later that year by the Department of Consumer Affairs about the dangers for senior citizens of such schemes was the direct result of the bureau's report on the activities of Ms Greenburg?

Dr WATSON replied:

- (1) Yes.
- (2) Mair and Co called the public meeting in conjunction with Western Women Financial Services, and Ms Robin Greenburg addressed the meeting about investing equity obtained from a home equity conversion scheme.
- (3) The bureau's officers raised concerns within the agency, as well as with the Minister for Seniors, about the need for consumer protection in relation to home equity conversion schemes of any type. As a result of these concerns, together with other background research undertaken by the Bureau for the Aged (now Office of Seniors' Interests), a comprehensive study was undertaken into home equity conversion. This study included widespread consultation with industry, consumers and other interested parties. Recommendations to Government on this matter identified consumer protection as the key priority.

- (4) The Ministry of Consumer Affairs has worked closely with the Office of Seniors' Interests on this issue and was a member of the Home Equity Conversion Reference Group established by the - then - Bureau for the Aged. Both the Ministry of Consumer Affairs and the Office of Seniors' Interests have distributed information on home equity conversion and included a checklist of issues relevant to consumer protection. This information has been distributed in order to raise consumer awareness about a complex legal and financial issue, and not in response to the actions of any one individual

HOMESWEST - RENTAL TENANCY WAITING LIST APPLICATIONS
Home Loan Assistance Applications - Dual Listing Applications

1045. Mr LEWIS to the Minister for Housing:

What is the total number of applications as at 31 July 1991 -

- (a) currently dual listed on Homeswest's waiting lists for rental tenancy and home loan assistance;
- (b) on Homeswest's waiting list for rental tenancy;
- (c) on Homeswest's waiting lists for home loan assistance?

Mr McGINTY replied:

- (a) 9 193.
- (b) 17 823.
- (c) 17 565.

MOTOR VEHICLES - GOVERNMENT
Statistics

1046. Mr COWAN to the Minister for Services:

- (1) How many cars does the State Government and its various instrumentalities currently own?
- (2) How many cars did the State Government and its various instrumentalities own in -
 - (a) 1987-88;
 - (b) 1988-89;
 - (c) 1989-90?
- (3) Is the Government proposing to reduce the number of State owned cars, as part of its cost cutting measures?
- (4) Of the cars currently owned by the State Government and its instrumentalities -
 - (a) how many are normally based in the country;
 - (b) how many are used by Government employees to drive to and from work in the metropolitan area?

Mr McGINTY replied:

- (1) As at 31 July 1991, the number of passenger sedans totalled 4 980, excluding essential service passenger vehicle fleets from the Police Department, State Emergency Service, WA Fire Brigades and Bush Fires Board. These statistics were obtained from the Police Department's licensing records.
- (2)
 - (a) Unknown. Records were not kept in a consolidated form at that time.
 - (b) 4 718 - excludes essential service fleets.
 - (c) 4 953 - excludes essential service fleets.
- (3) Fleet reduction is being considered as part of the Government's current Budget deliberations.
- (4)
 - (a) Unknown. Difficult to determine without a major survey by

Government, as agencies' deployment of vehicles are constantly changing due to operational needs.

- (b) It is not possible to currently specify the precise number of vehicles being home garaged, without a major survey being undertaken by Government. Approximately 512 officers are entitled to the use of a private plated vehicle through participation in the executive vehicle scheme or through their position being covered by the Salaries and Allowances Tribunal. Additionally, many Government plated vehicles are taken home at the end of the working day due to a lack of security at work sites or for operational reasons such as being "on call", early morning/late afternoon meetings, site or client visits.

MINISTERS OF THE CROWN - MINISTER FOR WATER RESOURCES
Middle East and America Visit - Entourage

1048. Mr LEWIS to the Minister for Water Resources:

- (1) I refer the Minister to his recent overseas visitation to the Middle East and America and ask how many people accompanied the Minister on the visitation?
- (2) With reference to (1) how many were employees of the Government?
- (3) What are the names and positions of those who accompanied the Minister on the visit?
- (4) Were all costs for those people accompanying the Minister paid for by the Government?
- (5) What were the qualifications or reasons for the Government employees to accompany the Minister?
- (6) What was the all-up cost to Government for the Minister and his entourage during the period of the Minister's absence from Australia?
- (7) What was the duration or total period the Minister and his entourage were overseas?

