WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1997

LEGISLATIVE COUNCIL

Wednesday, 20 August 1997

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 4.00 pm, and read prayers.

PETITION - EUTHANASIA REFERENDUM

Hon Tom Stephens (Leader of the Opposition) presented the following petition bearing the signatures of 66 persons -

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

We the undersigned residents of Western Australia respectfully commend to the attention of the House:

1. Every act of euthanasia carried out with the approval of the State necessarily involves a judgment by the State that the person killed had a life that no longer mattered;

2. Inquiries into the legislation of so-called "strictly regulated voluntary euthanasia" by the House of Lords Select Committee on Medical Ethics (1994), the New York State Task Force on Life and the Law (1994), the Canadian Special Senate Select Committee on Euthanasia and Assisted Suicide (1995) and the Australian Senate Legal and Constitutional Legislation Committee (1996) each concluded that it is impossible to ensure adequate safeguards for voluntary euthanasia and that therefore legalising euthanasia will always create more victims than beneficiaries;

3. A referendum on euthanasia would, if successful, be a substantial step towards legalised euthanasia and therefore any bill for a referendum on euthanasia should be rejected as an attempt to remove the equal protection from intentional killing enjoyed by all Western Australians under existing law.

Your petitioners pray that the House will reject any Bill to legalise euthanasia including any Bill for a referendum for legalised euthanasia.

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

[See paper No 687.]

MOTION - LABOUR RELATIONS LEGISLATION AMENDMENT ACT

Appointment of Select Committee

Resumed from 26 June.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [4.07 pm]: On 10 June, the first day this House sat following the arrival in the Parliament of the new majority on the floor of the House, which provided the opportunity to place legislation under closer scrutiny than was available in the House that preceded it, the Opposition instructed me to give notice of this motion. It was done deliberately because it was the Opposition's first opportunity to say to this place, and to the Government in particular, that the Bill which had then become law - the much reviled Labour Relations Legislation Amendment Bill of 1997 - deserved at the very earliest opportunity to be subjected to the most rigorous scrutiny to determine whether the claims made for it by the Government or against it by the Opposition would stand the test of that scrutiny.

The detailed motion before the House to establish a select committee to do exactly that endeavoured to provide the framework for that process of scrutiny. Time has marched on since notice was given of that motion and since then, by virtue of the new arrangements in this place, processes have been introduced whereby new standing committees of the Parliament and new arrangements have been developed. I note from media reports and from an advertisement by a subcommittee of the Standing Committee on Public Administration that a subcommittee of the Standing Committee on Government Agencies has taken up some of the themes that would otherwise have been embraced in the motion to establish a select committee. I am pleased that the Public Administration Committee has taken that step. However, I am apprehensive on two counts. I am conscious that Governments can sometimes find ways to use the processes of a Parliament to frustrate even a standing committee or subcommittee that has the best of intentions. Therefore, I am apprehensive that the work of that subcommittee will be frustrated in some way and it will not be able to analyse fully the Labour Relations Legislation Amendment Act as called for in the motion that I once wanted the House to resolve urgently in order to get a full blown select committee off the ground. I am not casting any aspersions on the members of that committee but simply saying that I have been here for a long time and have watched the way in which this place operates from time to time.

I intend to proceed with this motion, and I will then ask for it to be adjourned, because I appreciate that two things have occurred since I moved this motion: The decision of the Standing Committee on Public Administration to establish a subcommittee, and the decision to establish a Committee on Committees as moved by Hon Norman Moore. That committee, on which I serve, will report next week, and I expect that its report will consider the operations of the standing committee system and how select committees may operate in future. Those issues will impact upon whether it is appropriate to bring this motion to resolution at this time.

The developments that have taken place since I moved this motion make the scrutiny of the infamous Labour Relations Legislation Amendment Act all the more important. I hope that the subcommittee of the Standing Committee on Public Administration will not be overly circumscribed by the fact that that committee, and its predecessor the Standing Committee on Government Agencies, is restrained in looking at government agencies. I hope that subcommittee will have the freedom to examine the operations of this Act adequately. This Act requires full scrutiny, because just last week a representative of the Australian chapter of the International Centre for Trade Union Rights met in Perth with a number of representatives of non-government parties in this Chamber. That representative was also fortunate enough to have a debate with the Minister for Labour Relations on ABC Radio, in which the Minister made it clear that institutions such as the International Labour Organisation are irrelevant to the Government of Western Australia. That is interesting, because members may remember that during the debate in this Parliament up to 15 May about this infamous legislation -

Hon N.F. Moore: The world has not finished yet. The last time you spoke about this matter you said the world would end tomorrow. It is a beautiful day. You should go outside and have a look. The world is going ahead; people are working and are very happy.

Hon TOM STEPHENS: I thank the Minister.

Hon Kim Chance: This State has half the number of days lost through industrial disputation in Australia.

The PRESIDENT: Order! I draw the attention of the Leader of the House and Hon Kim Chance to the fact that the Leader of the Opposition has the floor.

Hon TOM STEPHENS: Thank you, Mr President. Had the Minister for Tourism and Leader of the House travelled and worked in his electorate and in other parts of the State during this winter recess, as I have, he would know that one of the effects of this legislation has been to create in the minds of the community complete terror about job security.

Hon Peter Foss: You are the ones who are doing that.

Hon TOM STEPHENS: That terror about job security has led to a collapse in expenditure by the ordinary working men and women of Western Australia, which has had a severe impact upon the business community, the people whom members opposite purport to represent. The policies and legislation of members opposite have created fear and uncertainty in the workplace. Workers fear locking themselves into expenditure when at any moment they may be subject to dismissal and loss of employment opportunities. They no longer have the security and certainty that encourages them to be involved in the economy of Western Australia.

A few days ago I had the opportunity of being with the leader of the Labor Party, Dr Geoff Gallop, at a hotel in Derby, where we were spoken to -

Hon B.K. Donaldson: What about Paraburdoo?

Hon TOM STEPHENS: I did not have the opportunity to visit Paraburdoo on that occasion, but I understand that Dr Gallop did. In Derby, a person who I know from his previous comments to me has never voted Labor in his life told me that the Coalition Government at both state and federal levels had driven into the hearts and minds of the Western Australian people such uncertainty that they were no longer spending in the business establishments of Western Australia and his regional centre. Tourists and other customers were not prepared to spend the money that was previously circulated in that local community of Derby at levels that would sustain jobs. He laid the blame for that fairly and squarely, and correctly, at the feet of the Government, because he believes the Government has gone too far down the path of creating uncertainty in the Western Australian workplace.

I received a telephone call the other day from a person in the Town of Geraldton. I have not had the opportunity to speak to my colleague, Hon Kim Chance, about this. This small business person, who was not highly educated, was apprehensive about contacting the political system to lodge his view about the devastating impact of the policies of this Government. Although he was enthusiastic about the change of government in 1993 when members opposite were elected to the Treasury benches, now -

Hon Ljiljanna Ravlich: He is disappointed.

Hon TOM STEPHENS: Yes. He built the case for what has happened to him as a small business person. One of the factors that has played a large role in the problems of that large community in Geraldton is that the new labour relations laws have created a level of uncertainty that makes it difficult for the small business community to prosper.

The Minister for Labour Relations, Graham Kierath, told the Parliament, the media and the community that he was prepared to have his labour relations legislation adjudicated by the International Labour Organisation.

Hon Ljiljanna Ravlich: When the heat came on, he changed his mind.

Hon TOM STEPHENS: Absolutely. Even the former communist regimes of Western Europe conceded that they were bound by ILO conventions, although they ignored them in practice. The Minister for Labour Relations does not seem to accept that he is bound by the conventions. He simply discards the adjudication and rejects the notion that his legislation would be struck down by a ruling of that organisation and that he would be obliged to withdraw the operation of that Act. As I told the House a few weeks ago, it was the union movement of Poland under Solidarity that cited regularly the ILO conventions in its fight for freedom of association and many other rights that had previously been denied to it under the old communist regime. Today, effectively only third world dictatorships and Western Australia disregard the ILO and its conventions.

Hon Peter Foss interjected.

The PRESIDENT: Order! I ask the Attorney General not to interject. The Leader of the Opposition is addressing his comments to the Chair.

Hon TOM STEPHENS: Even the Minister's federal coalition colleagues when they presented their report on the federal workplace relations legislation last year saw this state legislation as having a role in meeting the ILO's convention obligations. I commend that report to members opposite. They should have paid the federal Minister's report more regard, because he accepts what role those conventions have in the life of the Statute book of the Western Australian system of government.

Closer to home, the International Centre for Trade Union Rights has been defending the rights of Indonesian trade unionists. That is an important aspect for us because of our proximity to that neighbour. We know how important freedom of association is for the trade union officials of our near neighbours. Those trade unionists risk their lives by asserting the very values and rights that are embodied in ILO conventions. Those of us who appreciate the economy in which we are located know how important it is for the trade union movements of our neighbours to impact on the ordinary working lives of the workforces nearby, because what affects them eventually affects us. If the result of the oppressive labour laws of our near neighbours is that wages are driven down and effectively there is slave labour, inevitably our community's standard of living will be destroyed as well. Unfortunately the Government is not supporting the observance of the conventions of the ILO by our near neighbours, but rather is joining with the excesses and extremes and breaching those conventions to drive down wages and conditions in our community as if to attack the working conditions of and the remuneration available to the work force of Western Australia. That is an unfortunate approach to this challenge with which we are faced.

Hon Derrick Tomlinson interjected.

Hon TOM STEPHENS: Fortunately the spotlight of international labour rights bodies is on Western Australia. However, it is unfortunate that we should ever have to be joined with other countries of that sort that are subject to that type of scrutiny. No amount of ministerial bluster or obfuscation, of which members like Hon Derrick Tomlinson are regularly capable, will prevent those bodies from scrutinising the labour laws that this Government has enacted in the past four years.

One of the terms of reference I will include in the motion I will move would have this legislation subject to that scrutiny. I am not sure whether the work of the subcommittee of the Standing Committee on Public Administration will have the opportunity to take up that theme. If it does not, perhaps my proposal should be resurrected at a later stage.

ICTUR's senior officials include men and women who are well experienced in examining repressive labour legislation and practices. Many are serving trade union officials and senior human rights lawyers from a range of countries, including the United Kingdom, South Africa, India and Russia. That organisation could draw on the internationally recognised expertise that is available in Europe and North America. It could then make a submission to the public administration subcommittee, if possible. If that is not possible, a need will exist to resurrect this proposal of mine, which presumably will be available on the bottom of the Notice Paper and ready to be brought forward. A government member says that is the place for that. Regrettably, the attitude of the Government and its backbench members is that the place for non-government motions in this House is at the bottom of the Notice Paper - and that is where they regularly are.

Hon Derrick Tomlinson: It is a long tradition.

Hon TOM STEPHENS: All right. Perhaps there will be an opportunity to reverse that tradition. I am not calling on the House to do that right now. Let us leave that motion wherever the Government chooses to put it - at the bottom of the Notice Paper, if that is where it chooses. However, the Government should keep in mind that if it frustrates the activities of that subcommittee, another mechanism is available to this House.

Hon N.F. Moore: Don't threaten us like that.

Hon TOM STEPHENS: That is not a threat. I simply invite the House -

Hon N.F. Moore: You have the numbers on the committee anyway. What are you going on about? Are you going to frustrate yourselves a bit?

Hon TOM STEPHENS: We do not have the numbers on that committee. Does the committee not comprise three members from each side?

Hon N.F. Moore: You got what you wanted, so what are you whingeing about? You have the chairmanship.

Hon TOM STEPHENS: We encourage the Government to ensure that committee can get on and do its job.

Hon N.F. Moore: That has nothing to do with me, Mr Stephens. You are a member of it.

Hon TOM STEPHENS: The Leader of the House is saying that he, at least, will not have any part in -

Hon N.F. Moore: Frankly, I don't think this has anything to do with that committee, but that is another point.

The PRESIDENT: Order! Let the Leader of the Opposition continue.

Hon TOM STEPHENS: The Leader of the House seems to have assured the House that he, at least, will not meddle in the affairs of that committee. I hope he speaks on behalf of all government members.

Hon N.F. Moore: Don't put words in my mouth.

Hon TOM STEPHENS: Will he or will he not meddle in the affairs of that committee?

Hon N.F. Moore: I said the committee would make its own decision.

The PRESIDENT: Order! The Leader of the House will come to order. The Leader of the Opposition can address his comments to the Chair. There is no need for interjections.

Hon TOM STEPHENS: I hope we have had an assurance from the Government that the committee will be able to get on and do its work.

The PRESIDENT: Order! The Leader of the Opposition is becoming provocative and inviting interjections. If he addresses his comments to me, he can say what he likes.

Hon TOM STEPHENS: Australia made a comprehensive and detailed analysis of ILO conventions in its submission to the senate committee on the workplace relations legislation. ICTUR found that many provisions of that legislation were in breach of Australia's international obligations. Specifically, those breaches dealt with the restrictions on and denials of right of access to workplaces, contravening the freedom of association provisions of convention No 87 about which we have heard so much in the not so distant past.

The Labour Relations Legislation Amendment Act goes much further in restricting such access. Nine current members of this House were not in this place when that legislation was debated, but many observed the debate so closely that they would know the arguments more fully than government members who did not take the opportunity of keeping up with the debate. Those nine members were deprived of the opportunity of participating in that debate because of the determination of the Government to push that legislation through Parliament before the new arrangements were put in place in this House.

Hon N.F. Moore: In the time you took to make your speech, eight people - or probably 12 - could have made a speech.

Hon TOM STEPHENS: Mr President, I will not get further distracted by the Leader of the House, because you have asked me not to. I would have spoken for twice as long if there had been any opportunity of defeating that legislation. Regrettably, the length of my speech or the quality of the content would not deter this Government from its bloody-minded approach.

If the Minister had made an offer that if I cut my speech in half, the Government would not have put the Bill through,

I would have done so. I was left with the impression that it would not have mattered what happened on this side of the House - we could have danced on the table where the Hansard reporters sit or done any amount of presentation -

Hon E.J. Charlton: You did!

Hon TOM STEPHENS: Those opposite were hellbent on wreaking havoc on the people of Western Australia through the legislation that is now in force, and that havoc is coming home to hurt not only the business community, in particular, but all Western Australians.

Hon E.J. Charlton: If you go on believing that, you will be in trouble.

Hon TOM STEPHENS: The work force of Western Australia is suffering as a result of the legislation. It is fitting that this legislation should attract scrutiny from an international body. It is very pleasing that the Legislative Council Standing Committee on Public Administration has established a subcommittee to inquire into the impact of the Labour Relations Amendment Act.

Hon N.F. Moore: How do you know about all this?

Hon TOM STEPHENS: I read it in the newspaper and I have seen an advertisement publicising -

Hon N.F. Moore: I thought the committee would tell the House what it was going to do, rather than tell you.

Hon TOM STEPHENS: There was a reference to it in the newspaper.

Hon E.J. Charlton: The sides of your mouth are quivering.

Hon TOM STEPHENS: That is just the way I speak. The newspaper comments came from a Liberal member. Hon Barbara Scott made some public comments about the activities of the Public Administration Committee. Despite her complaints, what the committee had decided to do seemed to me to be quite good.

Hon N.F. Moore: The complaints were not justified.

Hon TOM STEPHENS: I saw the complaints and then read the article in which Hon Barbara Scott announced what was going on in the subcommittee. A newspaper article quoted her at length. I wondered what she was complaining about. I thought what the committee had done was very good. I agreed with it.

Hon E.J. Charlton: Did the Left not keep you informed?

Hon TOM STEPHENS: I learnt that the subcommittee was doing great things, and I hope its members will press on.

Hon N.F. Moore: You know and I know this is the most disgraceful and outrageous activity, designed to destroy the committee system in this place.

Hon TOM STEPHENS: Scrutiny of this legislation? The Leader of the House knows this is precisely the type of legislation that deserves the scrutiny of the committee system of this place.

Hon N.F. Moore: It has nothing to do with that. It was a stunt by the TLC and Mr Chance.

Hon Ken Travers: You, Mr Moore, are the only one who has brought this House into disrepute.

Hon TOM STEPHENS: This House should have had a proper inquiry into this legislation before it was passed, before it was forced through the Parliament in the dying days of the previous House. Had it been subject to scrutiny, there would not be the need for this subcommittee now.

