

# Legislative Council

Thursday, 24 August 1995

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

## STATEMENT - PRESIDENT

### *SBS Television, Film Footage of Legislative Council*

**THE PRESIDENT:** I advise members that SBS Television has sought my approval to take some film of the House for a feature it is doing and for retention in its film library for future use when reference is made to the Legislative Council. I have given SBS permission to film this footage for a short time at the commencement of the day's sitting on Tuesday, 5 September. As has been the case in the past, should any member object to the filming taking place, my approval will be withdrawn. I draw members' attention to the fact that this television station has never before had any film footage of the Legislative Council. Therefore, I thought it was reasonable to give my permission.

## MOTION - URGENCY

### *Patient Assisted Travel Scheme (PATS)*

**THE PRESIDENT:** I have received the following letter -

Dear Mr President

At today's sitting it is my intention to move under SO 72 that the House at its rising adjourn until 9.00 am on December 25, 1995 for the purpose of discussing the effect of changes made to the Patient Assisted Travel Scheme ("PATS"), effective from July 1, on country people who have to travel to other centres to receive specialist medical attention, and the effect of present management policies on our health system generally.

Yours sincerely

Hon Kim Chance MLC

Member for Agriculture Region

The mover of this motion will require the support of four members.

[At least four members rose in their places.]

**HON KIM CHANCE** (Agricultural) [2.37 pm]: I move -

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

Members will be aware that some time ago I spoke in an adjournment debate and put my personal position on the changes that have been made to the patient assisted travel scheme. I do not believe I need to go into that matter again. As some members may not be familiar with the changes I will run through them.

An article in *The West Australian* listed some of the changes: Extending the distance criteria - that is, the qualifying criteria - from 50 kilometres to 100 km; reducing the mileage payment for people using their own vehicle to travel to Perth from 15¢ a kilometre to 10¢ a kilometre; and making health card holders pay \$25 towards the service. One change that was not mentioned in that article was that non-health care card holders -

Several members interjected.

**THE PRESIDENT:** Order! There is too much audible conversation. The Hon Kim Chance is endeavouring to submit his proposition to the House. I do not know about anyone else, but I cannot hear him. Members should stop their conversations.

**Hon KIM CHANCE:** The last change is a requirement for non-health care card holders to pay \$50 towards each PATS claim. I will give some examples of the effect that these

changes have had. From the outset the Opposition has strongly opposed the introduction of these changes to this scheme, notwithstanding the comments made by the Health Minister about my personal position.

I will give three examples of cases that have been raised with me, because all these people gave permission to be mentioned in this forum. Mr Richard Christie of Gnowangerup is a pensioner who requires regular visits to specialists in Albany and occasional visits to Perth. The assistance he received under the PAT scheme was \$45 per occasion and it now has fallen to \$5 to travel from Gnowangerup to Albany. The outcome is that he can no longer afford to have specialist attention at Albany. He formerly received \$110 for a trip to Perth, and that falls to \$46. Mrs Patricia Taylor of Kununoppin is a member of a working family and has a four month old baby who is a chronic asthmatic. It needs regular attention at Princess Margaret Hospital, and has on five occasions in the last 10 weeks been required to be in Perth, on the last occasion for 17 days. The average cost per single day trip for treatment is \$120. The average payment for that under the old PAT scheme was \$74.10, which now is \$24.40. The outcome of that is uncertain. My feeling is that it will probably result in indebtedness since they are unable to move in their job and they have no option but to borrow money to get by. Mrs O'Donnell of Kununoppin is a pensioner. A third of her current income is spent on making house payments. She suffers from severe arthritis. Her local general practitioner for some reason cannot refer her direct to clinics in Fremantle or Royal Perth Hospital. She has to be referred to the Northam arthritis clinic beforehand. I do not understand why she has to travel 300 kilometres to Northam and back just to get a referral to go to Perth or Fremantle, but the result is that on each trip the 100 km exclusion applies twice - once for the trip to Northam and once for the trip from Northam to Fremantle. The Kununoppin hospital has advised that the PATS payment for her 524 km return journey will be \$5. There are a number of other cases. Perhaps some of my colleagues will briefly go through a few of them. I have been given clearance to mention those three here.

Some of the cases that I have heard, not necessarily including these, are literally heart breaking. I am not sure just what it was that the Minister for Health wanted to achieve by this change to the PAT scheme, but as I receive these cases, and provided I have clearance from the constituents, I send them on to the Minister in the hope he might call them and listen to the stories. If he has to put up with the tears over the telephone for the amount of time I have he might perhaps find a little compassion for country people and give a little more consideration to the effect of his decision. One of the reasons that the Minister gave for seeking to introduce these changes was that the system has been rorted. He actually said that in the other place. He was asked to provide a shred of evidence - a single case would have done - that these PAT schemes had been rorted. Not a single case was presented showing evidence of rorting, and yet the Minister is imposing this pain on country people on the basis of, he says, rorts.

The PRESIDENT: Order! This is the third time in 14 minutes I have had to say that there is far too much audible conversation. It must cease.

Hon KIM CHANCE: Let me give an example of what he said. *The West Australian* of 19 August reported Mr Kierath as saying that changes were designed to stop potential rorts - not real rorts but ones which might happen - such as travelling for treatment at weekends when the West Coast Eagles play. Does that mean that sick people in the country are not Dockers supporters? He thinks that people might want to see the West Coast Eagles play and that a rort might exist and, therefore, we have to cut PATS assistance to \$5 to somebody who has to travel over 500 km. This person cannot afford to provide the balance. It is outrageous.

We must remind ourselves why the PAT scheme was introduced. Contrary to what a lot of people seem to think the PAT scheme it is not a welfare service. It is not even means tested. A millionaire can apply for PATS assistance. Thankfully, as a rule people who do not need PATS assistance do not apply for it. It was introduced as a matter of equity for country people who need specialist services. Country people are denied specialist services simply by their location. Economically, specialist services are difficult to

provide on a decentralised basis. It can be strongly argued that, in the main, specialist services are most effectively delivered in central locations where there are large numbers of patients and where the specialists can see a greater number of patients on one day and not waste time travelling. I have no problem at all with the Government trying to get specialist services delivered in the country if it can be done economically. I applaud the Government for trying to do that. It is something which could save country people a great deal of the pain and discomfort involved in travelling. For that to work it is important that one have the right disease, one be sick at the right time and that one live in the right regional centre. In the case of Mr Christie, who lives at Gnowangerup, his nearest logical place for medical attention will always be Albany, which is where he already receives it. He will never benefit from these changes. There may be twice or three times as many specialist services delivered at Albany, but he has still to get there. The only outcome in his case is that instead of getting \$45 assistance to get to Albany from Gnowangerup he will never get more than \$5 under this scheme. It is outrageous because it actively discriminates against those people who live any distance from any regional centre or happen to suffer from the wrong disease. It is good to increase services in the country if that can save people having to travel. If we increase country medical specialist services in regional centres by \$1.5m, which is the outcome of this proposal, and if that prevents people from having to travel, surely if there is a cost benefit ratio of one to one we will have saved \$1.5m in travel. People will not have to travel. For every \$1m we spend, assuming a cost benefit ratio of one to one, we will save \$1m in travel assistance payments. Therefore, why is it necessary to cut anybody else's allocation? If there is a cost benefit ratio of one to one then, as has been said, it will be automatic. If it is not one to one, why we are even doing it? I hoped that it would have been a lot better than that. Depending on a person's location, even if the service is delivered in the area he or she might not be able to access it.

I want to say a couple of things in the few minutes remaining for me that relate to something the Minister for Education said in the adjournment debate last night so that people are not misled by his comments. This is a cost saving measure. The Minister for Education told us last night about the economic difficulties the Government has faced. At the end of the September quarter this year Australia will conclude its sixteenth consecutive quarter of positive growth. Only once in Australia's history has that been achieved. Every economic analyst says that the December quarter will have the same result. That will be 17 consecutive quarters of positive growth. No Government in Australia's history has had the benefit of those advantageous figures.

The State Government came to power after four consecutive quarters of growth. Members would appreciate that the benefit of growth in a revenue sense is not received until about 12 months later. After receiving the full benefit of those four consecutive quarters of growth this Government has so far enjoyed a further 11 consecutive quarters of growth. Hon Norman Moore told the House about the wonderful job the Government had done. However, the facts do not support his view. Page 64 of Budget paper No 5 indicates that the part of the State debt over which the Government has control - that is, the general government debt, excluding that of government trading enterprises - is estimated to increase in the coming year, once the bias that is put on that by the unfunded superannuation entitlements is taken into account. There is a minor fall in state debt after a massive rise in gross debt. It falls marginally by, I think, 2.4 per cent to the net state debt position, but when that is balanced with unfunded superannuation commitments it is found that in net terms the general government part of the net state debt increases by \$4m. I ask members not to be misled by what the Minister for Education said last night.

[The member's time expired.]

**HON PETER FOSS** (East Metropolitan - Minister for the Environment) [2.52 pm]: I make one thing clear: The changes in the patient assisted travel scheme are not an economy measure, but a transfer of effort from sending people to Perth to sending specialists to the country. In addition to the \$1.5m that is being transferred through this single process a further \$3m has been transferred from the metropolitan budget to the country budget to further enhance the services provided in the country. There is no cost

saving; it is a transfer from one area of effort to the other. It was strange that Hon Kim Chance asked why the Government would do it if there was not a dollar for dollar saving, because the Government could save a lot of money by not providing any services in the country and providing them all from the city. However, I am sure Hon Kim Chance would not suggest that the Government do so.

Hon Kim Chance: If it is not one for one, it is a net liability.

Hon PETER FOSS: The Government believes it is a better quality of health service to provide specialist services in the country, even though it costs a lot of money. Hon Kim Chance may recall that when I was Minister for Health I announced an expensive program to provide locum services for specialists in the country to encourage more specialists to the country. There was no net saving in that; it was intended to improve the quality of health service in the country. Under the Government's resource allocation model it is clear that the provision of health services to people in the country is far more expensive than the provision of health services in the city. However, that is a reality of life, and country people are entitled to the provision of those specialist services wherever possible. Even though there is not a dollar for dollar saving, other important savings are involved.