Mr BRIDGE replied:

(1)-(3)

With regard to my ministerial visit to Libya, the United Kingdom and United States, the official delegation was as follows -

Hon Ernie Bridge	- Minister for Agriculture, Water Resources and the North West
Dr M. Carroll	- Director General of Agriculture
Mr C. Temby	- Director, Engineering Services, Water Authority
Mr D. Berry	- Projects Officer (Water) Office of the Hon Ernie Bridge
Mr A. Howard	- Ministerial Export Marketing Unit
Mr M. Balfe	- Executive Officer to the Minister for Agriculture, Water Resources and the North West

Dr Carroll accompanied me on the Libya and UK segments only and Mr Howard on the UK and USA segments only. My wife accompanied me in an official capacity to Libya and the UK.

- (4) Salary, travel, accommodation and work related costs for the delegation as outlined above were met by the Government. Part of the costs associated with Dr Carroll's travel were met by the apple industry.
- (5) I was accompanied by the abovementioned officials due to their expertise in the key relevant areas of agriculture, water supply development, marketing and administrative arrangements.

- (6) Costs associated with the trip remain to be finalised, but will be tabled in the Parliament in accordance with standing procedures.
- (7) 15 July - 9 August 1991.

STATE PRINT DIVISION - COMMERCIAL PRINTERS
Government Agency Contract Policy

1049. Mr LEWIS to the Minister for Services:

- (1) Has it been policy or accepted practice in the past for Government agencies to have their printing requirements satisfied by commercial printers?
- (2) If yes to (1) what were the conditions associated with such practice or policy?
- (3) Does the Government intend to change that practice or policy to direct all Government and its agencies' printing work be done by State Print Division?
- (4) If yes to (3) what is the reason for the change in policy or practice?
- (5) What has been the audited profit or operating loss of the State Print Division in the following financial years -
- (6) What has been the audited profit or operating loss of the State Print Division in the following financial years -
 - (a) 1986-87;
 - (b) 1987-88;
 - (c) 1988-89;
 - (d) 1989-90;
 - (e) 1990-91?

Mr McGINTY replied:

- (1) Current policy is that Government agencies have the choice to use either State Print or commercial printers. However, agencies have been requested to use their "best endeavours" to utilise the printing and subcontracting services of State Print.
- (2) Not applicable.
- (3) No, however all CRF funded agencies will shortly be required to obtain a quote for printing work from State Print.
- (4) To consolidate the "best endeavours" approach.
- (5) See question 6.

	Commercial \$ 000	Non-Commercial \$ 000
1986-87	Accounts for these two financial years were only kept on a cash basis.	
1987-88	Commercial accounting principles were introduced in 1988-89.	
1988-89	828 Loss	1 148 Deficit
1989-90	147 Profit	859 Deficit
1990-91	Audited figures are not yet available.	

QUESTIONS WITHOUT NOTICE

**STATE GOVERNMENT INSURANCE OFFICE - STATE GOVERNMENT
 INSURANCE COMMISSION**
Financial Problems - Minister Assisting the Treasurer's Awareness

262. Mr LEWIS to the Minister assisting the Treasurer:

- (1) When was he first aware of the size of the SGIO/SGIC's financial problems as announced today?

- (2) Who does he believe is responsible for the loss?
- (3) What further capital injections, over and above the \$80 million, will be required to be made as a result of this announced loss?

Dr GALLOP replied:

- (1) The State Government Insurance Commission prepared its financial statements during the parliamentary recess, and those statements were subsequently audited by the Auditor General for presentation in this Parliament. I became aware of the financial position when the audited statements were finally completed yesterday.

Mr MacKinnon: Were you not aware of the financial problems before that?

Dr GALLOP: The SGIC Board was reporting various matters to me from month to month.

Mr MacKinnon: The question was when did you first become aware of the problem.

Dr GALLOP: It was a stupid question! One must be clear about the situation and that was not the case until the statements were finally audited.

- (2) We happen to be the Government at the moment, and we intend to stay that way by winning the next election. Anyone who has been involved in Western Australian politics during the past few years will clearly see that times have been difficult for this Government - clearly the system of government is placing pressure upon us. Also, anyone engaged in politics in recent times would have noticed that a Premier and a Deputy Premier have resigned. Anyone involved in politics will have noticed that a Royal Commission has been established. This Government will not resign. We will go to the next election on the basis of our achievements, past and future, in this State. Among those achievements is the creation of the new board of the SGIC.