Hon N.F. Moore: Three committees could have met and deliberated in the time it took you to make your speech.

Hon TOM STEPHENS: I am quite confident that when this legislation is subject to rigorous scrutiny, there will be a rush to repeal it, and a rush to support that repeal. Hopefully the Government will ensure that substantial amendments or the repeal of parts of the legislation not only will get speedy passage through this place, but also will be sent down and dealt with positively and endorsed by the Government's overwhelming majority in the other place. That is what those opposite would do if they were part of a Government with any conscience and concern about the needs of the Western Australian community.

Hon N.F. Moore: How do the terms of reference come into line with what you are saying?

Hon TOM STEPHENS: The Government's desire to avoid scrutiny prevented the proper process occurring prior to the passage of the legislation and delayed the departure of now Senator Ross Lightfoot. Many of his current colleagues would have preferred his arrival to have been delayed permanently. He is now part of history.

I understand this inquiry will be an unlimited one in contrast to that which I proposed. Nonetheless, it gives the people of Western Australia the opportunity to voice their opinion on some important aspects of this legislation. The time for making submissions is somewhat limited and I hope the committee will consider granting some indulgence to individuals and organisations that may wish to make submissions, but need extra time to prepare. I have confidence that the members of the subcommittee will carry out their task properly and give a fair hearing to all concerned. I have much less confidence that the Government will take heed of any recommendations that might flow from the work of the subcommittee, or findings that are not to the liking of the Government.

Last week we saw how the Minister for Labour Relations regards the relevance of the International Labour Organisation with respect to the present industrial relations legislation or policies. The Opposition expects the Government to treat this committee process seriously and to facilitate its inquiry.

Hon N.F. Moore: We expect the same of you. You know what you have done on this occasion is outrageous.

The PRESIDENT: Order! I ask the Leader of the House to cease his interjections.

Hon TOM STEPHENS: If the Government does not do so, we will have no hesitation in moving to institute a comprehensive inquiry into these issues along the lines of this motion. The labour relations issues facing the ordinary working men and women of Western Australian are causing them considerable concern and problems. The work of the subcommittee is important. If it cannot do its job, other steps will need to be taken. For instance, I know that the words of the motion that will be formally put to the House by the President when seeking a seconder could be adjusted to accommodate the views of other non-government parties. As the proposer of this motion, I am quite open to the amendment of it, if necessary, for it to be embraced by this House. If it is thought there is a better way of doing the task that needs to be done for the scrutiny of this legislation and if members of the Greens (WA) or the Australian Democrats - or even the Government - wanted to put amendments to my proposal, I would more than happily look at them carefully.

I see on the Notice Paper that the Democrats have given notice of a proposal to introduce a labour relations amendment Bill, and I understand that Bill may soon be available for presentation to this House. If that is the case and if the Democrats wanted to subject that legislative proposal to the scrutiny of the subcommittee, the device which will soon be on the Notice Paper could be amended in such a way as to enable the Democrat Bill to be subject to the scrutiny of a committee process. I am open to suggestions. The preferred position of the Labor Party is to proceed immediately to introduce a Bill to repeal the legislation that passed through the Parliament on 15 May. If we could get support for that legislation, we would press on with it straightaway. However, we may get support for only the partial repeal of the Act, and amendments. We will take whatever we can get. Whenever a majority of the people in this House are ready to take those steps, the Labor Party will join with them in the pursuit of those objectives. For all those reasons, I moved this motion. In our view we have bad legislation that already deserves scrutiny and publicity about the way it is operating. We also know this Government is up to all sorts of tricks in its effort to explain and publicise the legislation in a partisan way through expensive television advertising, but it found itself struck down by the umpire. The Government was not able to run those advertisements without acknowledging and tagging them as party political advertisements.

Hon Ken Travers: They should read "Authorised: P. Wells of the Liberal Party."

Hon TOM STEPHENS: The Government was not prepared to do that. It knew that the taxpayers of Western Australia would not cop their funds being used in this partisan political way that was being proposed by Hon Graham Kierath when he tried to place his advertisements with the television stations. They had the good sense to reject them. The umpire said, "Do not run them."

Hon N.F. Moore: Who is the umpire?

Hon TOM STEPHENS: The Leader of the House does not know who is the umpire. What an extraordinary Minister he is. The Minister must daily come across that organisation.

Hon N.F. Moore: No, I do not. Hon Tom Stephens should tell me what it is.

Hon Ken Travers interjected.

Hon TOM STEPHENS: The Minister is the bloke who employed Elle.

Hon N.F. Moore: Hon Tom Stephens has referred to an independent umpire; he should tell the House who it is.

Hon TOM STEPHENS: Did the Minister consider referring the Elle advertisements to the same umpire for adjudication?

Hon Ljiljanna Ravlich: Maybe he should have.

Hon N.F. Moore: Hon Tom Stephens has lost the plot. He spends too much time in the Kimberley. He has gone troppo.

Hon Ljiljanna Ravlich: What a thing to say about the Kimberley. The Minister should put that in the next tourist campaign - what a lovely thing to say!

Hon TOM STEPHENS: A Minister of this Government has become unhinged in his unhealthy and prurient interest in destroying the wages and working conditions of the ordinary men and women of Western Australia. That is the Minister for Labour Relations. If a subcommittee cannot do its work the labour relations legislation should be subject to scrutiny by the select committee that I propose. I commend the motion to the House. I hope the motion will be seconded and adjourned, and then subsequently considered by the House if the need arises.

HON KEN TRAVERS (North Metropolitan) [4.48 pm]: I am pleased to second this motion by Hon Tom Stephens. It also gives me great pleasure to have the first opportunity since being elected on 14 December last year to speak in this place on the labour relations legislation. As Hon Ljiljanna Ravlich, Hon Helen Hodgson, Hon Giz Watson and Hon Norm Kelly would be well aware we were not given the opportunity to put forward our views on the legislation before it was voted on by this House, even though we were elected by the people of Western Australia well before the Bill was introduced into this place.

It is important to appoint a committee to examine this legislation. Clearly widespread community concern exists about the nature of this Act and its effects. The select committee recommended by Hon Tom Stephens will give this Parliament, on the behalf of the people of Western Australia, the opportunity to examine the legislation and to see what its likely effects will be. It was not that long ago that 30 000 people marched on this Parliament to show their concern about this legislation. It is obvious that a need exists for it to be examined and inquired into.

Paragraph (4) of the motion refers to the need to raise public awareness of inquiries. I hope that such a public inquiry will obviate the need for the Government to spend the money it is currently spending on advertising to promote this legislation in the community. Hon Tom Stephens said those advertisements had been taken off the air because they were too political. It is a shame that the Attorney General is not in the Chamber. He could explain how advertising that television stations regard as highly political stacks up with his views expressed prior to the 1993 election about the use of political advertising.

The PRESIDENT: Order! It is not usual to refer to the absence of members from the Chamber. If any reference is made it is made clear that they are on urgent parliamentary business.

Hon KEN TRAVERS: My apology, Mr President. I will go through each paragraph of the motion that the Leader of the Opposition has referred to this afternoon. The motion refers to the implications of the legislation for harmonious industrial regulations in Western Australia and for the Western Australian economy. I am sure all members in this place would accept that a very positive industrial relations harmony has developed over the last 15 years in Australia. Compared to the 1970s there have been significant decreases in the levels of industrial relations disputation. The only time we have seen an increase in industrial disputation in this country in the last 15 years has been when members on the other side and their colleagues in the Federal Parliament have sought to change the industrial relations system. We were on a good path and going in the right direction. That has now been changed. For the first half of this year we will no doubt see a dramatic increase in the level of industrial disputation. That will be as a direct result of the proposal and then the passing of the Labour Relations Legislation Amendment Act 1997. It is important for this House to inquire into the effects of this legislation on harmonious industrial relations.

Other points of the motion include whether the legislation is consistent with international labour standards and best practice. The Government keeps telling us that the legislation complies with it absolutely. Earlier in the year the Minister for Labour Relations made it quite clear that if the International Labour Organisation found this legislation contravened international labour standards he would withdraw the legislation. The ILO is not union controlled but is a tripartite body including employer and government representatives from all around the world. We now understand that he has changed his mind. An important point about the ILO is that the current Australian delegate is a representative from the employer associations in Australia. Surely our colleagues on the other side would not mind a body like that looking at this legislation. It would be better if this Parliament were to examine the legislation. If it does breach some of our nation's international obligations, I suggest that we withdraw the legislation and amendment before we are embarrassed internationally.

Paragraph (f) of the motion reads -

> the impact of the legislation on women, young people, people of non-English speaking background, Aboriginal people and on employees in all regions of the State and its efficacy in preventing and eliminating discrimination against employees;

Surely all members would support ensuring that the legislation has a positive impact on those areas. Are we sure it has that impact or, as Hon Ljiljanna Ravlich pointed out in her inaugural speech, has it the potential for a very negative effect, particularly on people from non-English speaking backgrounds?

Paragraph (g) reads -

> the impact of the legislation on small business and the extent to which the legislation and the institutional arrangements it creates provide adequate support for small business (including small business in all regions of the State) in dealing with industrial matters;

One would have thought that one of the things small businesses in this State would want is to have a less complicated system of industrial relations, not a more complicated one. The amendment Act of 1997 makes the original Act far more complex for a small business person to understand. Dealing with prestrike ballots added some 22 pages so that an employer might know whether people in his workplace are complying with the law. The impact on small business may be nothing, but I suspect it is significant. That is not to mention the benefits small business may be getting out of this legislation, if any, versus the costs small business has had to bear over the past couple of months because of industrial disputation, which has been brought on as a direct result of this Government implementing this legislation. Maybe the best thing we could do for small business in this State is to immediately repeal this legislation and let small business get on with its job and not worry about the effects of the legislation.

Paragraph (h) reads -

> the relevance and appropriateness of the provisions of the legislation restricting financial expenditure by employee organisations and whether similar restrictions ought be imposed on employers, employer organisations and other business entities; and

When the legislation went through this place members were obviously of the view that it was appropriate to restrict and control donations by employee organisations to political parties. I do not accept that principle, but if the House accepts that principle, maybe it is appropriate to look at whether it should not include employer organisations and other business entities. Why are they exempted? Why are they not subject to the same rigorous requirements for political expenditure as the democratically run trade unions are placed under? A select committee looking into those matters would give members opposite the opportunity to put forward their arguments as to why those groups should be exempted when one group is specifically targeted.

Paragraph (i) reads -

> whether the legislation ensures that employee organisations have an appropriate and effective right of access to workplaces to ensure employees are aware of and receiving their entitlements and are working in a safe environment.

That is probably one of the most important aspects of this legislation. The amendment Act put in place a new system for employee organisation representatives having the right of entry to workplaces. That right of entry has played a strong role over many years in ensuring that people are paid the correct wage and that they are not being ripped off by their employers. I would have thought that everybody in this place would support the view that we should ensure that employees are receiving their entitlements and are working in a safe working environment. With the changes that the amendment Act put in place I suspect that will not be able to be done as easily as it was by union officials enforcing the legislation. It is pretty much accepted that industrial inspectors from the Department of Productivity and Labour Relations have certainly not been fulfilling that role in the past four or five years. Maybe with a select committee government members would be able to enlighten us about that. It has certainly not been my experience. Only trade union officials have been doing it. Under this legislation their ability to continue to do that is severely restricted.

Hon Peter Foss: Speak up a bit; I can't hear you!

Hon Tom Stephens: Mr Travers, it does not help when you are yelling at him. You will still not get through to him.
Hon KEN TRAVERS: Our leader reckons I will not get through to the Minister.

The PRESIDENT: Order! The member was doing pretty well until now.

Hon KEN TRAVERS: I sit opposite Hon Derrick Tomlinson and I suspect I have a similar vocal capacity. It must be something about the seats we occupy or the acoustics of the Chamber.

Several members interjected.

The PRESIDENT: Order! Hon Ken Travers will address the Chair. There is limited time left before question time.

Hon KEN TRAVERS: A select committee would also give the opportunity for members on the other side to put forward such things as why there was a need for secret ballots.

Hon Peter Foss: Your party supports them.

Hon KEN TRAVERS: I am sorry?

The PRESIDENT: Order! Hon Ken Travers will address the Chair.

Hon KEN TRAVERS: I was attempting to, Mr President. How many employers express the view that they need to have secret ballots in their workplace? I have not heard how many. I suspect that very few went to the Government prior to this legislation and said, "What we need to get this country and our businesses going is secret ballots before people go on strike." I would love to know how many went forward. I note the earlier comment of the Attorney General about my side supporting it. That is absolutely right. The Trades and Labor Council put forward a good proposal on how secret ballots could be implemented. It was far better than the complicated, long winded system contained in the Labour Relations Legislation Amendment Act, which I suspect is more about stopping people taking any form of industrial action than anything to do with secret ballots. It may be that the TLC proposal would have meant a far better system. That is one of the things that a select committee could look into.

[Debate adjourned, pursuant to Standing Order No 164.]

[Questions without notice taken.]

FISHING AND RELATED INDUSTRIES COMPENSATION (MARINE RESERVES) BILL

Committee

Resumed from 19 August. The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon E.J. Charlton (Minister for Transport) in charge of the Bill.

Clause 5: Compensation for loss suffered -

Progress was reported on the clause after the clause had been amended and a further amendment to delete the words "to the Minister to have the matter reviewed" with a view to substituting the words "the Tribunal to have the matter reviewed" had been moved to the following amendment -

Page 6, lines 20 to 22 - To delete the subclause and substitute -

(7) In the event of the Executive Director not issuing a certificate under subsection (5) or (6) within the prescribed time after being asked by a person to do so, the person may apply to the Minister to have the matter reviewed.

(8) If the Minister receives an application under subsection (7), the Minister is to direct the Executive Director to review the matter within the time specified in the direction.

(9) The Executive Director must, within the time specified in the direction -

(a) review the matter; and

(b) either issue a certificate to the applicant under subsection (5) or (6) (whichever is applicable) or advise the applicant in writing of the reasons for not doing so.

Hon NORM KELLY: I do not wish to proceed with my amendment because I want to replace it with another amendment. I have discussed this issue with the representatives of the Fisheries Department.

Amendment on the amendment, by leave, withdrawn.

Hon NORM KELLY: I move -

That the amendment be amended as follows -

Subclause (9)(b), lines 2 and 3 - To delete the words "the reasons for not doing so" with a view to substituting the following -

(I) the reasons for not issuing a certificate; and

(II) the appeal processes available to the applicant.

The amendment will ensure that the applicant is advised of all the avenues of appeal available to him if the executive director decides not to issue a certificate. Of course, there may be valid reasons for his not issuing a certificate. However, the applicant must be made aware of the avenues available to him to appeal the decision. It is simply a matter of ensuring the principle of natural justice.

Hon E.J. CHARLTON: This amendment is designed to provide an opportunity for the applicant to go to the tribunal to determine whether he or she is entitled to compensation under this legislation. Parliamentary Counsel has advised that there is a problem with the implementation of the amendment. Under my proposed amendment, the executive director must, within the time specified in the direction, review the matter and either issue a certificate to the applicant under section (5) or (6), whichever is applicable, or advise the applicant in writing the reasons for not doing so. If a certificate is not issued, the applicant cannot go to the tribunal. Therefore, this amendment is ineffective. While the Government understands the intention, it simply would not work.

In addition, a decision must be made about whether a certificate is issued in cases where the application may be frivolous. We could not have the tribunal make that decision. A certificate will contain the catch history over time, and if an applicant has no history, there will be no compensation. This amendment is unworkable because it defeats the intention of the legislation.

Hon NORM KELLY: At this stage the application for compensation is maintained between the applicant and the Minister. Is that correct?

Hon E.J. Charlton: Yes.

Hon NORM KELLY: So, it is for them to make the decision. There is no other avenue for the applicant.

Hon E.J. CHARLTON: There is the tribunal. A certificate to apply for compensation must be granted by the executive director. This amendment will pass that responsibility to the tribunal and the thrust of the legislation makes that impossible.

Hon NORM KELLY: Is there any recourse for a person who feels aggrieved about not being issued a certificate?