Many personal costs are incurred by people who travel from the country to the city for treatment. It is not just a matter of handing back their out of pocket expenses for travel. It involves, for instance, extra time for travel and the inconvenience of that travel; separation from their families; and accommodation costs. It is hardly a satisfactory way to receive specialist care. Anybody in the country who is asked whether he thinks it is better to have the specialist services in the country rather than the city, even if it costs more, will say that it is. One of the reasons the Government is making these changes is to provide \$4.5m extra in the country. There is no cost saving; it is a matter of redirecting the funds.

As the member knows, there are two ways in which the Government tries to use that opportunity; namely, to send specialists to the country, and when that is not possible, to bring the people to the city. One of the basic points discussed in this issue was that it was essential that during the course of the changes there be no transfer of funds; that every dollar should go back into the specialist services. That is exactly what is happening. It was also made a qualification that in cases of hardship people should be exempted from those provisions. As Hon Kim Chance pointed out, this is not a welfare measure, but an equity measure. I understand that Hon Murray Nixon thinks that the person to whom Hon Kim Chance referred in particular has received an exemption.

Hon Bob Thomas: That is correct. Now he gets \$30 instead of \$45. It does not cover the cost of petrol from Gnowangerup and back.

Hon PETER FOSS: The important point is that the process allows for that. One of the things I emphasised as Minister for Health was that the PAT scheme must be administered locally. One of the complaints I used to receive from health service providers was that many of the rules were to prevent rorts. No doubt exists that the system must be fair and that complaints of rorts are received. The rules are changed in response to those complaints. One of the problems I had was that no single rule across the State would be appropriate to prevent those rorts. It is important that the local health service have a certain amount of flexibility over the application of the PATS rules for two reasons: First, it is to make them applicable. Even Hon Tom Stephens mentioned the problem with the current PAT scheme; that is, people need a doctor's referral. How do people get a doctor's referral if they are out in the East Wyndham Shire? They require the PAT scheme to get to the doctor to see the specialist. Therefore, in an area such as that there needs to be flexibility in the local rules to make the scheme accessible. In Narrogin such a rule would not be required because there are dozens of doctors in Narrogin.

Second, complaints of rorts have been received in some areas. It would be unrealistic to think that there was a system which nobody tried to rort. I am not saying that it is a major problem, but people do complain about that and about certain doctors. Again, if

local control is given over that matter, the local community can make it stick in a way that the central community cannot do. I have details of some of the extra equipment which has been provided to assist this process. One of the reasons the old system of visiting specialists has not worked is that much of what is done by visiting specialists is of a consultative nature only. The equipment they need to perform the work is not in the country hospitals. The Government seeks to provide that equipment so that the service can be provided. I seek leave to incorporate in *Hansard* a summary of that equipment.

[The following material was incorporated by leave of the House.]

---

### Current Situation

The PATS changes have met with considerable negative publicity with little recognition for the additional or expanded specialist services being established in country areas. A 1800 free call line has been established to respond to individual queries and concerns as well as communicating the positive changes that are occurring with the development of specialist services. A positive media campaign has also been developed in order to achieve balance in the debate. A number of services have proven more difficult to establish as they required either additional equipment or staff training. The changes to the scheme will be reviewed at the end of September when suggestions for improvements will be considered along with the performance of the health system in establishing the priority services. The following services have either been established or are planned in country areas.

#### Western Health Authority -

Geraldton: Chemotherapy, ENT, ophthalmology are planned for expansion with the chemotherapy service already established. A visiting oncologist will commence in October and a cardiology service is planned. These services represent the most common services for which people are travelling to the metropolitan area. The \$100 000 allocated for equipment will be used to purchase ophthalmic and laparoscopic equipment so that more procedures can be undertaken in Geraldton.

Avon: A chemotherapy service has been planned for Northam together with expanded visits for orthopaedics, gynaecology, ophthalmology and ENT.

Gascoyne: Carnarvon Hospital has established a visiting gastroenterology service to commence in September.

Eastern Wheatbelt: An ophthalmology and visiting ENT service is being established in Merredin. This will require an investment in equipment of approximately \$50 000 to allow procedures to be undertaken in the Merredin Hospital.

Visiting Surgical Service: The visiting service through the Department of Surgery is planned for Moora, Quairading, Merredin, Wongan Hills and Northam.

#### Southern Health Authority -

Albany: The additional \$100 000 allocated for equipment will be used to purchase equipment for use in internal medicine, ophthalmology, gynaecology and lymphodaema.

Busselton: Orthopaedic equipment and additional procedures are planned in Busselton. The visiting surgeons will be sought for urology and plastic surgery.

Mandurah: A chemotherapy service is planned in Mandurah together with support for the Red Cross Transport Service to continue during 1995-96.

Katanning: General specialist equipment (\$71 500) is being purchased for Katanning based services.

Narrogin: A chemotherapy service is planned for Narrogin as well as expansion of specialist services in ENT, ophthalmology and orthopaedics. Developments in this area will require upgrading of accommodation for visiting specialists, equipment and training.

Visiting Surgical Services: The visiting service through the Department of Surgery is planned for Narrogin, Busselton, Katanning and Mandurah.

**Central Health Authority -**

**Kalgoorlie:** The \$100 000 allocation for equipment will be used as follows -

Flexicystoscopes (Urology) - \$25 000. This will enable visiting urologist to perform cystoscopes on an outpatient basis.

Endoscopic and video system general physician - \$75 000. This equipment will enhance diagnostic procedures commonly referred to Perth.

Particular priority will be directed towards ophthalmic services in Kalgoorlie where a sizeable waiting list exists for people awaiting procedures in Perth. Paediatric surgery service is also about to be trialled and the plastic surgery theatre time will be increased.

**Esperance:** Orthopaedics and ophthalmology are targeted as areas of need in the South East Coastal Health Service. The service has yet to provide its equipment needs or impact on travel. The visiting surgical service from the Department of Surgery is planned to include Esperance.

**Northern Health Authority -**

**East Pilbara Health Service: Port Hedland Regional Hospital - orthopaedic surgery.** It is proposed to increase visits by orthopaedic surgeons from once every six weeks to once every four weeks. Orthopaedic equipment to the value of \$24 218 is sought, with identified PATS savings of \$18 400. Arthroscopic procedures have not been costs for PATS savings as there are waiting lists in Perth for such procedures, but Port Hedland Regional Hospital estimates an extra throughput of 40 cases per annum.

**General surgical and obstetric equipment:** Stone crushing forceps and related equipment would enable patients to be treated in a single procedure rather than return for a second procedure. Equipment to the value of \$2 918 is estimated to yield PATS savings of \$4 000 in a full year. Improved laparoscopic equipment \$47 915 would enable less invasive surgery and enable reduction of length of stay from five days to day surgery or overnight stay only.

**Anaesthesia:** Improved anaesthesia capacity at Port Hedland could yield PATS savings of \$3 200 (equipment \$11 000).

**West Pilbara -**

**Karratha:** Additional ENT procedures could be conducted at Karratha (approximately 20 per year) by purchasing a rhino laryngo fibroscope (\$9 500). Additional equipment sought at Karratha -

Orthopaedic anthroscope	\$5 640
Gynaecological	\$5 066
Laparoscopic	\$2 040

**Tom Price/Paraburdoo:** Services in these towns are currently being reviewed as part of a \$2.2m grant from the Commonwealth. It is intended to introduce orthopaedic surgery utilising arthroscopic equipment. This would save 'numerous' clients being sent to Perth on PATS (equipment \$23 000).

**West Kimberley Health Service -**

Proposals include increase orthopaedic surgery for Derby and Broome utilising arthroscopic equipment (\$25 000) to effect savings of up to \$40 000. Colposcopes: Quality equipment would enable more procedures to be undertaken in Derby and Broome. Equipment \$20 000. PATS savings \$20 000.

---

**Hon PETER FOSS:** In Queensland, New South Wales, South Australia and the Northern Territory the specified distance is 200 km, and in Victoria it is 100 km and is under review. The mileage reimbursement is 10¢ in New South Wales, 11¢ in South Australia, and 11¢ in Victoria. It is not as though Western Australia is doing anything very different from the other States, and in those other States the distances travelled are generally far shorter than those travelled in Western Australia. Similarly, the

contribution rate exists in all other States, although it is highly variable. The rate in Western Australia is not inconsistent with the rates in other States.

With regard to the three items complained about, Western Australia is bringing itself into line with a system which applies in other States where the distances travelled are considerably shorter than those travelled in Western Australia. Therefore, far more people will be affected in those States than in Western Australia. When making these changes, a number of groups were consulted. I do not think this House should ignore the fact that these groups offered their support for the change. The people consulted included the Country Hospital Boards Council, which was fully briefed and gave its full support to the changes. The Regional Development Council, the peak body of the Regional Development Commissions, was briefed. Representation was received from the Australian Medical Association, the Rural Doctors Association -

*Point of Order*

Hon BOB THOMAS: I ask the Minister to identify the document from which he is reading so that it can be tabled at the end of his contribution.

Hon PETER FOSS: I do not think that rule applies to Ministers.

Hon Doug Wenn: Why not?

The PRESIDENT: Order! It does not apply to Ministers.

Hon PETER FOSS: I will identify the document; it is page 2 of the "PATs Briefing Notes".

*Debate Resumed*

Hon PETER FOSS: Representation was also received from the Health Consumers Council, the Regional Development Council, the Country Shire Councils Association, the WA Centre for Remote and Rural Medicine, and professional nursing and allied health bodies. They were fully briefed and provided a strong level of support for the modified changes. It is important that the advantages and disadvantages of this change be recognised. Obviously, change has some advantages and some disadvantages, but it must also provide sufficient flexibility to ensure hardship is not created. I expected the Opposition to support the overall thrust of providing more medical services to country areas, rather than sending patients by road or train to Perth for treatment. I hope in reply Hon Kim Chance will set some positive ways of carrying this out that will nonetheless overcome some of the problems.

*Point of Order*

Hon BOB THOMAS: Can the document be tabled?

The PRESIDENT: I thought we had established that the rule does not apply to Ministers.