Several members interjected.

The SPEAKER: Order!

Dr GALLOP: It is good to see that Opposition members are cheerful again. When I saw the media broadcasts of the Floreat by-election, it reminded me of a slow funeral song.

- (3) We have yet to establish the SGIO. That will depend on what happens in this Parliament. If the legislation is passed as it is currently framed, \$80 million will go into the SGIO. We expect a return for this investment on behalf of the people of this State; one has Government enterprises only if they can earn a return. If a commercial operation is having difficulties in the marketplace at any particular moment, one does not leap to the conclusion of flogging off the organisation. We have established a new board, which comprises excellent people who can turn the organisation around and achieve not only good, but excellent returns for this State.

FEDERAL BUDGET - WESTERN AUSTRALIAN AFFECT

263. Dr EDWARDS to the Premier:

How will the 1991-92 Federal Budget affect Western Australians?

Mr Cowan: Disastrously!

Dr LAWRENCE replied:

I would have thought the Leader of the National Party would be pleased by at least one thing: The Federal Government has changed the basis of eligibility for certain education allowances, which is specifically designed to assist the rural sector. The Federal Budget is deserving of some comment because obviously it will have an effect on Western Australia. The overall comment on the Federal Budget, with which I concur, is that it is responsible in that it balances the need to recognise that the economic downturn is having a big impact on families, and the need for continuing financial discipline.

Mr Cowan: It provides \$56 million a year for services in the city, yet we have services ripped off us every day in the country!

Dr LAWRENCE: Again, the member should take a good look at how those funds are to be spent. The Budget ties together the two points to which I referred: It provides a safety net for families who are having difficulties. In a number of areas it provides additional assistance to low income families, with or without employment. Also the Federal Government has not gone too far in establishing a deficit and it is generally maintaining fiscal discipline. Therefore, an opportunity is provided through the deficit to stimulate economic recovery, although I doubt the Federal Treasurer would suggest that will do so in itself.

One of the important outcomes is that the number of labour market and training programs will increase by 50 per cent. I welcome that initiative. If we are to address the difficulties that people who have been out of work for some time will inevitably face when the economy recovers, a substantial effort must be made in that area. We hope to see the increase implemented through the Department of Employment and Training and the Department of Technical and Further Education - that will be very welcome.

The other matter is that the Commonwealth has clearly indicated its continuing commitment to microeconomic reform. As part of its Budget it has announced a program of capital injection, particularly for the national rail freight consortium, which I would have hoped would be welcomed by members opposite as a sane outcome of the Premiers' Conference.

In addition it has indicated in the Budget an increase in payments to the States some of which, thankfully, will be untied at the November Premiers' Conference. I will look with interest at the Opposition's policy development concerning issues to be discussed at the Premiers' Conference and hope that in comparison with what has happened in the past it will get it right. I notice with some amusement that prior to my going to Canberra the Leader of the Opposition was urging me to ensure that Western Australia's participation in the proposed Eastern States electricity grid would be to the State's benefit. Frankly, the Government has never intended to participate and it still does not.

GREAT SOUTHERN DEVELOPMENT AUTHORITY - DIRECTOR REPLACEMENT

264. Mr HOUSE to the Minister assisting the Minister for State Development:

- (1) Is the Minister aware that the position of director of the Great Southern Development Authority is currently vacant following the resignation of Mr Rick Grounds?
- (2) Will the Minister indicate to the House when a replacement will be appointed to the position?

Mr GORDON HILL replied:

(1)-(2)

I am aware that the position is to be vacated; it has not been yet. Mr Grounds has given notice that he intends to vacate the position some time in September. He is currently on leave and his position is being filled by an acting director. I do not expect any problems will arise in filling the position or that any delays will occur. I expect a formal announcement will be made before Mr Grounds vacates the position.

ROTTNEST ISLAND - ABORIGINAL SITES MEETING

Bropho, Mr Robert

265. Mr READ to the Minister for Tourism:

- (1) Is the Minister aware of attempts by Mr Robert Bropho to disrupt a meeting of Aborigines called today to discuss Aboriginal sites on Rottnest Island?
- (2) What are the consequences of such actions on the legitimate interests of Aborigines in preserving Aboriginal sites?