Hon E.J. CHARLTON: As is the case now with any decision made by the executive director on behalf of the department, the applicant has the opportunity to be shown the reason for the decision in the form of the catch history. If the history of the catch is incorrect then, of course, the applicant can challenge it and say it is inaccurate. If the reason the certificate has not been issued is that there is no history and the applicant has a history, he or she can resort to freedom of information legislation or the court. If there is a history, it will be shown. It is not a matter of hiding anything.

Hon NORM KELLY: So, if there is a history, they would get a certificate?

Hon E.J. Charlton: Yes.

Hon NORM KELLY: However, it is extreme for them to have to resort to freedom of information legislation to prove a legitimate dispute. My amendment will create an easier process for that applicant to have that grievance dealt with. I would be happy with an assurance that something like that is in place or that it can be put in place in regulations.

Hon E.J. CHARLTON: As I mentioned yesterday, ministerial guidelines will be set out. In addition, the tribunal will judge whether a decision has been reached between the applicant and the Minister. It is there as a tribunal, not as the intelligence of the department, which has access to all the records. The department will make them available to the tribunal but we cannot have the tribunal taking over the department's role.

Hon Norm Kelly: Its expertise is in assessing compensation.

Hon E.J. CHARLTON: Yes. I take the point on board and will ensure that is taken into account when the guidelines are put in place.

Hon KIM CHANCE: The Opposition was inclined to support the amendment. However, after having heard the Government's explanation we will not support it because it falls to a matter of fact as to whether there was a proven history. That seems to be a relatively simple matter. I did not hear all of the Minister's answer to Hon Norm Kelly's question in respect of what other avenues are available. I do not believe he mentioned that that matter would remain a matter for which the Minister was answerable in the normal course of events, including the whole parliamentary process. Thinking through circumstances in which this might occur, should a certificate not have been issued it is open to Parliament to argue that it should have been. In the normal course of events, that matter could be ironed out in other processes rather than in a tribunal or even a court of law. I imagine that in extreme circumstances that matter could be resolved in the Supreme Court.

Hon E.J. CHARLTON: That summary is accurate. Of course, any applicant who is aggrieved, whatever the issue might be, has the opportunity to have it raised in this place as well as through the WA Fishing Industry Council. I acknowledge that Hon Norm Kelly was trying to ensure that the tribunal would be a forum for anyone who felt aggrieved and that they would not be cut off at the pass. They are very valid reasons. The Government cannot be all things to all people, otherwise there would be a mishmash of legislation which would not work and people would not know who was responsible for doing what. The Government considers this is the best way of doing it and, therefore, it will not support the amendment.

Hon NORM KELLY: I accept what the Minister has said, in that ministerial guidelines will assist in the process for an applicant who has not received a certificate. I reiterate that the processes open to the applicant should not be restricted. It is not a simple matter of freedom of information.

Hon E.J. Charlton: I said there are other options.

Hon NORM KELLY: That should not be the only other option. It is an extreme and lengthy process to go through. On the basis of what the Minister has said, I seek leave to withdraw the amendment on the amendment.

Amendment on the amendment, by leave, withdrawn.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 6 put and passed.

Clause 7: Application for compensation -

Hon E.J. CHARLTON: I move -

Page 7, line 14 - To insert before the word "An" the words "A person who claims to be".

Amendment put and passed.

Hon NORM KELLY: I move -

Page 7, after line 18 - To insert the following new subclause -

(3) The Minister must provide any person who is considered to be entitled to compensation under this Act, with an outline of the steps which must be followed in negotiating the compensation payment. The outline must specify the applicant's entitlements to representation and review of the Minister's decision.

This is a similar amendment in that I want to ensure that natural justice is available to the applicant and that at all stages of the negotiation for compensation the applicant is aware of the processes available to him.

I also recommend that this clause be used so that regulations can be implemented indicating applicants can have legal representation in negotiations with the Minister. In my deliberations with the department I have been reasonably assured that this legal or other representation in negotiations will be available, but I seek that assurance from the Minister.

Hon E.J. CHARLTON: Yes, I give that assurance. All applicants are entitled to representation in negotiations not only with the Minister but also with the department and the tribunal. It is acknowledged in the legislation and will be confirmed later in other government amendments on the Notice Paper.

Hon NORM KELLY: This proposed amendment will provide for applicants to be informed of their rights and entitlements. The purpose of the amendment is to ensure those entitlements are detailed in regulations and that the applicant must be informed of them.

Hon E.J. CHARLTON: I alert the Committee to the new clause 8 listed on page 4 of the Supplementary Notice Paper, under the heading "Determination of entitlement". I am advised that the member's concerns are covered in that new clause. The department would refer applicants to the process and the provision would cover all aspects identified by Hon Norm Kelly.

Hon NORM KELLY: I accept that, but adding the provision to clause 7 introduces it at an earlier stage of the procedure.

Amendment put and a division called for.

Bells rung and the Committee divided**.**

The CHAIRMAN: Before the tellers tell, I cast my vote with the ayes.

Division resulted as follows -

Ayes (13)

Hon Kim Chance	Hon Norm Kelly	Hon Tom Stephens
Hon J.A. Cowdell	Hon Ljiljanna Ravlich	Hon Ken Travers
Hon E.R.J. Dermer	Hon J.A. Scott	Hon Giz Watson
Hon N.D. Griffiths	Hon Christine Sharp	Hon Bob Thomas *(Teller)*
Hon Helen Hodgson		

Noes (12)

Hon E.J. Charlton	Hon Peter Foss	Hon M.D. Nixon
Hon M.J. Criddle	Hon Barry House	Hon Greg Smith
Hon B.K. Donaldson	Hon Murray Montgomery	Hon W.N. Stretch
Hon Max Evans	Hon N.F. Moore	Hon Muriel Patterson *(Teller)*

Pairs

Hon Cheryl Davenport	Hon B.M. Scott
Hon Tom Helm	Hon Derrick Tomlinson
Hon John Halden	Hon Simon O'Brien
Hon Mark Nevill	Hon Ray Halligan

Amendment thus passed.

Clause, as amended, put and passed.

Sitting suspended from 6.01 to 7.30 pm

Clause 8: Agreement as to amount of compensation -

Hon E.J. CHARLTON: I move -

Page 7, lines 20 and 21 - To delete the words "an affected person applies to the Minister in accordance with section 7" and substitute the following -

the Minister advises a person under section 8(1) that the Minister considers that the person is entitled to compensation under this Act

Hon E.J. CHARLTON: This amendment deals with the ability of the Minister to provide an opportunity for the use of the tribunal. If the Minister advises a person that he considers the person is eligible for compensation, the Minister must conduct negotiations with a view to setting the amount of compensation payable.

This amendment is consequential to proposed new clause 8.

Amendment put and passed.

Clause, as amended, put and passed.

Hon SIMON O'BRIEN: On a point of clarification, Mr Chairman, there is a clause 8 on page 4 of the Supplementary Notice Paper. I was under the impression that we could not go back and amend clauses.

The CHAIRMAN: That will become the new clause 8 and subsequent clauses will be renumbered. We are not going back. We are putting in a new clause and it must be dealt with after those that are already listed. It is a roundabout way of doing things, but it is in accordance with standing orders.

Clause 9: Application to Tribunal if no agreement -

Hon E.J. CHARLTON: I move -

Page 8, line 6 - To delete the words "applying under section 7" and substitute the following -

receiving advice under section 8(1) that the Minister considers that the person is entitled to compensation under this Act

The amendment provides that if the amount of compensation payable has not been agreed between the Minister and the affected person within 60 days of the person being advised that he is eligible for compensation, either the Minister

or the affected person may apply to the tribunal to have the amount of compensation determined.

This is consequential on other changes we have already agreed to and relates to the issues raised in the other place.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 10: Agreement may be entered into despite proceedings -

Hon E.J. CHARLTON: I move -

Page 8, line 14 - To add after the word "Tribunal" the words "under section 8 or 10".

This is again a consequential amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 11 to 13 put and passed.

Schedule 1 -

Hon E.J. CHARLTON: I move -

Page 10, after line 11 - To insert the following lines -

In section 246(1) insert after "this Act" the following -

"or any other Act relating to the fishing industry or the pearling industry".

In section 246(5)(c) delete "this Act" and substitute the following -

"the Act under which the function is conferred".

Page 10, line 31 - To delete the figure "9" and substitute "8 or 10".

This deals with the ministerial guidelines to which I referred earlier.

Amendments put and passed.

Schedule, as amended, put and passed.

New clause

Hon E.J. CHARLTON: I move -

Page 7, after line 18 - To insert the following new clause -

Determination of entitlement

8. (1) Within 30 days after receiving an application from a person under section 7 (1) the Minister is to advise the person in writing as to whether or not the Minister considers that the person is entitled to compensation under this Act.

(2) If a person -

(a) receives advice from the Minister under subsection (1) that the Minister does not consider that the person is entitled to compensation under this Act; or

(b) does not receive advice from the Minister within the period specified in subsection (1),

the person may apply to the Tribunal to determine whether or not the person is entitled to compensation under this Act and, if so, the amount of the compensation payable to the person.

(3) An application to the Tribunal under subsection (2) cannot be made later than 21 days after the advice is received or the period expires, as the case may be.

This proposed new clause was agreed to by the Minister in the other place. The clause is self-explanatory. It will enable people to apply to a tribunal on all those matters we have discussed tonight. People will have 21 days in which to apply to the tribunal, after being advised by the Minister that they are not eligible for compensation. If that

advice is not received from the Minister within that time frame, people may also apply to the tribunal. The WA Fishing Industry Council has been consulted and agrees to the proposal.

Hon NORM KELLY: I seek some clarification. As I read it, if a person seeking compensation does not receive notification from the Minister within 30 days, he may apply to the tribunal. I am confused about the time frame. Must a person wait 30 days before applying?

Hon E.J. Charlton: People will have an extra 21 days after the 30 day period in which to apply. The time frame is consecutive.

Hon NORM KELLY: So, a person has 30 days plus 21 days in which to apply?

Hon E.J. Charlton: Yes.

Hon KIM CHANCE: Proposed section 8(3) states that an application to the tribunal under subsection (2) cannot be made later than 21 days after the advice is received or the period expires, as the case may be. If we read that proposed subsection together with proposed subsection (2)(b) which specifies one of the triggering points for action under proposed subsection (3), it appears that proposed subsection (2)(b) deals with a situation where advice from the Minister is not received. I take it that if proposed subsection (3) is read with proposed subsection (2)(b) the significant words are "or the period expires" rather than "advice is received".

Hon E.J. Charlton: I refer the member to the word "or" between the two proposed paragraphs.

Hon KIM CHANCE: When dealing with the question of 21 days after the advice is received I take it the reference is to an event which occurs under proposed subsection (2)(a), where advice has been received; that is, "or the period expires" deals with proposed subsection (2)(e).

Hon E.J. Charlton: Yes.

Hon KIM CHANCE: It is confusing because we are dealing with a question which is triggered after advice is received, and in another case the trigger is when the advice is not received!

Hon E.J. Charlton: That is the case. As in many instances, the situation becomes convoluted when a number of processes are involved.

New clause put and passed.

Title put and passed.

Bill reported, with amendments.

TURF CLUB LEGISLATION AMENDMENT BILL

Committee

The Deputy Chairman of Committees (Hon W.N. Stretch) in the Chair; Hon Max Evans (Minister for Racing and Gaming) in charge of the Bill.

Clauses 1 to 7 put and passed.

Clause 8: Section 28 repealed and a section substituted -

Hon J.A. COWDELL: I seek some assurance from the Minister regarding the operation of this clause. The clause amends the 1892 Act which gave limited power to provide security for loans. This broadens the available security. The Opposition agrees that greater security should be available along with the ability to dispose of land. The concern was regarding various crown grants or, I think in this case, grants of land in trust in fee simple which may apply, such parts of Ascot racecourse, provided as security. What will the situation be with the alienation of that land from the Turf Club and from the purpose for which it was given in trust? It was due to those concerns that I asked the Minister to confirm that we had adequate checks in the legislation. First, it will be required that the consent of the Governor, on the advice of the Minister, be required for a mortgage to be drawn against such a title. Perhaps the Minister could intimate what sort of conditions could be envisaged under subclause (3), with respect to the issuing of any such mortgage under subclause (2) for which certain conditions will apply. I note that under subclause (4) there is a need, if in fact the mortgage holder moves to foreclose, for consent from the Governor for disposal with the issuing of clear title. The disposal of the land held in fee simple is not simple because it is not freehold. I seek comment from the Minister on subclause (3), and his assurance that this will provide adequate protection so that the land given in trust is secured for that purpose.

Can the Minister advise whether the handling of the situation of the Turf Club is similar to that which applies in

particular Acts for the various churches which hold land in fee simple on a trust? Also, the land may be protected, in a way at least equal to, if not better than, the protection proposed under the Land Administration Bill, which may this year become an Act.

Hon MAX EVANS: I am only too pleased to give an assurance of that kind. I would be surprised if a bank ever accepted or tried to get a charge over a crown grant in trust. I remember years ago when Dr Barry Killerby was the Rathmines scout master, and he wanted to build on some land. The response was, "You don't have a title; it is a crown grant, so you can't borrow on that." Therefore, nobody would try to use it as security.

Subclause (3) indicates that a consent may be given under subclause (2) in terms that impose a requirement to be observed if a power of sale becomes excisable by a mortgagee on default by the mortgagor. It is a protection. The proceeds must go to the Government before the mortgage is paid off. The Roman Catholic and Anglican Church Acts also say that the consent of the Minister for Lands is required in such circumstances. In this case, it is taking it one step further by requiring the approval of the Governor. If the Turf Club does not have enough security in the Belmont track, it would be borrowing too much money. It has borrowed $4.1m now against the $3m in 1993.

Hon J.A. Cowdell: Does the Minister suggest that the whole provision is therefore superfluous to need?

Hon MAX EVANS: It was drafted because the Land Administration Bill had not been introduced at that time, and it was recommended that these words be included. It is a protection measure requiring the approval of the Governor. The Minister for Lands made the decision about these controls. If the Turf Club wanted to use the land as security, it could do so. The Turf Club is asset rich, but does not have a lot of surplus revenue. I know that because it always wants more money from the TAB! The churches are in the same situation.

The Land Administration Act will provide certificate of title for these blocks. Every crown grant will have a certificate of title, which will be able to be searched quickly to see whether it is a clear title. It is not so easy at present. In future, people will be able to search any title of the Catholic Church, the Anglican Church or the Turf Club.

Hon NORM KELLY: Like Hon John Cowdell, yesterday I expressed concerns about the long term security of Ascot racecourse as public land, and what could happen to that land. I am also satisfied with the Minister's explanation about that security.

Hon MAX EVANS: It is a unique piece of land. In 1877, 120 years ago, the racecourse was vested on that land, and it has been an important part of Western Australian life since. Before the Second World War many people went to the races as they were a big part of everyone's social life. This extended to horse breeding and country racing. It is amazing that it has remained in the same place over the years. Improvements have been made over that time, but it has its limitations. The racecourse is on swampy land and the Belmont track was built, which increased overheads, to provide a winter track. I thank the two parties for their support.

Clause put and passed.

Clauses 9 to 16 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon Max Evans (Minister for Racing and Gaming), and transmitted to the Assembly.

MOTION - DISALLOWANCE

Health (Meat Inspection and Branding) Amendment Regulations (No 3)

Pursuant to Standing Order No 152 (b), the following motion was moved pro forma by Hon Kim Chance -

> That the Health (Meat Inspection and Branding) Amendment Regulations (No 3) 1997 published in the *Government Gazette* on 11 April 1997 and tabled in the Legislative Council on 29 April 1997 under the Health Act 1911, be and are hereby, disallowed.

HON KIM CHANCE (Agricultural) [8.00 pm]: The effective part of the new regulations causes concern to not only me but more importantly to a number of people who are involved in the meat industry, local government and others

who are interested in health issues. Those parts of the regulations which are the cause for concern are clauses 1(b) and 1(c). They allow for the adoption of the Australian standard for hygienic production of meat for human consumption and the Standing Committee on Agriculture and Resources Management Report No 54.

Those clauses of the regulations remove the need for a state appointed meat inspector to be the empowered officer for meat inspection at every domestic meat processing facility. These regulations do not cover export works, where health inspection is controlled by the Australian Quarantine Inspection Service, but they cover all other abattoirs in Western Australia which provide the domestic market, with the exception of five named abattoirs which are small community-based abattoirs; for example, Merredin, Mukinbudin and Hyden. Any animal which is killed in Western Australia for domestic consumption and is not processed in an export abattoir is affected by the regulations.