Hon Doug Wenn: I ask the Minister whether he is speaking as an individual member or as a Minister.

The PRESIDENT: Order! That is not a point of order. In this Chamber he is the Minister.

Hon Doug Wenn: He is not the Minister for Health.

The PRESIDENT: It does not matter.

Hon George Cash: Mr Wenn should look at Standing Order No 47.

The PRESIDENT: Order! I am addressing the point of order raised by Hon Bob Thomas. All these experts who are endeavouring to show me, for the first time, that they know something about the standing orders are only delaying this process. The Minister can seek leave to table the document if he desires.

Hon BOB THOMAS: I invite the Minister to seek that leave.

*Debate Resumed*

Hon PETER FOSS: I am happy to seek leave to table the document. The only reason I

have not previously volunteered to do so is that the document contains a statement with which I am sure Hon Kim Chance will disagree. I do not in any way wish to perpetuate a statement to which he objects and to which he may take offence.

Hon Kim Chance: I will not take offence.

By leave, the Minister tabled the document from which he quoted.

[See paper No 553.]

**HON TOM STEPHENS** (Mining and Pastoral) [3.05 pm]: The reason for this debate is that Western Australia has a callous, heartless and cold-blooded Government whose policies are impacting on the electorates of Labor Party members in ways that are unacceptable. Presumably, its policies are also impacting in an unacceptable way on the electorates of National Party and Liberal Party members and Ministers. There was a time when Hon Peter Foss had responsibility for the Health portfolio, and he demonstrated some compassion, discretion and flexibility in the handling of these matters. However, his successor does not have the capacity to demonstrate those qualities; he is a man without heart and blood, who demonstrates callousness and heartlessness in every portfolio on which he lays his hands. Hon Peter Foss or Hon George Cash may like to tell members -

Hon George Cash: Will you tell me one thing first? Have you been in the mushroom patch again?

Hon TOM STEPHENS: I would love one of the Ministers to tell me how much they would be reimbursed by the Government if they used their private vehicles for government business. How many cents a kilometre would they be reimbursed?

Hon Kim Chance: It is 50.52¢ a kilometre.

Hon Derrick Tomlinson: He is not a Minister; he cannot tell you.

Hon TOM STEPHENS: I have it on good authority; it is contained in a letter to the member from a Minister of the Crown.

Hon George Cash: I do not have a private car. Would you be entitled to the same reimbursement if you used your private car? Just a yes or no will do.

Hon TOM STEPHENS: I have a private car and I have never sought reimbursement for the use of that car.

Hon George Cash: That is not the question. Would you be entitled to the same reimbursement?

Hon TOM STEPHENS: I presume the answer is yes. As a member of Parliament I am apparently entitled to reimbursement of 50.52¢ a kilometre for using my car on government business, but if I were a sick patient -

Hon George Cash: You are!

Hon TOM STEPHENS: If I were a sick patient in rural Western Australia and had been referred to a specialist in Perth - Hon George Cash may be the psychiatrist -

The DEPUTY PRESIDENT: Order! The acoustics in this place are quite good and the speakers are working well. It is not necessary for Hon Tom Stephens to shout.

Hon TOM STEPHENS: I wish there were no need to shout but, unfortunately, there seems no other way to get through to government members. Even when I shout, I cannot be sure they have heard. They have closed minds and they have displayed in their administration of various portfolios, especially Health, enormous callousness and heartlessness but no compassion. Certainly no flexibility has been demonstrated in the administration of the PAT scheme. At this very moment in rural Western Australia women with breast cancer are not taking advantage of the opportunity to travel to Perth for treatment by specialists, and not the least cause of that is the impact of the administration of the PAT scheme. Instead of seeking medical treatment, including radiation and chemotherapy, they opt for radical breast mastectomies because they know of the impact of these changes to the PAT scheme. The current application of the scheme



requires patients from country areas to make a disproportionate contribution to their health care, compared with the contribution by patients in the metropolitan area. That information is not just from me; it was provided by the Government's own experts to the Minister for Health to assess what is going on in respect of women's access to health care when they face breast cancer and the associated fears, prospects and diagnoses. Instead, they are opting for radical surgery.

Hon Derrick Tomlinson: Where?

Hon TOM STEPHENS: Throughout country Western Australia. Unlike Hon Derrick Tomlinson and his Liberal Party colleagues, I happen to care about those issues.

I now refer to remote parts of my electorate and, in particular, the community of One Arm Point, where I recently talked with Aboriginal people who are required regularly to travel from their community to the township of Derby for specialist and medical assistance. Before they can set out on such necessary trips, they are required to produce up front their \$25 contribution as health care cardholders. That requirement prevents some residents of remote Aboriginal communities from being able to gain access to basic medical care, let alone the essential care of specialists. For instance, if someone in Broome needs to see an eye specialist, the first opportunity to do so will be in November. Essential to that person's care is a referral to Perth, but before he can get to Perth, if he is a health care cardholder, he will need to have the \$25 up front in order to get on his way.

As we know, the former Minister for Health represents the almost kind face of that callous Government. The 17 Ministers revel in their callousness and heartlessness, but at least he endeavours to demonstrate some care and compassion in the administration of his portfolio. But that portfolio was ripped off him by his own leader and given to a heartless, callous Minister who is administering it in the most heartless, callous way imaginable and is ensuring that there is no discretion or flexibility when people access the patient assisted travel scheme. The former Minister said that funds have been allocated for equipment purchases for remote Western Australia. That is the right of those regions, and it should not be at the expense of cutting the availability of funds for PATS utilisation by remote and country residents of Western Australia.

Hon Kim Chance: That is why it is a cost saving measure. It is being used to subsidise the purchase of equipment.

Hon TOM STEPHENS: Absolutely; it is cost cutting. Hon Kim Chance put that point far better than I could and, I hope, much more persuasively than the Minister who tried to defend the application of government policy by apologising at the earliest opportunity for misleading the House when he suggested that it was not a cost cutting device.

Just recently, another resident of the north west, but unfortunately not a resident for an entire one-year period, had a heart attack in Carnarvon and desperately needed to be referred to Perth for medical specialist care. That person was not a permanent resident, so he could not be referred because of the heartless, callous application of the guidelines. That person, although having arrived in Carnarvon five months ago, having lived there for five months and having intended to live there for almost half the year, by definition is not a permanent resident of that region and therefore must accept financial responsibility for his referral back to specialist care available only in Perth.

What sort of a callous Government is it if it cannot appreciate that it has a monster as a Minister who will not recognise the necessary flexibility to look after the health care needs of remote Western Australians? Is it any wonder that those people are upset? Is it any wonder that they come to our electorate offices and demand that the Government apply compassion, sense and flexibility in the application of the guidelines that the Minister says are designed to protect the system from rorts? I have no evidence of rorts, but I have evidence that residents of remote Western Australia are being disadvantaged by the application of the guidelines by that cold, callous, heartless Minister in a callous Government.

HON M.J. CRIDDLE (Agricultural) [3.15 pm]: Like Hon Kim Chance, I have heard complaints about the scheme, and people have pointed out their difficulties. I am

certainly in favour of the scheme and getting services back into the country. I have always said that we need those services in the country. Anybody who went to Kellerberrin last year and heard the kerfuffle over the attempt to take some services out of the area will be aware that country people want those services back into the country.

I could give a list of services that the Minister has said will go back into the country. For instance, there will shortly be chemotherapy services in Geraldton, Northam and Mandurah; paediatric and plastic surgery in Kalgoorlie, and a neurologist service in Albany. Plans are well advanced for the visiting surgical service into towns such as Katanning, Merredin, Esperance and Wagin; ear, nose and throat services at Geraldton, Narrogin and Merredin; orthopaedics at Narrogin and Busselton; gastroenterology at Carnarvon; and ophthalmology at Geraldton, Narrogin and Merredin. Those services are planned to go back into country areas. It was made clear at our recent National Party of Australia conference in Esperance that the scheme was put in place before some services were able to be put into the country. That has been the main problem. Certainly, from that point of view, I have some problems with the scheme, and I am sure that others have also. We certainly put the scheme in place a little early.

I telephoned the hotline today. Most information on the hotline has been about the removal of the Medicare cardholders' \$25. That seems to be the main problem in respect of the hardship provision. To some extent, the hardship provisions are not known to everybody in the country, and that is causing a dilemma. People are getting into a stew, and they have not even tested the provisions. That has put some general managers of and doctors in small country hospitals under pressure. Perhaps others who are not in the local community should make decisions. The matter is causing consternation for local communities. If those problems could be overcome, we would be close to a situation that we could live with. I have already made it known to the Minister for Health that those services need to be put back into the country before the total change is made. There will be problems in some areas, but they will mostly be met by the system's hardship provisions. There are some difficulties in the early stages of the scheme, but provided they are overcome it will be good that those services have gone back into the country.

**HON BOB THOMAS** (South West) [3.19 pm]: We listened to Hon Peter Foss today give a most erudite explanation of what this matter is all about. For the Government, it is about cost cutting so that it can put more equipment into country hospitals. We have only to pick up one of the documents that Hon Peter Foss tabled today - that is the document dealing with the current situation and which outlines the amount of equipment that is being provided in country hospitals - to see that the cost cutting is all about putting more equipment into hospitals.

Hon Peter Foss: We also provide a service. That is the equipment side. Services are being paid for as well. That is only a small part, and you choose to ignore that fact.

Hon BOB THOMAS: This change was implemented at the same time that the Government cut \$25m from the hospitals budget - and much of that was from country hospitals - \$1m from community health, and \$2m from public health. The changes were made at the same time so that the Government could camouflage the fact that it will spend some of the savings on equipment in country hospitals which should have been provided anyway.

Hon Kim Chance: It is funded by patient assisted travel scheme clients.

Hon BOB THOMAS: Yes, the majority of whom travel to Perth or regional centres for treatment.

Hon Kim Chance: Unless they have the right disease at the right time!