Mrs BEGGS replied:

(1)-(2)

I am aware of the meeting. Aboriginal groups requested a meeting to discuss Aboriginal sites of significance on Rottnest Island. That meeting was held to discuss the findings of the ground probing radar study into Aboriginal burial sites on Rottnest Island. Unfortunately Mr Bropho arrived at the meeting after it had started and proclaimed he would boycott the discussions because of the State Government's position on key mining developments. He called on Aboriginal representatives to walk out of the meeting; several of them did and some remained. Mr Bropho's actions caused me a great deal of concern. Members will remember that as far back as 1988 much effort has been made by me and other Ministers, and particularly the Rottnest Island Authority, to resolve this issue. The ground probing radar study was done at some expense. It has been very difficult for us to undertake the proper consultation in accordance with the Aboriginal Heritage Act, but we have continued to make those efforts.

This afternoon Robert Bropho demonstrated his complete lack of regard for Aboriginal concerns. I wonder whether he is sincere about protecting very important Aboriginal heritage on Rottnest Island. I cannot see that I can go any further or that the Aboriginal Cultural Materials Committee can go any further unless other Aboriginal people are prepared to take up the issue sincerely and come to a resolution about the matter. The Government has indicated that it is prepared to accept the findings of the study and that if some buildings need to be removed it will do that provided it does not disturb the ground and is not in contradiction to some of the wishes of the Aboriginal people. On previous occasions the Government has set aside money in the Budget to ensure that the work can be done. To say the least, I am disappointed with Mr Bropho's actions. I am convinced in my heart that he does not really want this issue to be resolved because it will take away some of his power and grandstanding.

HAMERSLEY IRON PTY LTD - MARANDOO MINING PROJECT
Government Action

266. Mr COURT to the Premier:

On 18 June the Premier directed the Minister for Aboriginal Affairs to act on the Marandoo stalemate and in a Press statement released at that time indicated that if agreement could not be reached within a month, the Government would take further action to force a resolution.

(1) What action has been taken to force a resolution?

(2) When will the matter be resolved?

Dr LAWRENCE replied:

(1)-(2)

It is interesting that this issue should be raised so closely following the observations of the Minister for Tourism. It has concerned the Government but not in a way in which we want to score points from anyone, whether it be the Aboriginal community, the miners or the Opposition. In the case of Marandoo, and to a lesser extent Yakabindie, some of the attitudes which have developed within the community have resulted in those projects being slowed down. At Marandoo, Hamersley Iron Pty Ltd has yet to get its environmental approval; therefore development is not at a point where it is critical in that sense, but we have treated the matter as urgent. We have brought to the Parliament, with a considerable degree of rapidity, the necessary legislation to excise both the site and the corridor. We were then going to hand over to the company the responsibility of obtaining the necessary approvals under the Aboriginal Heritage Act and the Environmental Protection Authority legislation. It came into direct conflict - I do not think that is too strong a word - with the Karijini people and some other people

allegedly representing their interests. The Government has spent much time and effort at both ministerial level and officer level attempting to resolve what has effectively been a standoff between the Karijini people and Hamersley Iron Pty Ltd. Looking at the situation over the past several months both groups can take some responsibility for being less than flexible in the matter. However, I do not wish to assign blame. Yes, I did make that statement and the Government has established an Aboriginal council to resolve Yakabindie. I hope that, in the next couple of days, an announcement will be made to Parliament which will show that we have given effect to my statement. However, some very important discussions are taking place and, until we have a clear commitment from the parties involved, they could well be jeopardised by my answering that question directly.

STATESHIPS - LIVESTOCK TRADE, SOUTH EAST ASIA
Stock Carrying Module

267. Mr LEAHY to the Minister for Transport:

What initiatives has Stateships taken to develop livestock trade to South East Asia?