Concern has been expressed that the regulations have been undertaken somewhat prematurely by the Health Department of Western Australia because, over a process of investigation, it has been exposed for permitting Watsons Foods (WA) to employ company meat inspectors in its abattoir some months prior to the appropriate legislation being adopted. There is still one Health Department inspector on the site, but it is interesting to note that despite Watsons employing their own inspectors on a permanent basis since April 1997, the sanctions and penalties have not been presented to the meat strategy group which comprises representatives from the Health Department, local government, meat production industry, Curtin University and Agriculture Western Australia. Those sanctions and penalties were not presented to the meat strategy group for consideration prior to adoption and it is doubtful whether they have been presented to parliamentary counsel for drafting. Despite the fact that the protocols have not been put in place, even to this day, and that there has been no advice to the appropriate advisory body - the meat strategy group - the situation as it relates to Watsons Foods is that the Act appears to have been circumvented in respect of company employed meat inspectors working in Watsons Foods' facilities.

Why have these regulations not been brought in under the more appropriate food hygiene regulations? I cannot understand why they are under the inspection and branding regulations.

The meat strategy group was advised by the Health Department that it was proposed to call up the new legislation under the food hygiene regulations, and I understand that is currently being drafted. When that legislation is enacted the Health (Meat Inspection and Branding) Regulations 1950 will be deleted. It demonstrates that the new amendments are a panic move designed to cover up the Health Department's indiscretion in permitting Watsons own inspectors to begin their operations in April 1997.

Local government has been uneasy about the issue for sometime. I am advised that during meetings with the Director of Environmental Health in 1995 assurances were given to a number of local government representatives that no abattoir management would be permitted to employ company meat inspectors until such time as all legislation necessary to control those inspectors had been properly gazetted and all protocols, sanctions and penalties were similarly gazetted. We find that that situation had been existing since April 1997. I do not make that point to embarrass the Health Department or to put Watsons in a difficult position. What I am saying is not news. It has been in the public domain for some time. Similarly, I have no doubts at all about the integrity, operation and management skills of Watsons. I do not think this issue raises a significant problem. Nonetheless, it raises questions about the proper processes and whether they have been followed. To my mind those questions remain unanswered.

I am extremely concerned that members are putting in place regulations which seem to have been taken de facto some months ago. People have been operating under the assumption of the regulations for some time. The reason it poses a difficulty goes to the issue of what meat inspectors do. It is easy enough to say that a meat inspector simply inspects carcases hanging in an abattoir. He does far more than that. He provides the oversight by the public, and represents the consumer as well as producers and other abattoir operators, on how the whole abattoir complex operates. That goes to matters even to the extent of environmental issues - how the effluent ponds are being operated and whether they are leaching into a nearby river or stream and whether the structure of the abattoir is safe in terms of working conditions for employees, although that would be seen to be a function of WorkSafe or the Department of Productivity and Labour Relations. Nonetheless, a state employed environmental officer operating as a meat inspector has a key role in the day to day management of those aspects and is able to report on deficiencies in those aspects.

In terms of the physical structure of the abattoir, under the existing regulations a meat inspector or an environmental health officer, is able to draw attention to deficiencies in the structure of a building, its freezers, the rails and the equipment that is used in the abattoir to ensure that those pieces of hardware are not only properly constructed, and constructed according to the regulations, but also are maintained in proper working order. The role of a meat inspector is not simply inspecting meat and looking at carcases on a chain.

Having had that assurance from the Health Department, local government had its confidence somewhat shattered when it found that, despite the assurance it was given, Watsons Foods had been operating with a company-employed

inspector since April. Despite the extensive opposition by local government to the introduction of company-employed meat inspectors, very little consideration was given to its submissions at a meat strategy meeting. In my discussions with people who had an opposite view to that of the Opposition - I need not say at this stage who they were - there was a tendency to indicate that the opposition to the regulations stemmed from one or two individuals in one or two areas, but that it did not go any further. For that reason, I will quote a letter from the Western Australian Municipal Association dated 28 February 1997. It is addressed to Mr Michael Jackson, Director, Environmental Health. I believe it should have been addressed to Dr Michael Jackson. The letter states -

> Dear Mr Jackson
>
> The Western Australian Municipal Association (WAMA) has received correspondence from the Shires of Greenough, Capel and Northam concerning the proposed Quality Assurance Program for abattoirs. In addition Local Government representatives on the HDWA committee have expressed a considerable degree of concern with respect to some of the matters raised.
>
> The matter was considered at the last Country Shire Councils and WAMA Executive meetings where it was resolved
>
> > *that WAMA supports the position taken by the Shires in opposing the proposal to introduce company employed inspection services in abattoirs.*
>
> Hygiene standards in the production of meat for human consumption are imperative. It would be appropriate to ensure that there is an independent inspector present as it is believed there is clear potential for a conflict of interest to arise if inspectors are company employed.
>
> Should you wish to discuss the matter further please do not hesitate to contact me at this office.

The letter is signed on behalf of WAMA by Lillias Bovell, policy manager, Western Australian Municipal Association.

Apart from clearly expressing the opinion of the local government umbrella body that we should not proceed with the principle of company-employed inspectors, the letter gives a very clear reason why we should not do so, at least at this stage. First, hygiene standards are imperative and, second, there is a clear potential for conflict of interest if inspectors are company employed. I have said previously in this place that it is absolutely vital that we have an unbiased judgment of meat quality in abattoir operations in Western Australia. I am the first to concede that that is not the situation now in other States of Australia. I will comment on that and the complications that are caused by mutual recognition later. It is not in the interests of the health of Western Australians or the future trade prospects of Western Australian meat producers to in any way compromise the integrity of our meat inspection service. It follows from that that I am implying that the appointment of company-employed meat inspectors would or could compromise that integrity. I do not walk away from that: I believe that, given the number of prosecutions that have already occurred under the current system, there is every possibility that the economic pressures that exist in a highly competitive market such as meat processing will inevitably lead to an operator compromising on quality to ensure financial survival. Sadly, the court records show that has been a practice within the meat industry for some time, even under the current stringent regulations. Once we permit the quality oversight of meat to be a function of the enterprise itself, we are inviting disaster. Worse than that, we are inviting corruption.

I recognise that the meat industry has done and continues to do a great deal under quality assurance programs to prepare itself for self-management and to lift the general standard of meat handling in this State. I applaud what it has done so far and I sincerely hope it will continue to do that. Perhaps one day we will be able to countenance company inspection of meat. However, those worthy initiatives are not yet in place. I do not have confidence in the ability of the meat industry to manage its own affairs to that extent at this stage.

I refer again to the attitude of local government. No indication whatever was given to local government representatives that the Health Department was permitting Watsons Foods to introduce its own employees on the chain to undertake inspection duties to operate prior to the meat strategy group's being shown the legislation that would permit that to occur. In a sense, this initiative happened in the dark. Indeed, it did not really become public knowledge until two parliamentary questions were asked in the other place by Mr Jim McGinty and Dr Liz Constable.

On or about 4 February 1997, the Director of Environmental Health was asked by a Mr Bert Munyard, the manager of environmental health for the Shire of Northam, what was happening in relation to Watsons Foods' employing its own inspectors. He was advised that nothing was occurring and that the director had not heard from Watsons Foods for some time. Just 23 days later, on 27 February, Mr Munyard spoke to the director once more and asked what was happening. He was informed that the company had made an application to employ one of its own inspectors. When the director was challenged as to how the company could have its own inspectors on the chain at that stage in view

of the fact that the legislation was yet to be gazetted, the director denied that that had occurred. Mr Munyard advised him that, to his knowledge, Watsons Foods had at least two inspectors working on the chain at that time; in fact, one was working on the chain as early as 4 February 1997. That was the reason he queried what was happening.

I draw to the attention of the House question on notice 1143 asked by Mr McGinty to the Minister for Health on 14 May 1997. The answer to that question confirms that the Health Department of Western Australia permitted Watsons' company employed meat inspectors to operate prior to approval being given by the Minister for Health as early as 14 February 1997, despite the denial when Mr Munyard made the accusation on 27 February 1997. The answer to question 1130 asked by Dr Constable to the Minister for Health revealed that the Health Department had permitted a company employed inspector to carry out inspection duties as early as 6 January 1997, despite what the director had informed Mr Munyard.

I refer to parts (3) and (4) of question on notice 1143 asked by Mr McGinty of the Minister for Health -

(3) Is it correct the Health Department of Western Australia had permitted company employed inspectors to undertake inspection duties at Watsonia abattoir prior to the Minister being requested to designate these persons as Health Surveyors or Inspectors?

(4) If the answer to question 3 is yes, can the Minister advise who authorised this to occur and is this not in contravention of the Health Act and the Health (Meat Inspection and Branding) Regulations 1950?

The following answer was received -

(3) Yes.

That is, the Health Department had permitted the inspectors. It continues -

(4) Company employed meat inspectors were permitted to undertake meat inspection duties at a time when two Health Department meat inspectors were still employed at the abattoir. The company employed inspectors were fully qualified officers and their performance was monitored continuously by the on-site Health Department officers.

That is why I had some confidence that there was nothing to be concerned about in the quality of the output, but the process is a matter of concern.

Dr Constable asked in question on notice 1129 to the Minister for Health -

(1) Have any meat production companies in Western Australia used private meat inspectors at any time?

The answer was -

(1) Yes, but the Health Department requires a government inspector in addition to company employed meat inspectors.

The second part of the question was -

(2) If yes to question (1) -

(a) which company or companies;

(b) when did the company or companies use private meat inspectors; and

(c) under what legal authority were the private meat inspectors permitted?

The answer to those three parts of the question -

(2) (a) Watsons Foods, Spearwood.

(b) 6 January 1997.

(c) Under Health Legislation Administration Act with effect from 1 April 1997. Prior to this date company employed meat inspectors were monitored by on-site Health Department officers.

They were monitored by Health Department officers, but in all that time between 6 January and 1 April they were operating without question ultra vires the Act. From 1 April 1997 they were still operating arguably ultra vires the Act.

Meat inspection in Western Australia has traditionally been undertaken by a combination of the Health Department of WA and local government in the case of meat killed for local consumption. For a long time the Commonwealth has had control of the inspection of meat for export. Until 1987 the Health Department and local government were also responsible for re-inspection of meat being diverted from export to the domestic market. The classic case when that occurred was when a great deal of the meat consumed in Western Australia was killed at either the Midland Junction abattoirs or the Robb Jetty abattoirs, which were both service works and export rated works. Much of that meat was used in the domestic market and, although it had been inspected by commonwealth inspectors, it had to go through the ludicrous process of being re-inspected by state or local inspectors. That silly concept of re-inspection was causing consternation within the industry, and rightly so. A joint commonwealth-state committee was formed in 1986 and this resulted in a legal contract between the Commonwealth and the State that ensured the Commonwealth had sole responsibility for export abattoirs, and allowed for meat to be diverted to the domestic market without further inspection and without incurring another inspection fee.

The difference between Western Australia and other States must be noted, in that Western Australia is the only State in which meat is treated as a food product. As a result, it comes under the control of the Health Act 1911. In the other States meat is treated as an agricultural product, rather than a food product, and is thus controlled by the meat industry authorities by their various names in those States. Those authorities consist of representatives, in the main, of primary producers and the meat industry. It is not like me to be critical of my former colleagues in the meat industry, but it is like putting Dracula in charge of the blood bank to vest the control of quality assurance, which is a consumer driven matter, to those people who have the most to lose if the regulations are too rigid or are enforced too rigidly.

The meat industry authorities in the various States have been at the leading edge of pushing for company employed meat inspectors. The people with control of the inspection side of the industry in eastern Australia have been pushing for company employed meat inspectors. In South Australia the Garibaldi food poisoning outbreak resulted in the death of a four year old child and permanent health problems for a number of other children. Victoria has had a rash of food poisoning incidents since February 1997, which have resulted in the deaths of two people and the food poisoning of more than 500 people. However, those two States are leaders in the push for deregulation.

The Victorian Government introduced company inspectors in 1949 and dispensed with the state authorised inspectors. In part, that was due to its dissatisfaction with the Commonwealth Government's excessive charges through the Australian Quarantine and Inspection Service for undertaking meat inspection. It was a rebound action, so to speak.

Hon B.K. Donaldson interjected.

Hon KIM CHANCE: I agree. I do not have much time for the commonwealth management in the industry, particularly its charges for AQIS' inspections. They were supposed to have been controlled by the Victorian Meat Industry Authority. However, it has failed to protect the public since then.

I draw members' attention to one or two other attachments I have. I will not do this too often, but we must be well and truly acquainted with events in those States. An article in the *Sunday Herald Sun* of 20 April 1997 seems to be a touch alarmist; nonetheless, it raised issues which are relevant to the debate. The article begins with reference to a photograph and reads -

> This is the revealing photograph that will shock Melbourne.

It shows the driver of an unrefrigerated truck delivering fresh chicken fillets in his bare hands to a south eastern suburban butcher shop. The fillets were from one of several yellow plastic tubs on the floor. The photograph taken was during a *Sunday Herald Sun* investigation which revealed claims that up to 70 per cent of Victorian vehicles delivering perishable foods failed to meet the basic health standards and regulations. The article continues -

> Health Minister Robert Knowles yesterday accused the driver of "clearly breaking regulations", and pledged an immediate State Government investigation into the case.
>
> The National Meat Authority will also hold an investigation this week.
>
> Mr Knowles said the driver had turned the fillets into "potentially lethal substances".
>
> Opposition spokesman John Thwaites said "too many dodgy operators" in the food transport industry were indulging in practices which could make Victorians seriously ill.
>
> The *Sunday Herald Sun* investigation also found at least two well known supermarket chains selling meat delivered in trucks without refrigeration units.
>
> The investigation reveals that illegal practices in the food transport industry are widespread, but operators may be escaping prosecution because of a lack of authorised inspectors.

That is the key element of the article. It continues -

> Leading food transport sources claim unlicensed and unsuitable vans, trucks and private cars are being used regularly to transport fresh meat and perishable foods.

A number of other media articles are among my attachments. I do not need to go through them in detail because I am sure that through our media every member here is aware of the devastating Victorian and South Australian outbreaks. The central message is that if we compromise quality in this area there is always a danger that people will be killed. There is also an ever present danger that diseases such as salmonella and those springing from E-coli infections can cause massive illness and food poisoning among hundreds, if not thousands, of people. It is a very serious issue.

I will refer later to the role quality assurance programs can play in improving standards. As I said, I thoroughly support the initiatives being taken in that area. However, in respect of the health aspects associated with meat inspection it is just impossible to ignore, firstly, the precedents set in South Australia and Victoria; secondly, the extent to which we know that the regulations have been bent and broken in Western Australia already; and thirdly, the financial constraints which might force an otherwise honest businessman of high integrity in the meat trade to bend those rules. The risks are simply too high for us to accept that a company can be relied on to fully discharge its responsibilities under these regulations at this stage. I certainly do not rule out the possibility of our considering this later when we have seen the results of the move towards quality management. However, at this stage the Parliament would be extremely rash, to put it mildly, to allow these regulations.

Having commented briefly on what the industry is trying to do to lift the general level of its quality assurance, we should examine more deeply the way the industry operates and, in a sense, what ability it has to be responsible for public health matters; in other words its own actions regarding public health matters.

In the 1980s the Woodward Royal Commission revealed that corruption existed in the meat industry on an extensive scale. Those who support deregulation - there are many - will claim that the current inspection system has not stopped dishonesty. However, one would be a fool to believe that corruption would be rampant at this stage if we did not have independent inspection but relied on company employed inspectors.

I have acknowledged that breaches of the regulations have occurred and I regret that. We probably cannot do much to prevent people from breaking laws in that area just as we cannot do much about people breaking laws in any other area. At the same time if there were no regulations administered by people with an unbiased base, we would see a rapid increase in corruption.

Recently a company in Western Australia was under investigation for, as it happens, not a health related issue, but for allegedly providing false weights. During 1996 the same company had its hogget brands removed by the Western Australian Meat Industry Authority. That resulted in the WA Farmers Federation President, Mr Mike Norton, making some very unflattering comments about the abattoir. I will not read those comments, although I have them here.