Hon BOB THOMAS: There can be no better argument for not changing the PAT scheme than the contents of a letter sent by the Minister for Health, Mr Kierath, to Mrs Shirley Christie of Gnowangerup when she took up the issue with him. She must keep house and provide for her husband who is chronically ill with multiple sclerosis. He also suffers from epilepsy and has renal problems. He was recently diagnosed as having a shadow on his lung, and was referred to a specialist at Albany. He lives 150 kilometres from

Albany. In the past he would receive \$45 to travel to Albany to receive treatment. When the Minister for Health changed the scheme Mr Christie was eligible to receive only \$5 to travel to Albany for that treatment. It is a 300 km round trip. He would not even reach Ongerup with that amount of petrol. The letter from the Minister for Health to Mrs Christie is dated 10 August 1995 and reads, in part -

Western Australia is a massive State with a population scattered throughout and in some areas very sparsely. Therefore, Governments have to make decisions on how best to provide its services within the available resources.

The provision of health services are no different but there are many factors that can make this task very difficult. The obvious being the vastness and remoteness of the State itself. Other examples are: the very high costs of specialised medical equipment and associated resources, non-availability of highly trained staff and their need to constantly perform procedures and receive training in new technologies. One major difficulty is that many specialised practitioners have no desire to travel to remote locations despite the provision of incentives to do so. There is little Governments can do under these circumstances.

Therefore, decisions have to be made on how these services are to be provided and this usually means that most are confined to the metropolitan area or major regional centres for these reasons.

At page 3 of the letter he continues -

The difficulties I have mentioned are common to all Governments and the Opposition knows full well that it is virtually impossible to provide direct specialist medical services to all communities in Western Australia.

There is no better argument than that from the pen of Mr Kierath for retaining the PAT scheme because this Government cannot provide all the specialist treatments in country areas for people who require them. In that letter Mr Kierath goes on to say that he intends to bring specialists to regional centres; but he also says that people who live in outlying areas will still need to travel to those regional centres. Mr Kierath acknowledges - and I assume that members opposite acknowledge - that people will still need to travel for specialist treatment, but we cannot expect to have a prosthesis in every country town or to have similar facilities to those available at the Sir David Brand Centre, or to have psychiatrists in every country town. Therefore, people will need to travel to obtain such specialist services. The Government has provided a very limited range of specialist services in country towns. As Hon Kim Chance said, if a person is lucky enough to have the right disease or illness that person will be better off under this new scheme, but the majority of people - probably 95 per cent - will still need to travel to obtain specialist treatment. Therefore, the majority of people will be penalised by a government decision agreed to by all members opposite.

The first line of the briefing paper which I asked the Minister to table reads -

The Government members suggested the implementation of the modified PATS policy . . .

Government members suggested this policy, and the majority of patients who require specialist treatment in country towns are the ones being penalised because of a policy concocted by members opposite. No wonder they have not been brave enough to challenge this bully boy Kierath and attempt to persuade him to reverse the changes.

I have another couple of examples of how people are being hurt. Mr O'Breza of Manjimup needed to attend a specialist in Perth. He was diagnosed as having 30 cancers in his bladder. When he applied for a PATS payment he was told that he would receive \$34.70 for the trip from Manjimup when in the past he received \$89, which was a sufficient amount with which to provide petrol and meet other out of pocket expenses to get to Perth for treatment. Under the new system he will receive about \$34. He travelled to Perth even though he had contemplated not seeking the treatment. He came to Perth and the doctor was able to diagnose cancer and operate, so hopefully Mr O'Breza will be okay. However, the crunch is that he must attend the doctor monthly in Bunbury.

Previously he would have received \$39 to travel from Manjimup to Bunbury and return. Under the new scheme he will receive \$1 to travel from Manjimup to Bunbury for a consultation.

Every government member who has not challenged the Minister for Health is responsible. Mr O'Breza is a pensioner who lives from pension day to pension day. He has no savings. He is chronically ill and has not been able to save. His expenses are greater than most people's and his income is less. He must now go cap in hand to the manager of the Manjimup hospital and ask for the \$25 fee to be waived. There is no dignity in that.

I have spoken about Mr Christie and Mr O'Breza. I turn now to Mr Warren, who was badly injured at work and lives on a disabilities payment. He cannot help his wife with household duties, and as a result more pressure is put on his wife who has injured her elbow. She needs to travel from Manjimup to Bunbury to receive treatment. She receives \$1 for that trip. These people are pensioners with a young family, and they have no savings. They receive only \$1 to assist in travelling to Bunbury when it costs them probably \$40 for petrol and oil for that trip. If they lived in the city it would cost them a \$2 bus fare to obtain that treatment.

I refer again to the briefing paper tabled by Hon Peter Foss. It states -

The Country Hospital Boards Council was fully briefed about these changes and have given their full support to the changes, on the basis of savings being secured and channelled to improving rural specialist services.

I am not aware of the date, but the Minister for Health wrote to the newspaper in response to my comments in the *Albany Advertiser*. He said that the first point that needs to be understood is that the request for changes to the PAT scheme was not from him nor from his predecessor but by the Country Hospital Boards Council last year. He is handballing the situation to the board. That is, in the briefing notes he says that he briefed the country hospital boards but in the article in the newspaper, because it suited him to do so, he said that it was the nasty hospital boards council that was to blame.

[The member's time expired.]

**HON B.K. DONALDSON (Agricultural)** [3.29 pm]: Unfortunately I have only one minute in which to speak. Hon Tom Stephens showed great compassion for country people. I hope he shows the same compassion and care for country people when the High Court deliberates on country representation in this Parliament. A High Court appeal has been lodged and I wait with bated breath for the result.

To say that the Minister is heartless and not compassionate is rubbish. When some of the cases were brought forward -

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

## STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

### *Consolidated Fund Estimates Review, Tabling*

By leave, Hon Murray Montgomery reported that he had been directed to present the Report of the Standing Committee on Estimates and Financial Operations in relation to the Review of the Consolidated Fund Estimates 1995-96, and on his motion it was resolved -

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

[See paper No 554.]

### *Financial Administration and Audit Legislation in Australia and New Zealand Report, Tabling*

By leave, Hon Murray Montgomery reported that he had been directed to present the Report of the Standing Committee on Estimates and Financial Operations in relation to

Financial Administration and Audit Legislation in Australia and New Zealand: Implications for Western Australia, and on his motion it was resolved -

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

[See paper No 555.]

## **AGRICULTURAL LEGISLATION AMENDMENT BILL**

### *Third Reading*

Bill read a third time, on motion by Hon E.J. Charlton (Minister for Transport) and passed.

## **SWAN VALLEY PLANNING BILL**

### *Report*

Report of Committee adopted.

### *Third Reading*

Bill read a third time, on motion by Hon Peter Foss (Minister for the Environment) and returned to the Assembly with an amendment.

## **CARAVAN PARKS AND CAMPING GROUNDS BILL**

### *Second Reading*

Resumed from 28 June.

**HON DOUG WENN** (South West) [3.33 pm]: The Opposition agrees with the Bill. Many of us would agree that it has taken a long time for the Bill to reach this stage. Over many years, the issue has been examined by Governments of both political persuasions. I am sure that many members will have received a great deal of correspondence about the Bill from people in the industry including caravan park owners and managers and people on the construction side such as Fleetwood Corporation Pty Ltd, which is involved in the construction of caravans. I am sure that members will also have received correspondence from caravan park people. We welcome the fact that the Bill has finally reached this place.

I will raise several issues. I have no doubt that, at one time or another, many members will have spent some time living in a caravan or will have camped in tents somewhere within our great State. I have had quite a large involvement in the caravan industry, if I can put it that way. For the first five and a half years of my married life, I travelled and lived in a caravan as a result of my job with Telecom. We travelled in a convoy of six and we became a kind of gypsy family as we moved from one part of the area to another with our work. Most of the jobs lasted between three and six months. Going back 20-odd years, there were no problems as we could stay in caravan parks for an unlimited time. However, there was a major crisis when the new laws were introduced to the effect that a person could stay in a caravan park for only three months. That was all very well for councils and the few people who introduced that law. However, it was not helpful for people like me who were travelling around our State and who had to stay in one area for up to six months.

The stupidity of the law was that there was no real inspection. Caravan park owners and managers very quickly organised matters so that just before the end of three months, a caravan was shifted to another site. There was no problem doing that when there were seven or eight pretty strong guys on the site. They could lift an annexe or shift a caravan. There were so many loopholes in the law that people could do that without any problem. The law did not say that a person had to leave the caravan park. It simply stated that a person was limited to a maximum of three months on a site. The law also caused many caravan park managers and owners to divide their parks to include a long term area where, under the law, a caravan could be jacked up and put on blocks. That made it a permanent home. If the caravan were left on wheels, it was a mobile home and had to be shifted every three months. So much for the law at the time and the loopholes and stupidity in relation to its enforcement.

Over the past few days, I have taken the trouble to read the Bill and the second reading speech. Sometimes Hon Peter Foss is right when he says that a second reading speech does not cover exactly what we are discussing. The second reading speech omits several very important issues about the Bill and the ability of local governments to enforce the new law that is about to be put in place. Therefore, if members were to read the Bill, they would find sections in it to which we should address our concerns. As Hon Peter Foss says, we cannot take a second reading speech as gospel. In his second reading speech, the Minister stated -

The Bill enables part of the State to be exempted from the application of this legislation. There is also provision for the Minister to approve particular exemptions from some standards in particular cases.

I can accept that to a degree on the grounds that the needs of the north west are very different from those of the south west. However, considering some of the storms that we have had down south, we almost need north west type facilities for our caravan and camping parks. In the north, because of the cyclone period, facilities are needed to secure caravans. Very few campers head that way at that time of the year. In fact, many caravaners there head south. However, some of them cannot do that because of their jobs. They are therefore required to stay on site and those facilities are consequently needed. Perhaps some exemptions should be included for that reason. However, at no time should standards decline. The average caravan park should provide cement pads for annexes. Some campers prefer to place the caravan on a cement pad because it is easier on the tyres. Nevertheless, most people run an annex over the cement or concrete pad. Many modern caravan parks provide an ablution facility for almost every caravan. In other parks the ablution block must contain facilities to suit the number of caravans the park is licensed to accommodate.

Hon Kim Chance: Many are ensuite.