Mrs BEGGS replied:

I thank the member for some notice of the question. This question was also raised by, I think, the Leader of the National Party. In response to repeated inquiries from the livestock export sector to regularly ship small numbers of livestock to near South East Asian destinations Stateships took the initiative to conceive, design and develop a module which could be carried on container ships and which could be handled through standard terminals. The prototype of this unit, called a stockpack, was recently trialled successfully with a shipment of 93 pedigree goats to Kuching in Sarawak. There is a waiting list of clients now anxious to take up the opportunity of exporting livestock in this way. The stockpack is remarkable in its design in that it is self-contained with feed and water for automatic feeding during the voyage. The livestock are handled only once at each end; that is when being loaded into the unit at the exporter's marketing yard and when being unloaded at destination. Consequently, the stockpack is as equally suited to road and rail transport as to sea transport. The prototype is to undergo some minor refinements on its return to Australia and it is intended that units be available for large and small vessels. It has worldwide application, but is particularly relevant to Western Australia's export livestock industry. The interest in stockpack also suggests that opportunities will be presented to our manufacturers. I understand that Stateships is already investigating the possibility in that regard.

Mr Court: You would not want a container underneath, would you?

Mrs BEGGS: No. The Westpac Banking Corporation has read with interest the debate on the leasing arrangements with Stateships. Stateships is to be applauded for this highly innovative initiative and I hope, in future, it will give some of our manufacturers opportunities they would not have had.

YAKABINDIE DEVELOPMENT - FEDERAL MINISTER'S REJECTION

268. Mr BLAIKIE to the Minister for Aboriginal Affairs:

- (1) In view of the Minister's belated decision to approve the Yakabindie development, has she received any clear commitment from the Federal Minister for Aboriginal Affairs that he will reject the application opposing the project made by the Aboriginal Legal Service under section 9 of the Aboriginal and Torres Strait Islander Heritage and Protection Act?
- (2) If no, will the Minister provide the House with details of her actions to expedite an affirmative decision from her Federal colleagues?

Dr WATSON replied:

(1)-(2)

It has been clear always to every party that legal consent has been valid and

has stayed valid since May 1990. The issue of reports that have continued to be discussed since then is of no consequence from yesterday. We have been in constant touch with the Federal Minister for Aboriginal Affairs and with the Prime Minister. They say that these are State issues and as long as we work to resolve these issues at a State level, they are quite content to stay where they are in Canberra.

SMALL BUSINESS - RURAL COMMUNITIES

Local Skills and Enterprises

269. Mr GRAHAM to the Minister for State Development:

What steps is the Government taking to use the skills and enterprise of local people in rural communities?

Mr TAYLOR replied:

In answering this question, I refer to comments made by the Leader of the National Party earlier about the withdrawal of resources from country areas of Western Australia. As far as the Department of State Development is concerned, that is certainly not the case as it is not the case in most of Government in Western Australia. In recent times, this Government has put more people into the Kimberley, Port Hedland, Karratha and Carnarvon, all of which are well represented by good members of Parliament on this side of the House. We have agreed also to put extra people into Moora, Narrogin and even Merredin. The Small Business Corporation will soon be advertising for an officer to live and work in Merredin to assist small business.

Mr Cowan: The Government had one there.

Mr TAYLOR: We did, but that person lived in Gosnells. This person will live in Merredin and will serve that area. I hope the member will make use of those services provided by the Small Business Development Corporation for the good of his constituents.

Mr Cowan: I have a whole string of things that that person can do.

Mr TAYLOR: The member should make full use of the services provided as the Western Australian Municipal Association will be able to make use of a facilitator that the Government, with the cooperation of that association, is appointing to work with rural business in Western Australia and to encourage people to develop the ideas that they have for rural businesses. The local enterprise centres located in country WA have enabled the setting up of 400 new businesses and have led to 732 full time jobs being created. The Western Australian Municipal Association will work hand in hand with the Government to ensure that the ideas of the people who live in rural areas receive support so that those ideas are brought to fruition, bring businesses on stream and create new jobs.

WILSON, MR NEVILLE - CAR CHASE FATALITY

18 Month Sentence Appeal - Crown Law Department Advice Tabling

270. Mr COWAN to the Premier:

Will the Premier table in this House the advice from the Crown Law Department and the Crown Prosecutor which influenced Police Commissioner Bull not to appeal against the 18 month sentence given to the 16 year old car thief who killed Neville Wilson?

Dr LAWRENCE replied:

I have not been in the Parliament as long as many, including the Leader of the National Party, and he knows that it is not usual for that to occur. Nonetheless, I have undertaken to discuss the matter with the Attorney General. However, it is absolutely clear that the reasons Mr Bull gave when he made his announcement are the reasons that were given to him by the Crown Prosecutor. There was no dissembling in that respect.