The point is that no announcement from the Western Australian Meat Industry Authority was ever made on the results of the investigations into those two incidents, and no charges have been laid. We must assume therefore, that the matter has been swept under the carpet to avoid embarrassment to the industry.

I referred to those comments by Mike Norton because they were very frank comments in the allegations he made. If allegations like those were justified, one would normally expect a defamed abattoir management to demand at least a public apology and possibly to institute legal proceedings for defamation; neither has occurred. Whether that is a plea of guilty or simply a wish by those industry operators to quieten down the issue so that they can get on with life, I am not sure. Nothing they have said explains why the Western Australian Meat Industry Authority has not revealed the results of its investigations on an issue which was at that time in the south west extremely public.

It seems to me that Western Australians have learnt little from the experience of other States in incidents such as Garibaldi. Some bureaucrats and politicians have little, if any, knowledge of what happens at abattoirs, and many of us are not aware of the breaches of regulation that occur daily in the majority of abattoirs, some quite minor but others quite serious. We have been misled into believing that the introduction of the hazard analysis critical control points and the more common quality assurance programs will be adequate to enable companies to employ their own inspectors without the need for independent meat inspectors to determine whether carcases or parts of carcases are fit for human consumption.

We have been sold that line, and to some extent I believe that led the Ministers who attended the Agriculture and Resource Management Council of Australia and New Zealand to make the ill informed decision that has led us to consider this regulation today. I do not believe sufficient consideration has been given to the views of consumers with regard to this matter. The decision made by ARMCANZ was influenced greatly by the Cattle Council of

Australia and the National Meat Association of Australia. The federal equivalents of those two bodies, which combine in the other States to control meat inspections in those States, are the prime movers for company based inspection of abattoirs and meat.

It is interesting to note that Mr John Roediger, the President of the Western Australian Division of the National Meat Association, and Mr Munyard, to whom I have referred, from the Shire of Northam, met with the Minister for Agriculture, Hon Monty House, in 1996 to express concern about proposed changes to regulations to include non-prescriptive regulations. We have not reached that stage yet, but I am told it is just down the road.

Non-prescriptive regulations would severely disadvantage meat operators and consumers in Western Australia. At the time, the Minister agreed that standards should not be relaxed. I thoroughly support the Minister's view. He advised Mr Roediger and Mr Munyard that if the meat industry and local government were not active in writing to the then federal Minister for Primary Industries, Senator Bob Collins, he as Minister for Agriculture would have difficulty in stopping the proposal at the forthcoming ARMCANZ meeting. I understand that local government did undertake what Hon Monty House had requested but not one abattoir operator in Western Australia followed that advice, and that possibly as a consequence the changes were adopted by ARMCANZ and that is why we have reached this situation.

What happened in Western Australia as a result of that decision is that essentially we are looking at the introduction of a standard which is non-prescriptive. I will explain what I mean by non-prescriptive, although it means pretty much what it says. A prescriptive regulation lays down with some precision what is required of an operator of a facility under an Act of Parliament, whereas a non-prescriptive regulation does not lay down precisely what is required but simply prescribes desired outcomes. That change to non-prescriptive regulations will cause many problems, particularly when state meat inspectors seek to prosecute under those non-prescriptive regulations. I understand that was confirmed by Mr Kim Wood of the law firm Kott Gunning when he addressed the Institute of Environmental Health, Western Australian division, on Wednesday, 13 August 1997. We must consider this matter with some urgency before we change this subsidiary legislation.

I turn now to the point that I forecast earlier; that is, the difficulties that are being caused by the lack, or low standard, of meat inspection in other States and the position in which that places Western Australian consumers relative to the mutual recognition legislation, which means that a standard which is accepted in one State must be accepted in other States. A difficulty exists with meat imports from Queensland, because Queensland has no meat inspection service, not even by company-employed inspectors, other than in export works.

I have previously asked the Attorney General, either as the former Minister for Health or as Minister representing the Minister for Health, about the level of inspection that is applied to meat that is imported from other States. As I recall it, the answer was that crocodile meat is the only meat from other States that is inspected. I believe that since that answer was given, one or two random inspections have been conducted. People should be up in arms about the fact that meat from Queensland receives no, or minimal, inspection before it is sold to consumers in Western Australia. The problem is that we do not know because nobody tells us. I do not know whether meat from Queensland comes into Western Australia. That is irrelevant. The important fact is that our laws allow that to occur.

I understand that not so long ago, I think as a Health Department sponsored initiative, but it might have been in cooperation with the National Meat Authority, a number of meat inspectors went to South Australia to look at how the company-employed system was working. They found that people were operating as meat inspectors who might have undergone a two or six week training program but were not trained to recognise things which we would expect meat inspectors to recognise. Meat from South Australia can be imported without let or hindrance into Western Australia and can be sold to Western Australians for human consumption.

The Australian standard for hygienic production of meat for human consumption permits each controlling authority in each State to set the level of inspection, and in one case, Queensland, there are no inspectors at all. That meat can be sold in Western Australia due to mutual recognition protocols. South Australia, which traditionally has been recognised as having one of the lowest health standards in Australia and which was the State responsible for the Garibaldi debacle, permits people without formal qualifications to inspect meat. In response to a question in Parliament the Minister admitted their qualifications would not be accepted in Western Australia, yet their companies are permitted to export the meat into Western Australia.

The Australian Quarantine and Inspection Service in its push to assist companies to employ company meat inspectors conducts a six week meat inspection course, which is gleefully accepted by the industry as a cheap way to get around the need for inspection. Almost the first result of switching from state based inspection to company based inspection has been the provision of six week training courses for meat inspectors. By comparison, the minimum qualification for meat inspectors in Western Australia is a Bachelor of Applied Science from Curtin University of Technology or a Certificate in Meat Inspection from TAFE. That certificate is a two and a half year course. It is certainly much

more extensive than the six week course that is required in South Australia. It makes a complete mockery of qualifications to believe that any person could achieve the knowledge required to be a proficient meat inspector in six weeks.

The national committee responsible for making recommendations to the Ministers attending the Agriculture and Resource Management Council of Australia and New Zealand has considered permitting people with no qualifications in meat inspection to be trained in just one aspect; for example, checking the head or liver of the animal. That committee is dominated by representatives of meat industry authorities who are from those various States. They have no understanding of meat inspection protocols and, frankly, they are more concerned with saving dollars than protecting public health. My understanding is that that proposal is still under consideration. I mention it here only to give a view on where we are likely to be headed if we adopt this course.

Amendments to the Australian standard for hygienic production of meat for human consumption were made in late 1996 by the abovementioned committee. Those amendments could possibily have permitted beef with tuberculosis to go through the abattoirs without detection. My understanding is that if it were not for Mr Munyard from the Shire of Northam taking that up with the Health Department and seeking the support of Agriculture Western Australia, it would now be possible for carcases infected with TB not to be detected. Had that happened, it would have been a disaster for both the consumer and the TB eradication scheme.

I turn to the point of view of the consumer and what rights the consumer has in this issue. At no stage have consumers been canvassed about what they think about the proposed change to company-employed inspectors. Nobody has informed consumers - by posting notices in butcher shops or supermarkets, for example - about the proposal that might affect their health and the quality of the meat they buy, or sought their opinion on how meat inspection should take place in Western Australia. I understand the Australian Consumers' Association has expressed reservation about the proposed move; however, no formal attempt has been made to reach out to consumers to seek their opinion.

That is in contrast with what is happening in the United States. This may be a good thing or a bad thing: In the United States consumers are far more active. It should concern meat producers and meat processors that those American consumers already know about what is happening in Australia. I will refer to that in a moment. They not only know what is happening in Australia with company-employed inspectors, but they are lobbying their Government to ensure that meat from Australia is not permitted to be imported into America if it originates from abattoirs employing company inspectors. I refer members to one of the three references I have on that matter. This is part of a letter from the Center for Science in the Public Interest, of 75 Connecticut Avenue, Washington DC. The letter is addressed to the Secretary of the Department of Agriculture, Dan Glickman, also in Washington DC. The letter reads in part -

> A recent public hearing held by the Department illustrates the risks to public health and safety that are raised by attempts to define "equivalency." For example, representatives of the Australian government argued that a meat inspection system proposed in their country should be considered by the Department as equivalent to U.S. inspection requirements. The proposed Australian system, however, is wholly unlike U.S. regulatory requirements. The Australian system would rely extensively on on-site inspectors employed by the meat processing company and is silent as to its intention to require microbial testing as is mandated in the United States starting in January 1997.
>
> The fact that representatives of a foreign government -

That is, an Australian Government.

> - would argue that such an inspection system is equivalent to the one administered by the Department in the U.S. indicates the serious risks to consumer health that may be created if the Department fails to properly set appropriate criteria for determining when a foreign inspection system is "equivalent" to U.S. inspection requirements.

The letter states further -

> Such a determination will also have a substantial impact on American meat producers who compete with foreign producers. If foreign producers are allowed to comply with less stringent processing requirements than U.S. producers, the U.S. producers may ironically be placed at a competitive disadvantage even though they are producing safer products.

Let me dwell on those words "safer products". The marketing image that is generated by exporters of Australian food, and Western Australian food in particular, is green and clean. We market our goods at a premium because we can claim that our food is not contaminated by radioactivity or industrial pollutants and that it is produced in an

environmentally friendly way. An electors' representative body in the United States is lobbying a senior US bureaucrat - all members will understand how political senior US bureaucrats are - on the basis that US producers are producing a safe product and are being disadvantaged because of the bending of the rules to allow in an unsafe Australian product. I was struck by the irony of that.

Hon B.K. Donaldson: It is pretty good scare tactics, too.

Hon KIM CHANCE: That is true. I agree, and that is why it frightens me. It continues -

> In drafting a proposed rule, we urge the Department -

That is the US Department of Agriculture -

> - to consider the following criteria in determining whether foreign inspection systems are equivalent to those used in the U.S. The Department's proposal should include the following:
>
> 1. Foreign inspection must be done by government-employed inspectors. Inspectors who work for the meat companies themselves, as is proposed in Australia's experimental HACCP meat inspection system, face a tremendous conflict of interest that could jeopardise consumer safety. Without the weight of government authority, employee inspectors may find that their ability to insist on high standards of safety in plants will be compromised.
>
> 2. Foreign systems must require microbiological testing and compliance with U.S. microbiological performance standards and criteria. Microbiological testing is a key component of the U.S. HACCP system -

In fairness, it is also a key component of the Australian HACCP system -

> - for both meat and poultry products. Microbiological testing and sampling provides one objective way to verify that foreign inspections systems are indeed "equivalent" to the U.S. system. Random in-plant testing is also important to verify that process control and other inspection systems in place in foreign plants are effective in identifying and eliminating possible sources of contamination.

That letter is signed by the Legal Director, the Director of Food Safety and the Staff Attorney, Food Safety Program, of the Center for Science in the Public Interest. I do not know how influential that lobby is; but, given that it is Washington based and clearly involved in the field of food technology and its effect on US consumers and producers, the odds are that it would have a great deal more influence than I have. It concerns me that in communicating in that way with the Secretary of Agriculture of the USDA, it has put a number of points which are, firstly, disarmingly accurate and, secondly, disarmingly political. If I were an aspiring US congressman or senator, I would be seizing on that letter, particularly if I came from Texas, New Mexico, Wyoming, Nevada, Washington State, or wherever beef is produced. I would be running the line that Australian meat must be kept out of the United States. We need publicity like that in the United States as much as we need a hole in the head.

For years we have been battling to convince US consumers that they have to lean on their representatives in Washington to increase the quota of Australian beef that is allowed into the United States. It is one of the most heavily protected markets in the United States and it has a very powerful political lobby. So far we have been relatively successful in that area simply because we have harnessed the consumer of the US. Once the US consumer is doubtful, let alone afraid, of the quality of beef that comes out of Australia in the context of what has happened in Europe, we have a major problem on our hands in public relations.

I want to clear up one issue. When talking about the US market, I have been referring to export beef. It does not take much logical progression from what I have said earlier to work out that the regulation, the disallowance of which I hope the House supports, has nothing to do with the export market. We must clear that up very quickly.

In the past the United States Congress and its lobby groups have not been overly concerned about differentiating between domestic and export inspection levels. Clearly from that letter they are still not overly concerned about differentiating between the two systems. They do that for a very good reason. It has not been in their interest to note the differentiation and, from their point of view, if the standard of domestic inspection or of domestic abattoirs generally in Australia is substantially less than the standard for export, the US beef lobby gets on its high horse and complains about beef dumping. Under US law a matter can be equated with dumping if a different standard is set for processing and health standards for the domestic market than is set for the export standard.

That is why every year the domestic standard for abattoirs - I think it is referred to as the CAS, the common abattoir standard - gets a little closer to the export standard. It has been a problem for Australian trade officials to continue

to explain the difference that exists between domestic and export standards. From the point of view of the lobbyists in Washington, it is a matter of no moment. Although I read out only some sections of the letter, I can assure members that I did not miss any sections - I will table the letter if required - in which the differentiation was noted. The American lobbyists do not care greatly whether there is a different standard; the beef lobby does care in terms of trade matters. In terms of running an argument on health, it is of no moment. In their argument to the secretary they did not think it even worthy of a mention.

I want members to be clear that at least I understand the difference between the two. The Americans understand, but they do not care whether the differentiation is noted. I have already mentioned the HACCP standards and the quality assurance standards and expressed my support for those initiatives for the meat industry. I hope those programs continue and are expanded. At some time in the future they may be so successful that we may want to look at company inspection of meat. There is no reason that those two initiatives cannot be proceeded with if this regulation is disallowed. Those two programs can run concurrently or without the system of state meat inspection. The National Meat Association of Australia, along with all of the proponents of company-employed inspectors, have tried to convince people that HACCP and quality assurance is science based and that carcases are to be subjected to extensive microbiological testing.

I was somewhat reassured by what I was told in the briefing. However, let us analyse the extent of microbiological testing. A normal sampling from a carcase is an area of 50 millimetres square on one or two spots. To claim that gives us any guarantee of detecting contamination of that carcase with pathogenic organisms is farcical, especially when Australia does not even have a proposal for a testing regime to be established. When we have a testing regime and hazard analysis critical control points and quality assurance standards are in place let us have another look at these regulations. Apart from swabbing those two 50 mm square sections of a carcase we need to know how many carcases in a line will be sampled. I cannot tell members what is proposed in Australia, because those protocols have not been announced. I have already referred to the new HACCP program of the United States Drug Authority. The USDA is proposing to swab only one in 300 carcases; that cannot ensure a representative sample. By itself it certainly cannot give consumers confidence in the product. In conjunction with the kind of meat inspection that we have become used to microbiological swabbing can add to confidence. I am the first to concede that a microbiological test can tell us some things that a meat inspector cannot. A meat inspector cannot see contaminants which are trace elements such as organochlorates or organophosphates; tissue testing of the meat will detect those and microbiological swabbing might. It is a welcome initiative; however, at this stage it cannot replace what we have become used to - a full and thorough visual and manual inspection of carcases on the chain.

Another assurance that has been given to me and presumably to other people is that even though it is proposed to replace the requirement for meat inspectors to be state or local government employed meat inspectors, there will a requirement for at least one inspector in each abattoir to be a state employed or local government employed inspector. In many cases where only one inspector is required in an abattoir those abattoirs will undergo no change at all. That is because they are currently required to have a state inspector. If Parliament allows the passage of these regulations they will still be required to have one state inspector, so the change in those abattoirs will be nil. Where there are four or five inspectors only one of those must be a state inspector; the others can be company employed. I admit that when I heard that, a significant part of my concern was allayed. It seems on the face of it to be a compromise and a reasonable solution. However, at this stage there has been no attempt to include the requirement of an independent inspector in the regulations. Nothing in the regulations gives me any assurance that a one-inspector policy will be part of the regulations. At best it is an assurance that it is government policy. If the Minister assures me of that I will be reasonably satisfied that for the term of this Government that will be the case. At worst it can be an objective that the Government no longer believes is necessary. I am not implying any lack of integrity by the Government or the Minister. However, that is what it leaves the consumer open to infer. As consumers and representatives of consumers we need to have something much more certain than that.