Hon DOUG WENN: Yes. Recently I visited Monkey Mia where the facilities are undoubtedly excellent. However, no matter how good are the facilities, when an influx of tourists occurs the amenities can become unsuitable. The regular patrons and permanent residents in a caravan park will look after the amenities as though they are their own. However, the once-a-year holiday tourist does not have the same respect for those facilities. That is outlined in the Bill. Caravan parks - that is basically what I am talking about today; camping sites are different - must have a minimum number of ablution facilities. If we are to set that minimum in the south west it should apply in the north west and in any other part of Western Australia where a caravan park is established. I am concerned because exemptions are not outlined in either the second reading speech or the Bill. I hope the Minister will be able to give some idea of what will be those exemptions. I appreciate that the Minister does respond to members' questions, although not always in the right way.

The Bill provides for policing of caravan parks and the requirements of a caravan park owner and/or appointed manager. Not very many caravan parks are owned by the Government, although camping sites in national parks are controlled by the Department of Conservation and Land Management. Members who have a national park within their electorate will understand that therein lies another set of problems. Most camping sites within national parks are available to the public on an honorary basis. They involve major problems and if CALM is to be exempted from this Bill, as will be some of the local shires and councils, the problems will get out of hand. The Department of Conservation and Land Management and local government should not be covered by any exemptions, and should come under this Bill.

Clause 7(6) provides that a local government may refuse to renew a licence if the licence holder has been convicted of an offence against this proposed Act or any other written law relating to caravanning or camping.

[Continued next page.]

*Sitting suspended from 3.45 to 4.00 pm*

[Questions without notice taken.]

**MINISTERIAL STATEMENT - MINISTER FOR TRANSPORT, LEAVE NOT GRANTED TO MAKE STATEMENT ABOUT STATESHIPS**

**HON E.J. CHARLTON** (Agricultural - Minister for Transport) [4.31 pm]: I seek leave of the House to make a ministerial statement about Stateships.

Hon John Halden: Before a decision is made about this, I seek leave to comment on the Opposition's decision about the Minister's proposed statement.

The **PRESIDENT**: Order! I must deal with the request of the Minister first.

Hon John Halden: The Opposition is about to make a decision on a matter which is different from what it would normally do. It is in the interests of the House that I explain why we are making that decision. I do not want this decision to be accepted as a rule that the Opposition will adopt generally. It is not as a result of the Minister taking 15 minutes to answer a question in question time. There are some specific reasons for this decision. All I want to do is to place those reasons on the record.

The **PRESIDENT**: Order! Unfortunately, that is not a proposition I can entertain. The member cannot give an explanation about what the Opposition will do about something about which we have not decided to do.

Hon John Halden: We have.

The **PRESIDENT**: Order! The member may have, but the Chair cannot do that. I must deal with the Minister's request. He seeks leave to make a statement with regard to Stateships, and I must put the question.

[Leave not granted.]

Hon John Halden: Would it be in order for me to make a statement now, Mr President?

The **PRESIDENT**: Order! We are supposed to be dealing with the Caravan Parks and Camping Grounds Bill.

**CARAVAN PARKS AND CAMPING GROUNDS BILL**

*Second Reading*

Resumed from an earlier stage.

**HON DOUG WENN** (South West) [4.32 pm]: I return to the points I was making before question time when, unfortunately, the Minister had to leave the Chamber on parliamentary business. I spoke about the exemptions from some standards, which could be approved by the Minister. Those exemptions are not stated anywhere in the second reading speech or in the Bill. I am concerned about the standards that may be relaxed. There should be a set standard for all caravan parks, with no relaxation of them whatsoever. I say that without any knowledge of what the exemptions of the standards may be. I have major concerns that local governments and the Department of Conservation and Land Management may have total exemption from this legislation. If councils are exempted from this legislation, how can they lay down the laws to others? The standard must be either imposed across the board, or not at all. We should not allow those exemptions to go ahead.

Clause 7(6) covers the refusal to renew a licence. I can accept this if it refers to a previous manager or owner of a caravan park. However, the part that refers to any other written law relating to caravanning or camping is too broad and too open to interpretation by an individual within a council who is authorising the permit. I ask the Minister to give some explanation about what is meant by an offence under this clause. As I said, if a person has been convicted of an offence as the owner or manager of a caravan park, I can follow the logic. However, this broad wording could cover a person who has parked a caravan on the roadside overnight and has been booked. Too many people who travel - dare I say senior citizens - camp on the side of the road, not only in country areas where they have been caught between major towns where caravan parks and camping facilities

are available but also in the suburbs. I have been told that some people have driven into the back streets of suburbs, slept in their caravans overnight and moved on in the morning. If people are convicted of an offence in those circumstances, does that mean that if they apply for a caravan park licence, they are ineligible because of an offence under the caravan parks and camping grounds legislation? I ask the Minister to clarify that.

Clause 10 relates to a prohibition notice. Under this clause the licence holder is entitled to appeal to the Minister. Initially I could not find the time frame within which the appeal is to be allowed; however, I eventually found it at the end of the Bill where it is stated that one month will be the maximum time within which to appeal. Nowhere in this Bill are the costs of an appeal stated, irrespective of whether it is an appeal against the prohibition notice issued by a local shire or council or, on failing to get the right answers from a shire or council, an appeal to the Minister. Yet throughout the Bill the penalty for infringements is stated. For example, this clause provides a penalty of \$2 000. I am confused because although shires can be exempted from some provisions of the Bill, they can also be fined \$5 000 for an infringement. If they do not have to stand by the legislation in their own administration of caravan parks and camping grounds, they can still be fined. Who issues the fine? Who takes care of the caretaker? If they are not subject to the Bill and are not required to follow the laws, who looks at what they are doing? In most cases council and shire-owned caravan parks are very good. However, I have seen a few that I would prefer not to stay in. In fact, camping on the side of the road would seem preferable because the facilities and layout are so bad. The council did not have to answer to anyone. The Minister might want to take that on board.

I now refer to the effect of prohibition notices. Clause 11 provides -

- (1) The licence holder of a facility in respect of which a prohibition notice under section 10 is enforced must not -
  - (a) admit any new occupiers to the facility; or
  - (b) collect any rents, hiring or other similar charges from existing occupiers.

A period of 28 days is provided for appeals or for the misdemeanour to be rectified. The shire imposes the fines or penalties and the rectification must be carried out within 28 days or the licence will be revoked. It provides a right of appeal to the Minister at the end of the 28 days. That appeal could be submitted one day before the 28 days has expired. Therefore, that operator has an extra month. We are trying our best, I hope, in all shire councils and other areas subject to this Bill to force people to go to appropriate caravan parks and camping sites. If a caravan park or camping area is in a remote region and people are faced with this one month and 28 days scenario, where do they go? Under this Bill the operator cannot take people in or charge fees for those already there.

Hon Kim Chance: That is assuming that the appeal is dealt with by the Minister within a month.

Hon DOUG WENN: Then we have the Minister's decision, and the Bill has no mention of any time frame for that decision. What will the fees be to appeal to the Minister? Under this Government we have a user-pays system. I strongly believe there will be a fee. We will not have members of the Minister's department looking at these issues without covering the costs involved.

I am more concerned about remote areas, such as the north west. People do not have the opportunity to go elsewhere. Perhaps the Bill has a clause which says the Minister can say, "We will let them go for now."

Clause 13 of the Bill deals with the duties of a licence holder. I find one section of this totally unacceptable. This clause provides -

- A person licensed to operate a facility must ensure that -
- (a) A manager or other responsible person resides in or near the facility.



Nowhere does it say how close "near" should be. It could be on the other side of town, which would be the case in a place like Bunbury. This Bill provides that that person be in attendance in case of accident or breakdown. Whatever happens, that person must be contactable immediately. This is too slack. I accept that that person would probably reside on the premises - very few would not. However, I have problems with the "or near". That person should be right next door or on the grounds, not near the premises. In Bunbury one could be on the other side of town and still be considered to reside near the premises.

Hon E.J. Charlton: I would not say that that is near.

Hon DOUG WENN: It can read that way. Paragraph (iv) provides -

Where the facility is a caravan park, is available at the office of the caravan park during normal office hours;

I know that normal office hours means 9.00 am to 5.00 pm. The reality is that that is not the case for a caravan park owner or manager. The Minister might want to give that issue a little more thought. Normal office hours do not exist for caravan parks.

Division 4 relates to local government operated facilities. I have raised this issue about a local government's not being required to hold a licence to operate a facility in its district. Again, I wonder who takes care of the caretaker, because if we have that individual inspecting some caravan parks he could be lenient on a council park. One hopes he would not, but it can happen because the inspector does not have to abide by the rules laid down in this Bill. In addition, there is a \$5 000 penalty. That is equivalent to every other fine for people in breach of their licence. If the councils are the caretakers and they break the law I believe they should suffer a heavier penalty. In other words, they should be setting the standard and the direction outlined in the Bill.

Clause 20 refers to entry of an occupied caravan or camp. The Bill provides -

- (1) An authorised person, or a person licensed to operate a facility, or a person appointed in writing as his or her agent for the purpose of this section, may enter a caravan or camp in a facility in which an occupier is residing if -

If the occupier agrees, that is fine. If there were an emergency everyone would accept that. The Bill also refers to entry at a reasonable time for prescribed circumstances. The Bill further provides -

- (5) Service of a written notice is effected if it is -
  - (a) given to the occupier;
  - (b) left with a person who appears to be over 16 years of age . . .

I cannot accept that. The person either has to be over 16 years of age or not. We all know that young people these days look older than they are and act much older than they are. They would appear to be that age and that is unacceptable. They must be 16 to be old enough to take possession of the notice.

Reference is also made to affixing the notice to a conspicuous part of the caravan or camp. Subclause (6) provides -

The person authorised under subsection (1) to enter a caravan or camp may enter that caravan or camp whether or not the occupier is in occupation at the time.

That leads to a problem. If an inspector goes into a residence - I will call caravans residences because in many cases they are - without anyone being around there might be an accusation of material disappearing. We have to be honest and say that in the world today individuals might resort to that. Where do we go from there? This Bill does not offer any support to that inspector and it is wide open for that sort of accusation to be made about him.