I understand the problem the commissioner faced was that, given that there had been recent appeals over very similar matters in the sentencing of adults, he was advised that an appeal would not succeed and therefore the resources of the State would be wasted in pursuing the matter. That was technically correct advice. However, as a member of the community as well as its Premier, I was disappointed by that advice and by the decision. I am not being critical of the officers because they were operating within existing precedent and what they understood to be the views of the courts. I think the views of the courts might have been tested in the Supreme Court in this case because it is clear, as we discussed today and from what people think, that the sentence applied seemed to be extraordinarily low, given the fact that Neville Wilson died under the circumstances he did.

I guess in the end we have to accept that the judiciary is separate from the political system - from the Parliament and from the Government - and we also have to accept that unless the Parliament changes its mind, the decision should not be one for the Parliament.

Mr MacKinnon: We need to change the law.

Dr LAWRENCE: I think the Leader of the Opposition would have a huge argument in the community if it was the case that the Minister could make that decision.

Mr MacKinnon: That is not what I said. I said we should change the law and change the penalties.

Dr LAWRENCE: The penalties that could have applied in that case were substantial. The problem was not the maximum penalty applicable; the problem was the penalty applied in the view of the community and in the views of many members of this House. However, we run up against the principle of separation of powers. The Leader of the National Party would not want me or him to make a decision in the face of community sentiment that exists at the moment. However, it is appropriate that the officers of the courts and the judiciary listen to the community and to us before forming their views. I will undertake to discuss the question with the Attorney General. It would be without precedent, not only in this Parliament but in others, for me to table that advice.

HEALTH DEPARTMENT - CONDOM USE CAMPAIGN

Misleading Statement

271. Dr ALEXANDER to the Minister for Health:

- (1) I refer to the recent controversy concerning the proposed Health Department campaign to encourage condom use by sexually active persons aged between 16 and 25 years and to the Minister's oft reported statement that "the only form of safe sex is in a long term monogamous heterosexual relationship." Does the Minister not now agree that that statement could be seen as dangerously misleading and untrue?
- (2) Does he agree that the statement ignores the risk of HIV transmission other than sexually - for example, sharing needles - that it ignores the different understanding that young people have of the meaning of the word "monogamous" and that it ignores the fact that a monogamous homosexual couple provided they practise safe sex are exposed to no more risk than any heterosexual couple?
- (3) Does the Minister agree that it would be far more accurate to say that the safest form of sex is in a long term mutually monogamous relationship where the HIV status of both partners is known and neither partner engages in other activities which carry a risk of transmitting HIV?

Mr WILSON replied:

(1)-(3)

No.

STATE GOVERNMENT INSURANCE COMMISSION - R & I BANK OF WESTERN
AUSTRALIA LTD

Government Injection - Special Borrowings

272. Mr LEWIS to the Premier:

- (1) Will the loans for the \$80 million to be injected into the State Government Insurance Office and the \$70 million to be injected into the R & I Bank Ltd be classified as special borrowings to be approved outside the Government's normal loan program?
- (2) Is it correct that in each case those institutions will pay interest on those funds?
- (3) Is it also correct that the interest to be paid will be an expense against profits of those institutions, and so reduce the profits made and dividends paid to the Government?

Dr LAWRENCE replied:

(1)-(3)

I understand that the payments made to the Government are in the form of a dividend which includes costs associated with the borrowings. To describe it in any other way would be to give the organisations a liability and not an injection of capital.

Mr MacKinnon: You will charge interest on those loans.

Dr LAWRENCE: It is part of a dividend that is paid to the State and the interest is inclusive of that.

Mr MacKinnon: The dividend and interest are two separate things.

Dr LAWRENCE: I am explaining the mechanism that applies in cases of capital injection. There is certainly no doubt about that in the minds of the R & I Bank Ltd, the State Government Insurance Commission or Treasury officials. In the case of the R & I Bank it needs to be said clearly that the requirement to inject that capital is a result not of its poor performance yesterday, which all of us will want to comment on at some stage, but of changes of policy of the Reserve Bank which require a different treatment of losses and tax credits than in previous years and, indeed, since the bank has been established. No matter what the performance of the bank, it is likely that capital would have to be injected into the R & I Bank. Members will be aware that from time to time the Reserve Bank has changed its policy and that has required the State Government, as the principal shareholder, to provide an injection of capital.