The proposal fails to recognise that in circumstances where there is one state inspector and one or more company inspectors pressure may be placed on the state inspector by the company inspectors, who may wish to challenge his decision and credibility. The independent inspector does not see all the carcases nor all the viscera if he is working on a particular part of the chain. Therefore, it is possible for company inspectors to allow carcases through which may not be fit for human consumption. The chances of that happening, if that person is not a fully qualified meat inspector but an inspector with only a few weeks training, multiply dramatically.

Hon E.J. Charlton: Who said they would have only a few weeks training?

Hon KIM CHANCE: I was quoting from the situation in South Australia, where a training program allows for six weeks' training

Hon B.K. Donaldson: You did not say that Western Australia has a good program.

Hon KIM CHANCE: Western Australia currently runs an excellent training program. Were we to adopt that part of the South Australian standard we would be in that position. I have not had any assurances one way or the other on that. I made that reference because I had already referred to the South Australian situation.

A classic example of the differences which can occur between two inspectors occurred in April 1997 at Watsons Foods (WA) when a Watsons' abattoir company inspector allowed a carcase with arthritis to be passed for human consumption. The carcase was condemned only after one of the slaughterman brought the matter to the attention of the Health Department inspector. That received some media attention some weeks later. To balance that it is necessary to say that the carcase was a borderline case and it could have occurred the other way around. It could have been passed by a state inspector and rejected by a company inspector. It illustrates how those differences can occur, and when the Government changes the status of the regulations we will almost inevitably see some difference.

W are faced with choices. This disallowance motion should be supported. The Government should seriously reconsider any moves towards company inspection. The Government should object to the other States' lowering of standards for the qualifications of meat inspectors, with particular reference to Queensland, where no inspections are carried out. The Government should look closely at the effect of our mutual recognition treaty and endeavour to prevent any meat which is not subject to meat inspection from being imported into Western Australia.

Concerns are expressed by supporters of the regulations about what will happen if the disallowance motion is successful. All I can say to pre-empt those concerns is that by disallowing these regulations we will provide some time for proper consultation and consideration by all parties. I reject absolutely that we have had proper consultation and consideration; indeed, I do not think that consumers have been told a single word about what is proposed and the possible outcome. A pause in the process will enable the legislation to be approved and gazetted in the form originally proposed by the Health Department of Western Australia, which means that the new regulations can be incorporated into the food hygiene regulations, as they should have been. The effect of the early employment of company inspectors at Watsonia has been in the public arena for some time. We did not make a huge fuss about it as an Opposition and I do not now. It is something which should not have happened and I would prefer it not to have happened. Had it been a company with less integrity than Watsonia, I might have been more concerned. It has happened and it is in the public arena.

Let us not be embarrassed about it and certainly let us not forge ahead with considering these regulations in the context of the branding regulations simply because it is all available to us now. I would much rather that together we aimed at a reasonable and well balanced outcome for this, rather than making a huge fuss about it. The clause will also provide an opportunity at this stage to delete the approval of company meat inspectors or, at the very least, enshrine the requirement for one Health Department inspector or local government inspector to be retained in the works as a matter of regulation rather than as a matter of policy, which is subject to pressure from industry.

Hon E.J. Charlton: Have you discussed this issue with the Health Department?

Hon KIM CHANCE: I have but not at great length. I spoke to Dr Psaila-Savona about it some time ago. I do not claim to be an expert in the view of the Health Department. I have spoken to the National Meat Association of Australia, to Watsonia and to the Western Australian Farmers Federation. I have not spoken recently or at any great length with the Health Department. In my relatively brief and to the point discussions with Mike Naughton of the Farmers Federation, he indicated his support for the regulations. I disagree with him because, although I certainly normally take very careful note of the advice I receive from the Farmers Federation, as I do with advice from the Pastoralists and Graziers Association, this issue, although of great interest to meat producers, is primarily a consumer affairs matter. I am concerned about what is happening in the Eastern States, even though I do not seek to over dramatise issues such as the Garibaldi incident, which occurred in what one might term a tertiary meat processing plant rather than an abattoir. That incident possibly would not be picked up in Western Australia, even if it occurred under the current regulations. That is why I was careful not to over dramatise it. Nonetheless, breaches of regulations occur in the Western Australian meat industry on a regular basis. I have two foolscap pages of articles relating to issues which have happened in the Western Australian meat industry even under the current system.

I have said quite clearly that if anyone thinks what I am saying casts doubts on the integrity of the meat industry, I am prepared to accept that is what I am doing for some operators. However, my judgment is justified by the actions taken by some meat operators in the past. All that I ask at this stage is for members to seriously consider the risks which exist. They are real risks, even though the use of the Garibaldi incident may be over dramatising the issue. Serious health issues are involved in meat inspection. I urge support for the motion for disallowance.

HON B.K. DONALDSON (Agricultural) [9.26 pm]: Hon Kim Chance has been dramatising some events. Not many years ago we had the issue with local abattoirs. I have always fought vigorously on this. I am sure the Health Department will concur with what I am saying. Years ago Hon Kim Chance and many other farmers killed meat on their properties. It is illegal to shift meat off a property but many farmers live near townships and meat has been

going backwards and forwards over the years. People have not passed away from meat killed on a farm or at a little local abattoir.

Hon Kim Chance: There are some in New South Wales.

Hon B.K. DONALDSON: It has not happened in Western Australia. Maybe we are careful farmers. Hon Kim Chance put up a good case for the regulations to continue. First, he announced they have nothing to do with export abattoirs. Second, he mentioned that in a domestic abattoir with one meat inspector that inspector must be a government or local government inspector.

Hon Kim Chance: That is not in the regulations.

Hon B.K. DONALDSON: That is what is happening at the moment and will continue to happen. Meat inspectors employed by companies go through quite a good training program in Western Australia to ensure they are competent in meat inspection. That is another good point Hon Kim Chance raised.

The point he really missed was that the best quality assurance is how the company survives on its product. I am led to believe that Garibaldi was warned a couple of times about some of its practices in that tertiary processing, as Hon Kim Chance has called it, prior to that final event. The couple of incidents in Victoria have not helped much. Hon Kim Chance is right when he says that at that level it is very difficult for anybody to pick up anything because sometimes incidents are to do with machinery that has not been properly cleaned.

Hon Kim Chance: In the Garibaldi case it was established there were longstanding practices of using literally rotten meat.

Hon B.K. DONALDSON: The company was warned twice, I think. Any large companies here in Western Australia which are dealing with meat would treat that very seriously. If they had one incident which could cause a death or illness in the community, their company name would become a dirty word with the consumer. That in itself is one of the great quality assurances in the meat industry.

I refer now to the effect on the local abattoirs where the meat inspection takes place. Hyden is a prime example between 4.00 am and 9.00 am on a Monday morning. A lot of quality assurance goes on there. The greatest quality assurance the abattoir has is that its major market is the Hyden hotel-motel. It is one of the most successful hotel-motels outside the metropolitan area. The way it has developed is a great credit to the Mouritz family. The owner of the premises employs a couple of family members, an apprentice and another employee. His business would not be worth a brass razoo -

Hon Kim Chance: Quality assurance in those small abattoirs is guaranteed by their close links to the community.

Hon B.K. DONALDSON: The domestic abattoirs will still have one local government inspector and three, four or five company inspectors. Hon Kim Chance rightly pointed out that Western Australia has a very good training program. I cannot see our State, given the Health Department's track record in meat inspection - it has been to the forefront in this area and in my view sometimes has tried to go too far and been too stringent -

Hon Kim Chance: But the one state inspector policy is not contained in the regulations. I would be far more relaxed if it were.

Hon B.K. DONALDSON: The Minister may be able to explain that in full later in the debate.

I cannot support the disallowance motion moved by Hon Kim Chance. I believe there are enough checks and balances in the system. A great deal has been done about quality assurance through a number of different programs. Many company employees have participated in some of those programs.

Hon Kim Chance: It is a very good program.

Hon B.K. DONALDSON: For that reason I cannot support the motion.

HON CHRISTINE SHARP (South West) [9.32 pm]: Hon Kim Chance has spoken extensively on this motion for disallowance, so I will speak very briefly in support of it. My perspective is that a core principle must be that we support the image of Australian food production as being clean production. We are talking here about future export industries worth many millions of dollars, and that image is absolutely critical. We must try our utmost to maintain that image. Yet here we are trying to save 1.5¢ to 4¢ a kilo on the price of meat in the shops, according to estimates I have seen, which could put at risk a very important aspect of the development of meat production in our State. Although this motion relates to domestic consumption rather than export, as a matter of principle I cannot support any reduction in the standard of meat inspection.

Ironically, although this is a cost cutting exercise, I am told that in some cases supermarket chains which are

concerned about the outbreaks of illnesses in the Eastern States have been installing a further round of inspections to ensure their suppliers, particularly of smallgoods, reach the right standards so that the supermarkets do not risk their commercial reputations. Therefore, if we take this approach and follow the lead of the Eastern States, instead of saving money it might lead to double costing because of the need for supermarkets to protect their own interests.

We are not against quality assurance programs, and we completely support the principle. We are pleased to see abattoirs adopting those standards for their operations. That is not the problem; the problem is that where money is involved, quality assurance programs alone are not enough. They cannot be self-regulated. There must be independent quality regulation for the programs to work properly.

I am told it was announced in South Australia today that the directors of the Garibaldi company, whose products caused the death of a four year old child and many other children to become ill from food poisoning, have been fined $10 000 each. I do not think that sum of money is commensurate with the life of a child and the impairment of many children's health. That is a clear indication that this commercialisation of the system does not offer the protection we must have. What price the health risks to all of us and our children if we want to save a few cents here and there?

I also read in the Melbourne *Age* - this is probably journalistic scaremongering, but it scared me - that when the use-by date of some companies' products has expired they take the product back to the factory, unwrap it, reheat it, chill it, rewrap it, and send it back to the shops with a new expiry date. It is very alarming to read that.

Given that the director of environmental health gave assurances to local government in 1995 that the system in Western Australia would not in any sense be weakened or changed before new regulations and protocols were put in place, it appears the regulations we are moving to disallow are contrary to those assurances. He said this would not happen. However, the new protocols and protections have not been put in place. The process that has been put in place is not satisfactory, and that is why I support the motion for disallowance. This matter should be handled properly and take into account all the serious issues which have been raised.

I also support the Western Australian Municipal Association, which shares the concern of several local governments which have abattoirs in their areas. They believe a serious risk exists. The Government should be listening to WAMA. It should put in place a proper system which involves consultation; a system with which local government, as well as Western Australian consumers, will feel comfortable.

I suppose the proposal to have a single government inspector is a compromise. One feels somewhat assured that there is some independent verification of health standards. But if one thinks more clearly about how it would work on the floor of an abattoir, one realises that a single inspector ranged against management and a whole lot of company inspectors would be under tremendous pressure to err on the side of the company - call it peer pressure or working pressure - so that the system can go on and borderline carcases can go through the abattoir Therefore, the compromise of having a single inspector is not likely to work well in practice. Also there is a fear that the compromise is only a policy position. It has no regulatory or statutory basis to ensure that even that situation will hold good over time. The industry is bound to continue its lobby to cut costs and move towards more self-regulation, so the danger is that the policy will be abandoned fairly soon and we will be left even without that safeguard. For those reasons, I support the motion for disallowance.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [9.40 pm]: After listening to the comments by Hon Kim Chance, I feel rather sad that members do not have a broader understanding of the regulations and what the Health Act enables the Health Department and the operators of abattoirs, in this case, to do in relation to hygiene and meat inspections in this State.

Disallowing the regulations would weaken the inspection service. It would not enhance the situation. The regulations deal specifically with the hygienic production of meat for human consumption. That is the thrust of the regulations. Under the Health Act, operators can employ meat inspectors, and the Minister has power to appoint those inspectors. That was agreed to by Ministers for Agriculture to ensure that the regulations would enhance the situation.

Hon Kim Chance: Why are regulations 1(b) and 1(c) necessary?

Hon E.J. CHARLTON: I understand that the regulations were introduced to ensure legislative support. That reinforced the current situation. The provision relating to the hygienic production of meat for human consumption will ensure that proper processes are undertaken, whether by Health Department meat inspectors or by an inspector employed by a company. Under the heading "Inspection Services" the document entitled "Policy for Meat Inspection in Domestic Abattoirs in Western Australia" of July 1997 states -

> A full-time meat inspection service is to be provided at all domestic abattoirs except for the two existing abattoirs operating under the conditions of approval as set out in Attachment 1.
>
> Only qualified meat inspectors as approved by the Executive Director, Public Health are permitted to perform the procedures as required under the Standard.

The number of meat inspectors at an abattoir is to be determined by the Health Department of WA based on operating performance.

Meat inspection can be provided by

- the Health Department of WA;

- local government;

- a company under a quality assurance arrangement.

That policy has been agreed to by the Agriculture and Resource Management Council of Australia and New Zealand. In consultation with the industry, the Health Department has indicated the way this should be done and it has implemented regulations to ensure that process.

Hon Kim Chance: That ARMCANZ agreement does not have precedence over the Health Act or its regulations.

Hon E.J. CHARLTON: I will confirm whether that is correct later. The employment of health inspectors is covered by the Health Act. Disallowance of the regulations will not change that process. However, a disallowance will affect conditions relating to the hygienic production of meat for human consumption. Therefore, the process will be weakened. This is not a threat; it is a fact of life.

The 60-odd abattoirs in Queensland are Hyden-type abattoirs. Many small abattoirs produce meat for local consumption. They are not in the business of exporting interstate or even out of the district. In South Australia, inspectors are not trained to inspect the full carcase. It is important to address the facts. That is the reason I asked Hon Kim Chance whether he had spoken to the Health Department about this issue.

It is obvious from the comments made tonight that nobody disagrees. This is not an argument about ensuring proper meat inspections. We agree on that issue. The motion to disallow the regulations implies that changes will be made to the current situation. A disallowance will not make any difference to that aspect. Members may argue that should not be the case. They may argue in support of continuing with government meat inspectors for domestic abattoirs. However, the need for that no longer exists. If members want a return to that situation they should move a motion to address that demand, because they cannot retrieve that situation by the passage of a disallowance motion.

Like Hon Kim Chance, I have some knowledge of abattoir operations. I understand what must be done to have an efficient operation, and I also understand what abattoir operators may do to cut corners. As I said earlier, the passage of this disallowance motion will have no effect on that situation because the Health Department has responsibility, whether the meat inspector is employed by the Government or by a company, to ensure that abattoirs operate in a hygienic way and meet all the specifications of the Health Act which apply to abattoir operations. The disallowance will not affect how a shop stores or sells its foodstuff. Hon Christine Sharp spoke on that aspect. If an operation is totally out of control, it should be reported. Perhaps during an inspection someone would note the situation and take the appropriate action.

Getting back to this motion, we have domestic abattoirs around Western Australia in which controls are totally in the hands of the Health Department, and that will be the case in the future whether or not we disallow the motion.

A few days ago I was in an abattoir which was carrying out capital expansion in the hope of meeting export standards. It is a matter of quality control from the time the livestock first arrive, and even how they are transported, how are they unloaded, where they stand until they go into the abattoir, and how are they treated and processed. It is all quality assurance. This will maximise returns, which is the thrust of quality control. It is not about an abattoir handling a load of livestock, whatever it might be, and trying to beat the system and slaughtering and skinning them to get them out the other end. I strongly recommend that anybody who is interested in this subject take a walk through an abattoir to see how they currently operate.

I moved a disallowance motion when I was in opposition some years ago to stop the previous Government from forcing the abattoirs of Hyden, Mukinbudin, Corrigin, Bruce Rock, and wherever else was involved at that time, to have full meet inspections, which would have closed down the operations. People would have been forced to buy meat at Northam. Thankfully, that regulation did not proceed. Those people are now operating because they have viable businesses. The Government is doing the reverse: It is trying to uplift operations. It is not about anybody carrying out an abattoir operation without any control as one can operate only with quality control.

Hon Ljiljanna Ravlich: Who gives the quality control?

Hon E.J. CHARLTON: The Health Department will ensure that all the standards all the way along the line will be met before operators can pursue export business. They will then have random inspections made -

Hon Ljiljanna Ravlich: I hope they are better than the WorkSafe inspectors.

Hon E.J. CHARLTON: We will not get into that matter because it has nothing to do with this debate. Obviously, we will not complete this debate tonight -

Hon N.D. Griffiths: That is unfortunate.