Clause 21 provides for inspections and works specifications notices and allows for a period of not more than 12 months between inspections of the facilities. Is there a charge

to the caravan park owner and, if so, what will it be at the outset? The Minister will probably be able to tell me that there may be a charge now for inspection. At present it is not on a twelve monthly basis because it is at the discretion of the inspector, who in many shires or councils is the health or building inspector. After considering an objection lodged under subclause (4) a local government may amend or cancel the work specification notice or refuse to amend it. The person objecting to work orders can go to the Minister. A council would very rarely, if ever, go against an inspector who laid down a work order and, therefore, a person saying, "I disagree and ask that you cancel the work specification" would be pushing things uphill.

I note that further on in part 5, where the Bill deals with miscellaneous provisions, reference is made to the Caravan Parks and Camping Grounds Advisory Committee. We have advisory committees for just about everything we do in this State. We have them for fisheries and rock lobsters, and now we are setting one up for caravan and camping. It is to comprise such number of persons as the Minister determines, appointed by the Minister. I hope that at the outset the Minister calls for nominations outside his own little circle.

Hon N.D. Griffiths: You mean Liberal Party members and not just National Party members.

Hon DOUG WENN: National Party members would not have a chance. I agree with Western Australian Municipal Association representation, because local government will have to carry a lot of this. I can accept the need for consumer representation, because they will be the people living in the caravans, mainly on a regular basis as their home residence, and I agree with camper representation, particularly during the tourist and holiday seasons. I query the inclusion of the caravan industry representation. I am not sure whether its representatives should be on the committee. As manufacturers of caravans one hopes they make sure their's are well and truly a good product. As I said earlier, I have here a letter from the Fleetwood Corporation, which is keen to see this Bill go through. This is from the managing director, Greg Tait. The corporation is concerned with the delays to which this Bill has been subjected. The Minister might like to say why he believes people of that calibre should be part of the advisory committee. The representative of the public sector is defined in the Public Sector Management Act as someone with an interest in caravanning and camping.

Hon N.D. Griffiths: Most public servants enjoy camping.

Hon DOUG WENN: Of course they do. Those are the concerns I have about the make-up of the advisory committee. I take it as accepted that the Minister will call on interested persons to nominate for the committee.

In closing I return to where I started in regard to the standards that will be set for caravan parks and camping facilities. Is the Minister or the advisory body to lay down those standards or is the onus to be on the shires and the councils? If the onus is to be on the shires there will not be a uniform standard across the State but a haphazard standard which could be detrimental to regular caravanners where they have to abide by rules which differ from shire to shire. I am not sure if the Minister is aware of the modern type of caravan. Many people who regularly live in caravans have set them up with proper drainage and facilities like running water. Back in my time 20 years ago we had outlets and a hose system into the van for running water. In many modern caravans one can set up hot running water. I have made the point that I do not think there should be any exemptions to the standards. The second reading speech indicates that some people can have exemptions. A level must be set and it must be maintained no matter what part of the State one lives in. In the north west one has to have extra facilities because of the cyclone season. Most campers will not stay there because of that. Most caravanners who do stay have to because their only accommodation is a caravan. Some of them have families living in small and cramped areas.

Hon Tom Helm: There are cyclone proof buildings they can go to.

Hon DOUG WENN: Yes, and in some caravan parks they put in cement blocks with

grapples so they can tie down the caravans. One can buy modern caravans with facilities to tie them down. They are re-enforced with extra rings on the side so one can tie them down to blocks. Some councils have taken that way out instead of building cyclone facilities. Hon Tom Helm knows more about that than I do. I do not know how the Minister will set the standards for camping facilities. In many areas camping facilities are different from those for caravans. The ablution blocks have to be built with the capacity to cope with a certain number of tents. In the D'Entrecasteaux national park the Department of Conservation and Land Management has put up minimum facilities for staying overnight. However, during the holiday and tourism season, as Mr Barry Blaikie MLA with agree, some people spend a week and some up to two weeks there. It is about two or three years since I have been to Fonty's Pool, but at that time there were no facilities to cater for a large influx of people. An honour system operated at Fonty's Pool for those people who camp overnight. The honest campers did the right thing and put their money in the box, but some people thought the honest campers were doing the honest thing for them and they took the money out of the box! This behaviour put the onus for the campsite back onto the Department of Conservation and Land Management. I do not know how we can set a camping standard in remote areas. Fonty's Pool is not in a remote area, but it is quite a distance from the caravan parks at Busselton, Augusta and Cowaramup.

I have outlined my concerns about this Bill. We have finally reached the stage where we are doing something about this State's caravan parks and a number of people have been waiting for this legislation for some time. I am sure that all members in this House received correspondence on this issue before the last election from the Caravan Parks and Trades Association. Since then they have received correspondence from many people in the industry, including the Fleetwood Caravan Company Pty Ltd. The Opposition supports the Bill.

**HON GRAHAM EDWARDS** (North Metropolitan) [5.02 pm]: I enjoyed listening to Hon Doug Wenn and he certainly increased my knowledge of caravan park and camping areas. I know he is a very enthusiastic camper and has spent a lot of time with his family in caravan parks around this State, particularly in the south west at Hamelin Bay.

The Minister's second reading speech states -

The Bill will not apply to government departments or agencies. However, as indicated previously, it will apply to all private and council operated parks and camping grounds.

I am concerned about that, especially when it is considered in conjunction with clause 16 of the Bill which states -

(1) The Minister, in writing given to a local government, may direct the local government to -

(a) operate specified caravan parks and camping grounds to a standard specified by the Minister;

I pick up from where Hon Doug Wenn left off and ask the Minister how those standards will be set and by whom.

The Minister, in his second reading speech, expressed appreciation to the member for Vasse - I am told he did a lot of work in this area - and to Hon Bruce Donaldson, a member for the Agricultural Region, in his previous capacity as President of the Western Australian Municipal Association and then member of the advisory committee. He could be thanked in that capacity, but certainly not in his current capacity. I want to acknowledge the work done by another member of Parliament, Hon Kim Chance. I believe he too should have been acknowledged in the Minister's second reading speech. A great deal of what is in this Bill was forecast by Hon Kim Chance at a meeting in Northam which he attended on my behalf and at which he gave an excellent speech.

Hon N.D. Griffiths: Did you write that speech?

Hon GRAHAM EDWARDS: I cannot recall whether I did. However, I will ask

Hon Kim Chance to address that point in his contribution to this debate. I would like Ministers to give credit to backbenchers and other members who contribute to the formulation of a Bill. Often when a Bill is debated the people who contributed to it are forgotten.

This Bill will not apply to government departments or agencies. I am reminded of a story told to me by Hon Sandy Lewis, a past member of this place. He told me that he set up a caravan on the grounds of Parliament House when he was having a tremendous fight about facilities. If members know Sandy they will be aware that he would often put up a tremendous fight; he was persistent and often very loud when he presented his arguments. He always presented good arguments. He told me that on one occasion he was having a fight with the then Premier, Sir Charles Court, because the Premier refused to give backbenchers the facilities they required because it would generate too much work and create too many problems; he refused to entertain the idea of electorate secretaries. I think that at the time Sandy was Secretary to the Parliamentary Liberal Party. To bring the matter to a head Sandy set up a caravan in the members' car park and, come hell or high water, he would not move it until he got his way. I wonder how this Bill could be applied in a case like that.

Hon E.J. Charlton: The Minister could specify.

Hon GRAHAM EDWARDS: He could, but the Bill says that it does not apply to government agencies or departments. Who will set the standards referred to in clause 16 of the Bill and how will they be implemented? When the Minister gives a direction to a local authority in writing, will it have the right of appeal and, if so, to whom will that appeal be lodged?

Hon E.J. Charlton: To the Minister.

Hon GRAHAM EDWARDS: I ask the Minister to consider this aspect of the legislation. As well intentioned as the Minister may be, there are times when Ministers get snowed under by the bureaucracy, particularly the city based bureaucrats who travel to the goldfields, south west or north west. We do have some very good bureaucrats but in some cases they do not have any commonsense about how these areas operate. It concerns me that this power could be applied in a bureaucratic way that did not make any sense. Friction already exists between government and local government and we do not need to add to it by creating a framework for a greater bureaucracy and one which will make it harder for commonsense to prevail. I do not expect the Minister to have the answers today, but I ask him to address the issue I have raised before he responds to this debate.

I again ask the Minister how a conflict between him and a local authority will be resolved and whether there will be a right of appeal? If there is, what process will be followed?

I wish to talk about three matters. The second matter relates to part 3, which is about powers of entry and inspection. Clause 17(4) states -

Every member of the Police Force is, if so requested by an authorized person, to aid and assist the authorized person enforcing compliance with this Act and has, while so aiding and assisting, all the powers and authorities of an authorized person.

I am concerned about where that provision might lead. I want an assurance that it will not cause police officers in more remote areas to become authorised persons. Police officers have enough to do in the community today, particularly in more remote areas. There is capacity for police officers to become involved in the -

Hon E.J. Charlton: Only if requested to be.

Hon GRAHAM EDWARDS: Yes. I think that that is the intention of the Act, but many a storm starts with a little rain. The Minister might reiterate that it is not intended that police officers have powers of entry and inspection under the Act. Although that might not be the intention, the wording is just a little too wide.

I said that I wished to discuss three matters, but there might be only two. Hon Doug

Wenn spent some time talking about appeals and the appeal process. Under clause 27, there are four grounds of appeal. One can appeal in respect of an initial grant or renewal, a prohibition notice, a cancellation or work specifications. I am sure that the Minister will spend some time talking about what those appeal processes will be. As a matter of interest, I wonder whether any thought was given to involving in the appeal process the statutory body that the Government intends to set up.

I do not have much more to add, but the matter certainly needs attention. In this State, there is tremendous potential for growth in caravanning and camping. I refer to areas up north such as Ningaloo, Exmouth, Carnarvon and so on and the focus that is now on them. There is great tourism within this State. People move from one part of the State to another. Down south, tremendous areas have even greater focus today, and we realise just what is the potential for camping and caravanning in this State.