Mr MacKinnon: When did it make those changes?

Dr LAWRENCE: I cannot give the exact date but I will undertake to do so.

Mr MacKinnon: The injection is required because of losses and you know it.

Dr LAWRENCE: I will undertake also to get direct information from the Reserve Bank, should the Leader of the Opposition wish me to do so, because that is the key issue in relation to the injection of capital. If the losses are treated differently for taxation purposes, and if losses are treated as credits when taxation credits are given for capital purposes, the same problem does not arise with the solvency ratio. Anyone can figure that out. In fact the injection of capital takes the bank from being within the ratio expected by the Reserve Bank to being considerably above it. The Government has taken the precautionary measure to allow for expansion of the bank's operations so that it can return to profitability. The injection of capital was not strictly required although the bank would have been at the lower end of the solvency margin. The Government thought it prudent to inject capital at the request of the R & I Bank Ltd and with the agreement of Treasury officials.

Mr Lewis: The \$100 million loss has nothing to do with the injection of capital?

Dr LAWRENCE: Clearly it has to the extent -

Mr Lewis: Why not say that?

Dr LAWRENCE: The member for Applecross is refusing to understand that had the Government taken a strictly legal view of this it would not have put in a cent, even with the losses, because the new policy did not take the bank below the solvency margin required by the Reserve Bank. However, the Government took the prudent course of action of injecting capital to take the R & I Bank well above the solvency margin to allow for the expansion of the bank. The additional funds were required because of a change in policy on behalf of the Reserve Bank. I will get chapter and verse for the member opposite and ensure that he understands - if his leader does not or refuses to understand - the exact reason for the capital injection. It has been the case in the past that similar injections of capital have been required by shareholders. I am not trying to duck the issue of the losses made by the bank, or that the bank made the statement a month ahead of the required reporting date, at the request of the board, after the careful examination of the performance of its corporate book, an independent assessment by Ernst and Young, and discussions with Treasury officials. I do not believe that is ducking the issue. The Government announced the decision following the bank's official announcement, and confirmed that a capital injection would be made. I have indicated the basis on which the injection of capital must be made and I emphasise that no discretion is involved. I hope that members opposite will take the view that the bank's interpretation of its losses - not the Government's interpretation - is a reasonable one under the circumstances. The Government quizzed the bank carefully about the interpretation of the losses and it is pleased that the bank brought in Ernst and Young to make an independent assessment. The Auditor General and Treasury officials have also quizzed the bank closely about the writing down of the property investments. I hope members opposite will do the bank, its officials and board the courtesy of going through these things carefully and understanding the position of the bank in the current financial climate.

Mr Lewis: Why don't you come clean and say you have mucked it up again.

Dr LAWRENCE: I will not come clean and say that; the bank reported a loss in this financial year and neither the Government nor the community is pleased about that. However, the bank is entirely solid and the capital injection required will not impact on the Capital Works Program because a special allocation has been made, the cost of which will be met in the dividends paid to the State Government.

HOSPITALS - AUGUSTA HOSPITAL *Budget Cut*

273. Mr OMODEI to the Minister for Health:

- (1) Is the Minister aware of the proposal to cut the Augusta Hospital budget by 4.4 per cent in the 1991-92 financial year?
- (2) Will the Minister advise this House as to the future of the hospital's operating theatre and outpatients' facility?
- (3) Will these facilities be closed, and to which hospital will patients be referred as a result of the proposed cutbacks?

Mr WILSON replied:

(1)-(3)

As far as I know, no hospital is aware at this stage of what it is required to do in the Budget to be brought down by the Premier in the next week or so. Any information the member has about budgetary implications for that hospital, or any other hospital, cannot be correctly based at this stage.

TRANSPORT - INQUIRY DELAY

274. Dr TURNBULL to the Minister for Transport:

- (1) Has the report of the inquiry into transport permits, which inquiry has been under way for two years, been completed and presented to the Minister?
- (2) If so, when will the Minister present the report to Parliament?
- (3) Will the Minister explain the reason for the undue delay in presenting the report of this inquiry which is vital to the transport industry in Western Australia and to all those living and working in rural Western Australia?

Mrs BEGGS replied:

- (1)-(3) The report, which is not just into transport permits but also into transport regulations, has been completed. It will be released as soon as it is printed and it will be available for public comment for a period of four to six weeks.
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