Hon E.J. CHARLTON: I hope it is fortunate. I would like to have completed the debate and to have the matter decided tonight. However, I will arrange with members who are interested in this matter to have some discussions with representatives of the Health Department to go through the key issues. We could have an exchange of views. When we are properly informed, we can then proceed. If members still want to support the motion, that is their right of course. I have suggested the best way to proceed.

Hon J.A. Scott: How soon can that be done?

Hon E.J. CHARLTON: It would not be tonight, but tomorrow morning. I will talk to members as soon as the House rises, and I am sure we could arrange a meeting at the earliest convenience before the House sits tomorrow.

Hon Ljiljanna Ravlich: How much extra has been allocated in the budget for quality control?

Hon E.J. CHARLTON: This regulation has nothing to do with the budget. The meat inspectors will be paid for by the abattoir operator, not the Government. The people who use the service pay the price.

Hon Kim Chance: It is a fee for service.

Hon Ljiljanna Ravlich: It is worse than putting Dracula in charge of the blood bank.

Hon E.J. CHARLTON: No.

The PRESIDENT: Order! As there is five minutes left for debate, perhaps the Minister for Transport would like to continue his speech.

Hon E.J. CHARLTON: I am not terribly happy with what the Federal Government is doing regarding meat exports. It will make the users of the service pay the total cost of providing the service - I do not have a problem with that - but it has not fixed up the Australian Quarantine and Inspection Service around the country, which should have been reformed first. Under this system somebody cannot be employed to do a certain job in an abattoir. If someone wants to run an abattoir, he faces certain inspections, and certain people must be employed for inspections, with a requirement for those people to be on site on certain days, all day. The cost is enormous. It is antiquated.

The Federal Government is supporting the policy of the previous Government that AQIS will do the same work as the Health Department performs in Western Australia from the domestic point of view; that is, to have total control to ensure that the standards of the equipment, the buildings, the employees, the employees' dress and all such matters meet the agreed standards. If those standards are not met, the abattoir's licence will be taken away. It is similar to what I say to the Department of Transport inspectors, "If a vehicle does not meet the permit of its operation, take the permit away and do not allow them to operate." That is how to penalise people. People could not afford to have a multi-million dollar business out of operation. That is the biggest penalty of all.

Hon Norm Kelly: If an operation like Garibaldi's goes out of business, that is fine; however, the damage is already done.

Hon E.J. CHARLTON: The member's point has absolutely nothing to do with abattoirs. Garibaldi's was a meat processor.

Hon Ljiljanna Ravlich: They must be getting the meat from somewhere.

Hon E.J. CHARLTON: Did the member ever consider the fact that the meat could have sat in inappropriate conditions? It does not last forever. A range of matters must be taken into account.

A number of issues relating to this matter have not been considered. I invite all members to come along tomorrow morning to discuss the matter. We can then return to the Chamber tomorrow and deal with this matter in a more enlightened way.

HON NORM KELLY (East Metropolitan) [9.58 pm]: I appreciate the Minister's remarks. The Minister referred to the agreement on meat inspections made by agriculture Ministers. Western Australia is the only State which regards meat strictly as a food product. All other States regard meat inspection as an agriculture matter. We are discussing public health safety standards. Are we committed to an agreement reached by Agriculture Ministers rather than by Health Ministers? It is more important that Health Ministers make these decisions. If these regulations are

enforced there will be a significant deterioration in the protection which is currently afforded to consumers of meat products in Western Australia. If these meat inspections are relaxed, which is what occurred prior to the regulations coming into force, and inspections are left to only company employees a real conflict of interest will occur.

I will quote from the May edition of the "Food Monitor", which is the newsletter for the Australian food industry, legal and business affairs. The article is written by Felicity Rafferty.

[Debate adjourned, pursuant to Standing Order No 61(b).]

ACTS AMENDMENT (AUXILIARY JUDGES) BILL

Receipt and First Reading

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

Second Reading

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [10.01 pm]: I move -

That the Bill be now read a second time.

This Bill provides for the appointment of retired judges and other qualified persons as auxiliary judges for periods of up to 12 months to assist in meeting the workload of the Supreme Court and District Court. In a number of jurisdictions, both in Australia and in the United Kingdom, provision is made for retired judges to be appointed as acting, temporary or auxiliary judges. This Bill will allow similar appointments to be made in Western Australia.

Over the next five to 10 years a pool of retired judges will develop as a number of judges of the Supreme Court, the District Court, the Family Court and other courts retire on either reaching the compulsory retiring age of 70 years or because they elect to retire before that time. The Government believes this pool of retired judges could be usefully employed on the basis of short term appointments in helping to deal with the courts' case load; for example, when judges of the courts take annual leave or long service leave, a retired judge could be appointed as an auxiliary judge to fill in during that period. They could also be appointed to deal with specific cases in the long cause list. It will also reduce the occasions upon which commissioners will need to be appointed.

The Bill also provides for the remuneration of auxiliary judges. In essence, their pension will be topped up so as to entitle them to the equivalent of a judge's salary during the term of their appointment. The Bill also contains a number of consequential amendments and amendments to the provisions relating to the appointment of acting judges in both the Supreme Court and the District Court and to provide for the Principal Registrar of the Supreme Court to be able to perform the functions of a master when one of the masters is unable to perform the duties of their office. The Bill has the support of both the Chief Justice and the Chief Judge of the District Court. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Assembly's Message

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

That Rule 10 of the Joint Standing Committee on Delegated Legislation be amended by deleting the words "of whom not less than 2 shall be members of the Assembly and not less than 2 members of the Legislative Council." and substituting the following words -

, provided that each House is represented at all times.

CEMENT WORKS (COCKBURN CEMENT LIMITED) AGREEMENT AMENDMENT BILL

Receipt and First Reading

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

Second Reading

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [10.05 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to obtain parliamentary ratification of the agreement entered into on 14 May 1997 between

the State and Cockburn Cement Limited to vary the provisions of the Cement Works (Cockburn Cement Limited) Agreement Act 1971.

The major functions of the variation agreement now before the House are briefly outlined as follows -

to amend the agreement to provide for payment of a royalty on shell sand or alternative material mined - the royalty will be phased in over three years commencing 1 July 1997;

to amend the reporting requirements for dredging and management programs; and

to replace the environmental clause with the now standard form.

Members will be aware that under the Cockburn Cement agreement the company was originally allowed to establish operations at Munster using shell sand dredged from Owen Anchorage leases to manufacture high quality lime. In return for its substantial investment at the time, locating at Munster and recognising the value of Cockburn Cement's dredging of the second shipping channel for the Fremantle Port Authority, royalty payments were waived.

Over 25 years ago the Government of the day considered the establishment of a major lime and cement facility, a vital ingredient to enable industry in the State to grow. The Government now believes this objective has been achieved. It had not been possible for the State during this time to impose a royalty because both parties were required to agree to any changes made to the agreement Act. The company has now agreed with the State's position on royalties in the manner of a good corporate citizen.

I now turn to the specific provisions of the variation agreement scheduled to the Bill before the House, which are contained in clause 4 of the document. The variation agreement provides in clause 4(1) for additions and variations to the definitions contained in clause 1 of the principal agreement.

Subclause (2) inserts a reference to the introduction of a royalty.

Subclause (3) details the payment of a royalty at the prescribed rate under the Mining Act 1978 from 1 July 1997; at the rate of one-third the rate in the year 1 July 1997 to 30 June 1998; at the rate of two-thirds in the year 1 July 1998 to 30 June 1999; and, thereafter, at the prescribed rate on all shell sand or alternative material mined by the company under the agreement.

Subclause (4) amends the requirements for dredging and management programs so that reports which have already been presented by the company to the Environmental Protection Authority in connection with a proposal under section 38 of the Environmental Protection Act do not have to be duplicated. This measure will provide for improved efficiency in the dredging and management program process.

Subclause (5) replaces the existing environment clause with the standard wording now used in all modern state agreements.

The House should note that ratification of the 1997 variation agreement will result in the company paying, for the first time, a royalty to the State on shell sand and alternative materials mined. This is a significant development.

As I indicated earlier, the royalty will be phased in over a three year period commencing 1 July 1997 at the rate of one-third for the financial year 1997-98, two-thirds for the financial year 1998-99 and full royalty thereafter. It is anticipated that the revenue to the State will be in the order of $270 000, $540 000 and $800 000 for the financial years 1997-98, 1998-99 and 1999-2000 respectively.

I congratulate the company for its willingness to give up a concession that it has enjoyed for 26 years. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

House adjourned at 10.08 pm

QUESTIONS ON NOTICE

Answers to questions are as supplied by the relevant Minister's office.

GOVERNMENT INSTRUMENTALITIES - PROGRAMS FOR ABORIGINES

Funding

425. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Fisheries:

(1) What programs are conducted in the Minister for Fisheries' portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?

(2) What are the details of these programs?

(3) What funds are made available to these programs?

(4) What is the source of those funds?

Hon E.J. CHARLTON replied:

(1)-(2) There are a number of initiatives undertaken by the Fisheries Department with respect to advancing the welfare of Aboriginal persons. These include -

the employment of an officer to specifically deal with Aboriginal fishing issues and native title issues. The Department has a policy which provides Special Commercial Fishing Licences for Aboriginal Communities to fish traditional waters for trochus, beche-de-mer and mud crabs. A funding submission for $72,000 has been made to the Commonwealth Government under the Strategy for Aboriginal and Torres Strait Islander Interests in Aquatic Resources to consult extensively with Aboriginal Groups to develop a comprehensive fishing strategy for the future.

the establishment of a Management Agreement between the Minister for Fisheries and the Rubibi Aboriginal Land Heritage and Development Company Pty Ltd for aquatic development at Broome Tropical Aquaculture Park.

a Memorandum of Understanding between ATSIC and the Fisheries Department has been established in regard to support and provide assistance to aquaculture development with the ATSIC business program in WA.

the employment of trainees to work with the Fisheries Department over the next 12 months.

two part-time clerical staff to work in the Denham Office.

(3)-(4) Funding for these initiatives is provided through the CRF, ATSIC, the Community Development Employment Program and the Commonwealth Employment Service.

QUESTIONS WITHOUT NOTICE

PRISONS - PAROLE AND REMISSIONS

Report

652. Hon N.D. GRIFFITHS to the Attorney General:

I refer to the Attorney's media statement of 5 October 1996 when he said that the Remission and Parole Review Committee would report to the State Government by 20 December 1996.

(1) Has the review committee now reported?

(2) If not, when is it anticipated the committee will report?

Hon PETER FOSS replied:

The committee has reported twice and both reports were of an interim nature. The reports were circulated to people involved in that area for comment. I am now getting comments back on the second report. It will then go back to them. I am not sure when a final report, to be made public, will be available.

PRISONS - PAROLE AND REMISSIONS

Report

653. Hon N.D. GRIFFITHS to the Attorney General:

When did the committee last report?

Hon PETER FOSS replied:

It last reported at about the time the House rose for the winter recess. I cannot remember the precise date.

CRIMINAL INJURIES COMPENSATION - ASSESSORS

Appointment

654. Hon N.D. GRIFFITHS to the Attorney General:

I refer to the Attorney General's answer to question without notice 114 of 25 March 1997 when he agreed that he had made an appointment for an additional criminal injuries assessor to be effective from July this year.

(1) Who is the new assessor?

(2) When did the new assessor start work?

(3) Will the Attorney be appointing additional assessors to clear the backlog and reduce delay?

(4) If so, how manyand when; if not, why not?

Hon PETER FOSS replied:

Two new assessors will be appointed shortly. The process is going through Cabinet. I cannot give Hon Nick Griffiths the names now.

FISHERIES - PIGMY SNAPPER

Useless Inlet

655. Hon NORM KELLY to the Minister representing the Minister for the Environment:

(1) Is the Minister aware that fish known as pigmy snapper found in Useless Inlet are currently being tested to determine whether they are separate species from other snapper?

(2) Is the Minister aware that the new bar across Useless Inlet could wipe out this species?

(3) What action will the Minister take to ensure this does not occur?

Hon MAX EVANS replied:

Due to the nature of this question, the subject crosses more than one portfolio. The Minister for Fisheries has provided the following advice -

(1)-(3) The Denham Professional Fishermen's Association has forwarded some samples of snapper from Useless Inlet to the Western Australian Museum with a request for a taxonomic assessment. The museum has subsequently sent some of the snapper from Useless Loop to the Fisheries Department for further analysis. This will be carried out, but the results will not be known for some time.

PRISONS - KARNET

Requests for HIV Tests

656. Hon TOM STEPHENS to the Minister for Justice:

Further to revelations last month that an HIV positive inmate in Karnet prison had been sharing needles and having unprotected sex with other inmates -

(1) What number of Karnet inmates have requested HIV tests?

(2) How many prisoners are held at Karnet prison?

(3) Have any of the 30 prisoners been released from Karnet prison into the community since authorities became aware of the HIV positive prisoners' high risk activities?

(4) Did any of these request HIV tests?

Hon PETER FOSS replied:

(1) I do not know at the drop of a hat how many people have requested HIV testing. If the member wishes to know that, he should put the question on notice.

Hon Tom Stephens: The Minister must know because he answered another question in the other place today.

The PRESIDENT: Order!

Hon Peter Foss: No; we were asked in the other place whether the figure was 400, and the answer was no. I was not asked how many, and, strangely enough, I do not know!

Hon Tom Stephens: You are being cute.

Hon PETER FOSS: How can I be cute if I do not know? If Hon Tom Stephens wants to know the answer, he can put the question on notice.

(2)-(4) I do not know; the member should put the questions on notice.

DRUGS - NEW LEGISLATION

Introduction

657. Hon GREG SMITH to the Attorney General:

Is the Government considering any legislation to deal with the drug trade; if so what is being contemplated?

Hon PETER FOSS replied:

That happens to be the sort of information I expect to have at my finger tips and strangely enough, I do.

For some time the Government has been contemplating, and is presently drafting, new confiscation legislation. The current confiscation of property legislation is inadequate in its ability to track down assets used in crime. It is proposed to introduce new confiscation legislation more along the lines of legislation in the United States, known as RICO legislation. This would change the onus of establishing the ownership of that asset to the person who has been convicted. It will also have the ability to call on people to account for assets which might have resulted from proceeds of crime and to call upon that person to justify them.

The other area that appears to be worthwhile introducing is "reverse sting" legislation. That will enable the police to supply drugs as part of a sting as well as purchase them. That has proved effective elsewhere because it enables the police to be involved in a higher level of sting within the area of the supply of drugs. In addition, when the police seize large quantities of drugs it will enable them to use the same drugs in another sting. I made a number of statements today which members will have the privilege of hearing on television tonight.

Point of Order

Hon TOM STEPHENS: The Attorney General indicated we will be able to hear about this matter on television tonight. Why, therefore, is he wasting the time of the House during question time to tell us about it?

Hon Peter Foss: The member asked a question.

The PRESIDENT: Order! The Leader of the Opposition has raised what he thinks is a point of order. There is no point of order, but I ask the Attorney General to wind up his answer.

Questions Without Notice Resumed

Hon PETER FOSS: Certainly, Mr President. Another alternative is the power of compulsory examination which is with the National Crime Authority. In the United States they use grand juries and in continental countries they use examining magistrates. We should also consider those policies. Finally I looked at matrix sentencing. A basic matrix sets the quantum of sentencing; it is not binding on the judge, but gives a better ability for the judge to sentence drug offenders according to the nature of the crime. Obviously, other issues will be examined by the Government, but those are the ones I am investigating.

ENVIRONMENT - AMMONIUM NITRATE STORAGE SHED

Wyndham Port

658. Hon GIZ WATSON to the Minister representing the Minister for the Environment:

(1) Is the Minister aware that an ammonium nitrate storage shed has been established at Wyndham Port, close to a private residence?

(2) How much ammonium nitrate is the shed licensed to store?

(3) Who approved the siting of this shed?

(4) Has it been licensed by the Department of Minerals and Energy?

(5) When was the licence issued?

(6) Who is the owner of the ammonium nitrate store?

(7) For what purpose is the ammonium nitrate used?

(8) Is the Minister aware that ammonium nitrate is a high explosive and that several workers were killed recently when an ammonium nitrate store exploded at the Porgera minesite in Papua New Guinea?

(9) Is the Minister aware that all nitrates are toxic in water and are subject to strict regulation?