Hamelin Bay is a Department of Conservation and Land Management caravan park. Such camps are popular, and at certain times of the year, as Hon Doug Wenn knows, they become incredibly crowded. Who sets the standards for them? Will there be a big difference in the standards of local government caravan parks compared with CALM caravan parks? We must have regulation in local government-controlled caravan parks, but it is a case of "Don't worry about us; we can look after ourselves" in relation to Government-controlled areas. I look forward to the debate unfolding. It is an important matter. I am sure that the tenor of the debate indicates that the Opposition broadly supports the Bill.

Hon E.J. Charlton: Just on Hamelin Bay, I thought that the conditions were such that once they could not get any more in, it was full. It is unbelievable.

Hon GRAHAM EDWARDS: That is what I thought, too, until they started to go high-rise. Hamelin Bay is just an example that comes to mind. I support the Bill.

HON KIM CHANCE (Agricultural) [5.16 pm]: I do not need to speak for long. Nonetheless, I am keen to express my support for the Caravan Parks and Camping Grounds Bill. In doing so, I thank Hon Graham Edwards and particularly Hon Doug Wenn for their contributions. There was some doubt as to who would lead for the Opposition, and it was not until Hon Doug Wenn volunteered to do so that we finally sorted out the matter. Hon Doug Wenn has certainly led for the Opposition in a very diligent and detailed manner and has saved Hon Graham Edwards and me the need to speak at great length.

It has been recognised that this is a long-awaited Bill. It is 16 years since the need for the Bill was first identified, and it has taken Governments of both persuasions some time to bring it to this stage. I am not at all sure why, but it has been held up. One issue to which I shall refer later might give an idea of some of the difficulties that were faced in framing the Bill. The Bill is the result of much hard work. I am very glad to see it here in the interests of the industry, even though, as I shall mention a little later, some elements are missing. The Western Australian caravan association at least would have liked to see them. Generally speaking, the establishment of standards and changes with respect to terms of residence have been adequately dealt with by my colleagues and by the Minister's second reading speech. I say no more other than to welcome them.

The inspection and enforcement of standards has been adequately covered, except in one respect. I should like the Minister to address one question. With respect to councils being required to maintain and enforce the regulations in caravan parks and camping grounds, and indeed to inspect them on an annual basis for compliance with the Act and the regulations, there is the interesting position in which a council-owned park - there are many of them - not only is regulated by that council but also enforces the regulations on itself. I find that administratively somewhat challenging.

Hon E.J. Charlton: To ensure that they comply with standards, the Minister can go in over the top to ensure that a council is maintaining standards.

Hon KIM CHANCE: Yes, but how does he know?

Hon E.J. Charlton: By inspection.

Hon KIM CHANCE: But the inspection is carried out by the owner of the park - the council.

Hon E.J. Charlton: That is right.

Hon KIM CHANCE: The regulations are enforced by the owner of the park, which is also the council. The issue of Caesar appealing to Caesar concerns me just a touch.

Hon B.K. Donaldson: An environmental health officer is an independent responsible officer and should be appointed.

Hon KIM CHANCE: I thank Hon Bruce Donaldson for that comment. He is quite correct. This is not without precedent.

Hon Graham Edwards: What about the incompetent ones?

Hon KIM CHANCE: That raises a problem too. On a number of occasions the shire's environmental health officer -

Hon E.J. Charlton: It is the same with a vehicle inspection or any other inspection. There is a body responsible to do it. If someone is not doing that job, ultimately it is obvious that that is the case. That is the time when the Minister has the power to intervene.

Hon KIM CHANCE: That is another interesting point and one that needs investigation. I was beginning to say that there are a number of precedents where shire-owned facilities are inspected by the shire's environmental health officer. In the majority of cases that does not pose a problem. The Minister for Transport referred to vehicle inspections. Those inspections do not match precisely the same circumstances when the ownership of the vehicle, and the inspector and regulator of the vehicle, are not the same person. We have had situations when shires had control over vehicle inspection and traffic policing, and where the shire-owned vehicles were allowed to breach the Road Traffic Act, sometimes outrageously. I remember one occasion, I believe it was in the Shire of Camarvon but I am not sure, when a shire traffic patrol officer who was new to the area decided that his employer's water carrying wagons, which had never been licensed - and were never licensable - could not be used on the roads. Those members with long memories will recall that situation. It happened about 20 years ago. It created something of a furore because some country shire councils found that many of their vehicles were being put off the road by their own employees. That indicates that before that action the shire was favouring itself by virtue of the enforcement officer hired to do the job being one of its employees. It is possible for incompetent - and I thank Hon Graham Edwards for suggesting that word - environmental health officers to do the bidding -

Hon E.J. Charlton: That is the reason it is possible for the Minister to prescribe what needs to be done.

Hon KIM CHANCE: It is possible for incompetent environmental health officers to overlook the inadequate enforcement of the regulations. I understand the Minister's point, and that is the reason a Minister has that overseeing power. The logical question is: How will the Minister know if the owner of the facility is also the inspector of the facility?

I do not believe that my colleagues noted the fact that this Bill contains a consequential amendment to the Strata Titles Act which excludes land which has been subdivided under that Act from being listed as a caravan park. Experience has shown that separate ownership developments of the strata title nature are, for some reason, not appropriate for this type of development. I would like to know a little more about that because it was a surprise to me. I have spent some time in the north west and I recognise the role that caravans and caravan parks, indeed the whole industry, have played in the development of the north west and other parts of Western Australia. That is one of the reasons I am pleased to see that finally we have legislation that can address the problems.

[Leave granted for speech to be continued at the next sitting.]

Debate adjourned, on motion by Hon George Cash (Leader of the House).

## STATEMENTS - LEADER OF THE OPPOSITION

### *Royal Commission Into Use of Executive Power, Constitutional Affairs and Statutes Revision Committee File*

**HON JOHN HALDEN** (South Metropolitan - Leader of the Opposition) [5.27 pm] - by leave: I raise a situation that has arisen in relation to the Royal Commission Into Use of Executive Power. At the commission's request, I agreed today to allow its officers access to certain documents stored in premises not under my control. This afternoon, accompanied by one of my staff members, commission officers went to those premises and removed certain documents, one of which was a file labelled "Constitutional Affairs and Statutes Revision Committee". From memory, the file will contain notes, committee minutes, and other material relating to the constitutional affairs committee's inquiries in which I was involved as a member. At least part of that material could not have been published either by the committee or by order of the House. It is therefore confidential and its publication prohibited without prior order.

On being informed that this document had been retained by the officers, I contacted the royal commission and, in counsel assisting's absence, spoke to the executive officer. I told him what had happened and informed him that if the file contained what I believed it did, a matter of privilege had, or could have, arisen. I requested the executive officer to return the file immediately and provide a certificate that the file had not been copied, or documents removed, or that the file had not been read beyond establishing that it contained privileged material. In a subsequent phone conversation with an investigator, he informed me that parts of the file have been copied, including drafts of an interim committee report, and that it will not be returned to me but, pending the outcome of legal advice as to its status, will be lodged with an "independent" person who, I understand, is the CEO of the Ministry of Premier and Cabinet. I am reliably informed that that officer has refused to accept it.

My response has been to send a fax to the royal commission demanding return of the file by 4.30 this afternoon. It is now 5.30 pm and I have had no response from the royal commission. The file has not been returned and I am, therefore, left with no choice but to inform the House of what has occurred. Obviously, I want to ensure that the House understands that I have not knowingly or willingly passed information to the royal commission that is both privileged and irrelevant to its inquiry. On the other hand, I cannot say with certainty that the file does in fact contain privileged material because I have yet to see it. For this reason, it would be premature for the House to order the return of the file or deal with the matter as a breach of privilege.

Given that the House will not sit next week, I wonder whether you, Mr President, could raise this issue with Commissioner Marks and request that the file be returned to me. I would then be in a position to say whether it contains documents subject to privilege and to take your advice on whether the House may need to deal with this incident as a possible breach of privilege.

In conclusion, I regret having to raise this complaint, for obvious reasons, but, having had impressed on me, Mr President, the fact that a member's privileges are really those of the House, I felt that I had no option.

## PAY-ROLL TAX AMENDMENT BILL

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon Max Evans (Minister for Finance), read a first time.

### *Second Reading*

**HON MAX EVANS** (North Metropolitan - Minister for Finance) [5.30 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to facilitate the Government's 1995-96 Budget commitment to further payroll tax concessions for small to medium size employers. Complementary

measures are included in the Pay-roll Tax Assessment Amendment Bill (No 2) 1995. More specifically, this Bill proposes to increase the annual wages thresholds at which the various concessional tax rates for small to medium size businesses apply. All of the wages thresholds have been increased by a factor of just over 9 per cent as follows -

The 3.95 per cent tax rate applies to wages up to \$2.4m per annum compared with \$2.2m currently;

the 4.95 per cent tax rate applies to wages of \$4m per annum compared with \$3.67m currently; and

the top tax rate of 6 per cent applies to wages over \$5m per annum compared with \$4.58m currently.

To ensure that businesses benefit as soon as possible, these concessions will apply from 1 July 1995, even though this Bill will not complete its passage through Parliament and receive the Royal assent until after that date. The total cost of these amendments and those contained in the associated Pay-roll Tax Assessment Amendment Bill (No 2) 1995 is estimated to be \$7.5m in 1995-96 and \$8m in a full year. It is estimated that around 5 000 employers, the majority of those liable for payroll tax, will benefit. These concessions are in addition to the Government's decision to relax the payroll tax grouping provisions, which were the subject of amendments to the Pay-roll Tax Assessment Act introduced earlier this year. That decision is also expected to benefit mainly smaller businesses and will also apply from 1 July 1995. Together these concessions represent a further example of the Government's commitment to reducing the payroll tax burden on Western Australian businesses. I commend the Bill to the House.

Debate adjourned, on motion by Hon George Cash (Leader of the House).

## **PAY-ROLL TAX ASSESSMENT AMENDMENT BILL (No 2)**

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon Max Evans (Minister for Finance), read a first time.

### *Second Reading*

**HON MAX EVANS** (North Metropolitan - Minister for Finance) [5.32 pm]: I move -

That the Bill be now read a second time.