(10) In view of these concerns, is the Government considering a more suitable location for the store?

Hon MAX EVANS replied:

I have not had any notice of the question. I will need to check whether it comes under the environment or ports.

RAILWAYS - KENWICK-JANDAKOT

Surveys

659. Hon J.A. SCOTT to the Minister for Transport:

In reference to question without notice 21 on 19 August 1997 regarding the Kenwick to Rockingham rail line -

(1) Who carried out the survey, what methodology was used, and were the projected figures based upon a rail line being in place?

(2) What are the current origin-destination figures for traffic movement between Rockingham and Fremantle?

(3) What are the current origin-destination figures for traffic movement between Rockingham and Kenwick?

(4) Who carried out the origin-destination studies described in (2) and (3)?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

(1) Forecasts of patronage between Jandakot and Kenwick for the year 2006 were carried out by the Department of Transport, working as part of a specialised public transport planning team. The total experience of that team included involvement from the beginning of deliberations for a railway to Mandurah in 1989-90, through the northern suburbs project, the south west area transit studies and into the present project. The modelling was carried out using state-of-the-art computer software and confirmed by the Department of Transport's empirical model, which is based on the observed patronage behaviour on the existing rail lines. The overall process may be at the forefront of modelling of public transport systems for low density urban environments in which most trips are dominated by the private car. The model fully comprehends the importance of access by bus and private car to the rail system. The patronage is ultimately based on the planned urban development along the route. For example, the catchment area for the link between Kenwick and Jandakot in the ultimate development is expected to be over twice that for the catchment area for a link between Jandakot and Fremantle.

(2) A major travel survey was undertaken in 1986. The next survey was undertaken late in 1996 and the results are not yet available. The SWAT 1992 travel survey showed that for the Kwinana-Rockingham area 50 per cent of all motorised trips remained within the area, 24 per cent went north towards Cockburn and Fremantle - not necessarily Fremantle - and 23 per cent went north towards the Perth CBD. For the Fremantle-

Cockburn area 52 per cent of all motorised trips remained within the area, 10 per cent went south and 38 per cent went towards the CBD and onto the greater metropolitan area. For Mandurah, only 14 per cent went towards Fremantle while 32 per cent went in the direction of the CBD. Modelling carried out by Transport for the year 2006 fully comprehends the impact of a greatly increased urbanisation, increased employment opportunities in the Perth CBD and, compared to 1992, a major increase in access to the CBD through the extension of the Kwinana Freeway beyond Kwinana, and the associated access routes to the freeway both from Kwinana and Rockingham. The results of this modelling were tabled in response to a question from Hon Jim Scott on 19 August 1997.

(3) Current figures are not available as a rail service is not in place between Rockingham and Kenwick at present. The only figures available are forecast passenger loadings for the year 2006 which were derived by Transport on the basis previously explained in (1). They show up to 5 500 trips northbound from Rockingham and Kwinana in the weekday peak period from 7.00 am to 9.00 am. For the Jandakot to Kenwick section it is estimated there will be up to 12 800 one way boardings all Monday to Friday inclusive; that is 25 600 two way trips.

(4) This is answered in (1).

TOURISM - ELLE RACING

Contract - Signing

660. Hon TOM STEPHENS to the Minister for Tourism:

In relation to the contract between the WATC and Elle Racing Pty Ltd, can the Minister please clarify -

(1) On what date Mr Harvey and Mr Dixon signed the contract?

(2) On what date the Premier announced the Elle deal?

(3) On what date the WATC committee gave its approval to the contract and its authority for it to be signed?

(4) On what date the chairman and the chief executive officer of the WATC signed the contract?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1)-(4) Extensive market research conducted early in 1996 showed that the level of awareness of Western Australia among potential travellers was low and that this should be a primary initiative of WA in securing additional tourism. It also indicated that consumer advertising which previously had not been done was the key to getting the Western Australian message to potential visitors. In short, Western Australia needed its own brand; hence the Brand WA strategy which included the direct consumer advertising was developed over many months and discussed at Western Australian Tourism Commission board meetings from April to October 1996.

The final strategy, including Elle Macpherson's role in the television consumer advertising campaign, was approved by the WATC board on 25 October 1996.

After months of extensive negotiation at officer level, utilising Crown Solicitor's Office advice, a contract was developed between WATC and Elle Racing which was approved and signed by Mr Harvey and Mr Dixon on behalf of Elle Racing on 5 November 1996.

The Brand WA strategy was launched to the industry and public on 6 November. The occasion marked the launch of 10 major strategies under the umbrella of Brand WA including the use of Elle Macpherson in the consumer advertising. Elle Macpherson's role was announced by her on the day via pre-recorded satellite footage. A press release was also distributed as to what the arrangements would be on that day. The Premier did not announce her involvement.

On 12 November 1996 the WATC board passed the following resolution -

> That authority be given for the Agreement between the WATC and Elle Racing Pty Ltd to be signed by the Chairman and Chief Executive Officer, and for the Common Seal of the WATC to be affixed to the Agreement, the terms of which are summarised in the Agreement Summary dated 12 November, 1996.

As a result of this decision, on 13 November 1996 the agreement was embossed with the WATC common

seal and then signed by the chairman and chief executive officer. A copy of the entry in the WATC common seal register is attached.

On 9 April 1997 I officially announced that Elle Macpherson was to feature in these television commercials.

[See paper No 688.]

STATE SUPPLY COMMISSION - CONTRACT

Long Term Brand Position

661. Hon KEN TRAVERS to the Minister representing the Minister for Services:

On 9 September 1995 the State Supply Commission advertised for a company to develop a long term brand position for Western Australia.

(1) When did the advertising period close?

(2) What were the names of the companies which put in submissions for this contract?

(3) On what date did the State Supply Commission receive a recommendation from the WATC on its preferred tenderer?

(4) On what date did the State Supply Commission approve this recommendation?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) 21 September 1995.

(2) Respondents to the expression of interest were received from Mojo; Clemenger Perth; Marketforce; Shorter and Partners; 303; the Brand Agency; Bowtell, Clarke and Yole; and Ad Link DDB Needham.

(3) The recommendation from the WATC was received on 12 December 1995.

(4) Approved by the State Supply Commission tenders committee on 14 December 1995.

SWAN BREWERY - JETTY

Extension

662. Hon HELEN HODGSON to the Minister representing the Minister for Water Resources:

(1) Is there any existing or proposed agreement between the Minister for Water Resources and the Swan River Trust and Bluegate Nominees Pty Ltd or any other party for extension of a jetty at the Old Swan Brewery?

(2) (a) If so, on what date was the agreement entered?

(b) What are the terms of that agreement?

(3) Is the Minister aware of any existing or proposed agreement between the Minister for Water Resources and the Swan River Trust and Bluegate Nominees Pty Ltd or any other party for any other new works, including a new or restored jetty approximately 50 metres east of the Old Swan Brewery?

(4) (a) If so, on what date was the agreement entered?
(b) What are the terms of that agreement?

(5) If there have been such agreements, has the agreement or proposal been advertised for public agreement?

(6) If not, will it be in the future?

(7) If it will be advertised, when will it occur?

(8) If there is such an agreement or proposal, have appropriate notifications been made under the Native Title Act?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) A development application is being processed by the Swan River Trust.

(2) The trust will be making a recommendation to the Minister within the next week, who will then determine approval or otherwise of the application under part 5 of the Swan River Trust Act. If approval is recommended, it will include the advice that the proponent resolve any issues within the Aboriginal Heritage Act and the Native Title Act.

(3) The timber decking along the foreshore adjacent to the brewery site and the restoration of the light keepers' jetty are improvements to public open space associated with the overall development.

(4) Answered by (2) and (3).

(5) In considering the application, the trust did not advertise for public comment. It was considered that it was not of "significant" public interest. This was because the application involved the extension of an existing approved jetty as foreshadowed on the initial plans considered in 1992-93.

(6)-(7) Not applicable.

(8) Answered by (2).

ROADS - MITCHELL FREEWAY

Extension

663. Hon RAY HALLIGAN to the Minister for Transport:

Will the Minister be delaying work on the extension to the Mitchell Freeway as a result of the impact of the recent section 90 High Court decision on state fuel excise?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question. No. Residents and businesses in the Joondalup area are assured that the plans to build the next stage of the Mitchell Freeway were not affected by the High Court's ruling on state based taxes. Main Roads Western Australia will shortly call tenders, and work on the 2.6 kilometre extension from Ocean Reef Road to Hodges Drive should commence by the middle of next year. However, although this project has a funding allocation, it is regrettable and unacceptable that many major transport infrastructure projects across the State will now have to go on hold because of the High Court ruling. Although a commitment has come from the Federal Government to do its part in the construction, as with many other federal government commitments in the past, until we see the money we cannot guarantee that the work will be done. Canberra has previously given WA an undertaking to help fund key projects like freeways and major highways, but this was withdrawn by the former Labor Federal Government.

We want to continue to modernise and upgrade our road network to meet community demands, but as a result of the High Court ruling we have found ourselves unable to raise the funds at the state level. One option was to go to the money market and borrow funds over five years to be repaid over 15 to 17 years, which would have resulted in a major road building and public transport infrastructure program worth more than $830m. It was a user-pays principle where the community would have invested in the future by adding important elements to the State's overall transport asset.

TOURISM - AEROBICA - THE EVENT

Contract

664. Hon TOM STEPHENS to the Minister for Sport and Recreation:

Some notice of this question has been given. In relation to EventsCorp's sponsorship of the Aerobica, I ask -

(1) Was there a contract relating to this sponsorship?

(2) If yes, who was the contract between?

(3) When was it signed?

(4) Whose signatures appear on the contract?

(5) Will the Minister table the contract?

Hon N.F. MOORE replied:

(1) Yes.

(2) The Western Australian Tourism Commission and the Australian Gymnastics Federation Incorporated.

(3) 19 July 1996.

(4) Mr Kevin Carton, Chairman of the WATC
Mr Shane Crockett, Chief Executive Officer, WATC.
Mr Jim Barry, President of the Australian Gymnastics Federation.
Miss Margaret Browne, Executive Director, AGF.

(5) Under its terms, the contract between the WATC and the AGF requires me to discuss this matter with the commission prior to the contract being made public. I need to discuss with the commission the matter of my directing it to make the contract available for public presentation. I will do that as soon as possible, and once I have discussed the matter with the board, I will make a decision about whether it will be tabled.

AVIATION INDUSTRY - PROMOTION

665. Hon MURIEL PATTERSON to the Minister for Transport:

With the sale of the Perth International Airport and the Albany Airport, is there any plan to develop and promote increased aviation into Western Australia by the new owners of the airports?

Hon E.J. CHARLTON replied:

The Perth International Airport, under the Federal Airports Corporation, has been sold to a consortium managed by Airports Group International. The Albany Airport is not for sale and remains in the ownership of the local shire. From Albany's point of view, and I guess the same applies to every other regional operation around Western Australia, a great opportunity exists to take advantage of the new regional development operation of Airports Group International, operating as Western Australian Airports Corporation.

The chief executive and chairman of that group is currently in Perth, and I am sure that Hon Muriel Patterson, who attended a lunch with that organisation today, was impressed by the commitment of that group to aviation in WA. We need more people, and therefore more access to international airline operations, travelling in Western Australia. That process is being frustrated by the Federal Government's bilateral agreements, and increased flexibility could create greater opportunities in that area to allow more people to visit all parts of Western Australia. In that case, places like Albany, Busselton, Hyden, Kalbarri and all the others on the long list, particularly places in the north of the State, such as Broome and Kununurra, would benefit.

Hon N.D. Griffiths: You have three minutes.

Hon E.J. CHARLTON: I thought the member would be particularly interested in this matter.

Hon N.D. Griffiths: I am, but you should say it at 5.30 pm.

Hon N.F. Moore: The member is entitled to ask a question.

Hon E.J. CHARLTON: People need to get behind the business plan of the new managers of Perth Airport in their endeavours to increase aviation opportunities for Western Australia. People pay far too much to travel around this State, and the only way to reduce those fares is through an increase in the number of people coming into Western Australia to take advantage of the opportunities increased aviation travel will bring; namely, increased services at reduced costs.

TELECOMMUNICATIONS - CABLES

Underground Installation

666. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Energy:

I refer to the Minister for Energy's stated aim of December 1994 to achieve underground power supply to half of Perth's existing electricity consumers by 2010.

(1) Does the Minister know of any technical considerations which would render inappropriate the simultaneous underground installation of power cables and telecommunications cables?

(2) If so, will the Minister table the details of those technical considerations?

(3) Has the Minister examined the feasibility of inviting telecommunication carriers to contribute to this underground power program on the basis of simultaneous underground installation of telecommunications cables?

(4) If so, what was the conclusion of this examination?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1)-(2) Generally speaking, there is technical scope for power cables and telecommunications cables to be laid underground in the same trenches, but there are practical limitations. The most important limitation is that requirements for installation in the same locations are very seldom on the same time frame, except in new subdivisions where both telecommunications cables and power cables are installed underground as part of the development of the land. For established suburbs - which I assume to be the main point of interest in this question - the program to retrospectively install power cables underground is necessarily long term because of its cost. The marketing program for broadband telecommunications requires rapid and widespread installation and has led to the pressure to place these cables above ground.

It should also be noted that the installations standards and conventions, which are safety related, require telecommunication cables and power cables to be placed at different depths and, preferably, separated laterally in the trenches. The relative costs are such that although there are potential savings for a telecommunications company to use a trench opened up as part of electricity installation, it is generally not economically advantageous for retrospective power underground work to be replanned and rescheduled to fit in with telecommunications installation.

This issue has been to some extent overtaken by the increasing use of directional drilling for laying cables without trenches. There appears to be no technical or economic advantage in laying both power and communications cables concurrently by this technique.

(3)-(4) As a matter of course, in the planning and construction stages of the retrospective underground power projects involving the State, contact is made with the telecommunications companies to explore the possibility of their cables being installed - or conduits being installed for future telecommunications cables - at the same time and with a negotiated financial contribution from them. For the Albany underground power project, this resulted in conduits being laid for Telstra in exchange for payment to the project.

DRUGS - GLUE SNIFFING AND CHROMING

Research

667. Hon LJILJANNA RAVLICH to the Minister representing the Minister for Health:

(1) Is the Minister aware of the magnitude of the glue sniffing and chroming problem among Western Australian youth?

(2) Has the Minister ignored this growing problem because of the magnitude of the heroin crisis in this State?

(3) Can the Minister advise what, if any, research has been done to assess the extent to which glue sniffing and chroming is a problem among Western Australian youth?

(4) If not, why not and will the Government consider undertaking such research?

(5) Does the Government intend to make it an offence to sell harmful products such as paint, toylene and/or any other damaging products to any person under the age of 18 years?

(6) If not, what, if any, practical solutions will the Government introduce to deal with this growing problem of glue sniffing and chroming among Western Australian youth?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) Yes, I am aware of the glue sniffing and chroming among sections of youth in the metropolitan area.

(2) No. Solvent abuse problems are not being ignored.

(3) Studies on Western Australian solvent use have been conducted as follows -

Midford and Rose conducted a study of youth volatile substance abuse in the Perth metropolitan area.

Blaze-Temple conducted a household survey of youth drug use which included information about volatile substance abuse.

Steve Houghton et al, completed a study of school age students' drug abuse in the metropolitan area.

Dr Dennis Gray has produced a report on young Aboriginal people's alcohol and other drug use in Albany which included data on volatile substance abuse.

(4) Not applicable.

(5) Toylene is scheduled as a poison under the Poisons Act and cannot be sold to persons under the age of 18 years. There are no plans at present to make it an offence to prohibit the sale of paint or glue products to persons under the age of 18 years. However, the Alcohol and Drug Authority has been instrumental in working with retailers, particularly hardware stores, to restrict the availability of a number of common household volatile products.

(6) The Government will support the continuation of the volatile substance abuse project; grants to community initiatives to prevent solvent abuse; a collaborative approach with retailers and hardware stores to minimise the availability; and the establishment of 10 community drug service teams - four in the metropolitan area and six in the regional areas to attend to alcohol and drug problems and specifically chronic solvent abuse problems.

The Alcohol and Drug Authority has produced a video on solvent use which also focuses on chroming - chrome sniffing; a glue sniffing booklet for parents; and information sheets.