The measures contained in this Bill are complementary to those in the Pay-roll Tax Amendment Bill 1995. This Bill proposes to increase the annual wages threshold below which employers are exempt from payroll tax by \$50 000, from \$550 000 to \$600 000, for wages paid from 1 July 1995. The Bill also provides for proportional increases in the associated monthly and weekly exemption thresholds. The monthly exemption threshold will rise from \$45 834 to \$50 000 and the weekly threshold from \$10 577 to \$11 539. It is estimated that these increases in the exemption thresholds will exempt around 270 employers who are currently liable for payroll tax. When we gained office, the exemption threshold was only \$375 000. This is the third substantial increase in the exemption threshold since the Government came to power. Combined with the two previous increases, this Government has increased the annual wages exemption threshold by \$225 000, or 60 per cent. Unfortunately, however, our capacity to exclude even more businesses from this impost is severely constrained by continuing real reductions in our commonwealth grants. I commend the Bill to the House.

Debate adjourned, on motion by Hon Tom Helm.

## **ADJOURNMENT OF THE HOUSE - SPECIAL**

On motion without notice by Hon George Cash (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 5 September.



# ADJOURNMENT OF THE HOUSE - ORDINARY

**HON GEORGE CASH** (North Metropolitan - Leader of the House) [5.34 pm]: I move -

That the House do now adjourn.

## *Adjournment Debate - Death, Train Accident, Claremont*

**HON TOM HELM** (Mining and Pastoral) [5.35 pm]: The House will recall an article in a newspaper this morning about a press release by the Mayor of the Town of Claremont, Mr Weygers. It concerns a statement in *The West Australian* yesterday about a question that I put to the Minister for Transport yesterday about a young girl who was knocked down by a train at Claremont. I asked the Minister a series of questions to which he gave answers which suggested that the Town of Claremont should take some responsibility for the accident. He implied that if the town were more efficient at doing the work it was supposed to do, the accident might not have happened.

As a result of that, I was reported in the newspaper as calling for the Town of Claremont "to act as quickly as possible so that people had a safer alternative way to cross the tracks". Members will recall that, in my question about the status of a footbridge over the tracks at the station, I asked why one side of the footbridge was closed. The Minister suggested that he was aware of the footbridge being closed and he said that it was closed in 1992. My information is that it was closed in 1990.

The Town of Claremont has brought a series of matters to my attention. A councillor rang me yesterday morning to advise me of the inappropriateness of my statements in the newspaper with regard to blaming the Town of Claremont for the young girl's accident. The councillor took great offence at that and advised me that, if I spoke to the mayor and the town clerk, they would give me a different story from that presented to the House by the Minister for Transport. As it transpired, I received a different story.

I do not read standing orders very often, as you well know Mr President. I do not know where we stand with regard to breaches of privilege or misinformation to the House. I certainly will not go down that formal track. However, as I unfold my tale, members will see that it has some similarities to advice given to the House by the Minister for Transport with regard to my activities in a place called Kalumburu over which the Minister apologised. I hope that an apology will be appropriate in this case. Perhaps the Minister will be prepared to make a commitment on behalf of the ministry to have the footbridge fixed quickly. That would suit in this case.

I want to continue my story: The notes about the footbridge supplied to me by the Mayor of the Town of Claremont explain that the footbridge was closed in December 1990 and not in 1992 as the Minister advised the House. They suggest that Westrail and the council had discussions about the matter in February 1991 and a number of options were put before the council which were taken up. In August 1992, the council made requests to Westrail that the footbridge could be upgraded under the Federal Government's local capital works program. That did not happen. The council was involved in several of the matters with regard to Westrail and none of them sounded a negative note with regard to how the land in the precinct should be dealt with in future.

The Minister did not tell the House that the Town of Claremont has spent in excess of \$45 000 on the precinct including the station, the signal box, the station master's house and the shed on that section of land. People had volunteered their work there. The Department of Transport, the local member, Colin Barnett, and the Minister for Planning, Mr Lewis, gave the footbridge in question some priority. On 9 October 1992 Mr Tindale, the Town Clerk of the Town of Claremont, wrote to the General Manager Engineering at Westrail stating -

Recent Press releases have indicated that Westrail intends to construct an overhead bridge at the Subiaco Station at a cost of \$200,000 to alleviate the potential death trap at the track maze.

That is the same maze where the accident happened. The letter continues -

Your Department has indicated to Council that it will cost approximately \$70,000 to repair the footbridge at Claremont Railway Station. With the recent deaths on the Fremantle to Perth Railway line, this cost is far less than what is to be spent at Subiaco to prevent further deaths. The footbridge is convenient to the shopping centre and the railway station from Shenton Road than the mazes which are placed at the far ends of the station.

The letter goes on to explain why it would be a good idea for Westrail to pull its finger out and fix the footbridge. A letter dated 6 February 1994 from the Minister for Planning and Heritage and the Minister assisting in Transport, Richard Lewis, to the Mayor of the Town of Claremont states -

The Minister for Transport has also advised that work is expected to commence on site in February 1994 and discussions between Westrail and the Claremont Council Heritage Advisory Committee will continue to determine the final design for the restoration work.

A letter received by the Town of Claremont from the Minister for Heritage on 11 March 1994 states -

Mr Charlton expects construction to commence towards the end of May 1994.

On 21 April 1993 the member for Cottesloe wrote to the Mayor of the Town of Claremont stating -

I also congratulate you on your perseverance with this project, which was rewarded by the further commitment made by my colleague Richard Lewis to complete the necessary work on the footbridge.

An article in the *Post* newspaper on 27 April 1993 is entitled "Lewis promises footbridge money". Members would be forgiven for being confused in the light of the Minister's answer to a question about this matter in question time last Tuesday. It stated that Westrail was awaiting advice from the Town of Claremont in respect of its planning requirements for the northern access to the bridge, and when the planning requirements had been established, funding would be allocated for work to repair the structural damage. That answer and the statement by the mayor in today's paper indicate that this Minister has offered a red herring to this House, the general public and the Town of Claremont. Maybe the Minister has been given inaccurate advice; I do not know, and I do not really care. However, the mayor and some councillors from the Town of Claremont have telephoned me saying that they do not want much from the Minister, except an apology for giving, perhaps accidentally, inaccurate advice to this House, and therefore the newspaper when it reported on the matter. I had to apologise for the newspaper because it felt responsible for the information it had printed, and of course that should not be the case. I was asked by these people to get a commitment from the Minister that the money would be spent. The amount involved is probably more, but not much more, than \$70 000. If the commitment was made in 1993, surely it is now time to do what we can to avoid accidents, such as the fatal accident involving this young girl, by having the footbridge fixed as soon as possible.

**HON E.J. CHARLTON** (Agricultural - Minister for Transport) [5.44 pm]: The information I provided in answer to the member's question was given on the best advice that I could receive at the time. As a consequence of the member's statements, I will double-check to see whether there is a problem between Westrail and the Town of Claremont about the approval for work on the approach to the footbridge. The advice given in the answer was that approval of the council is needed before the work can proceed. As I said, I will follow up that matter and will let the member know either before this House resumes or independently before that.

#### *Adjournment Debate - Stateships, Financial Position*

**Hon E.J. CHARLTON:** Earlier today I wanted to report to the House the current situation with Stateships. I do not know why the Opposition would not grant me leave to do so; however, I will take this opportunity to do so briefly.

Hon Kim Chance: It was because the language in your statement was outrageous; that is why you were refused leave.

Hon E.J. CHARLTON: I suppose Hon Kim Chance is referring to some truthful points. Evidently they are not acceptable to opposition members. I recommend that they read an article in *The Australian* - I am not sure of the date - about the future sale of Australian National Line. Perhaps that news has got up their nose and they are worried that, now that Stateships is off the agenda, they will have to deal with a national strike on the waterfront because the Federal Government wants to get out of ANL. The Federal Government brought in its mate Neville Wran to sort out this problem. However, having paid him nearly \$1m, it appears that the Federal Government has reached the end of the line and must make a decision. The Federal Government put off making a decision before because it got too hard and the union went on strike for six days.

I was asked a question earlier in the week about the financial position of Stateships and today I was asked about the situation regarding the Freedom of Information Act. I had intended to address those matters in a ministerial statement earlier; however, leave was not granted for me to do that and I do not have time to go through that matter in detail now.

Members will be aware that in November 1993 the Government called for proposals from the private sector to take over Stateships. Although there was a lot of interest, that did not eventuate. We then looked at the possibility of a private sector management takeover. Contrary to the repeated misleading statements made by opposition members about a \$4m benefit, the net return was less than \$2m. The Government decided that it would not proceed with that proposal, bearing in mind other problems with the lease costs faced by the Government. The Government rejected those proposals on the basis that there was insufficient cover against the unfavourable returns, particularly when the leases were locked in on a US dollar basis. We took action to try to deal with the financial commitment that the Government had for another five years. In the meantime a new general manager was appointed to bring about some changes to Stateships' operations. Those changes were implemented.

The cost burden associated with the three Westpac vessels had long been recognised. That included the cost of about \$7m extra to have them built, because a decision had been made to build them locally. The terms of the three charters negotiated by the previous Government would never have stood up to public scrutiny. That is what makes me smile now when we are hearing all this hoo-ha from those opposite about accountability. I accept responsibility for accountability; that is fair. Those opposite have never wanted to acknowledge anything that we did to sort out the mess that they had made with Stateships; they have always thrown in a couple of red herrings.

Coopers and Lybrand were brought in to look at the Westpac lease arrangements relating to the vessels and we proceeded to get a restructuring of that financial arrangement. Three-quarters of the way through resolving the financial equation, Patrick Sleigh Shipping Agencies Pty Ltd decided that it would not stevedore the operations of Stateships. Everyone knows what happened at that stage: We were forced to get quotations to have that work done. I might add that it seems Patricks was quite happy to negotiate direct with Stateships to have a long term stevedoring contract put in place and not go to tender. I am sure those opposite would never have questioned that; they would never have questioned a three year stevedoring arrangement between Stateships and Patricks because that would have been acceptable to the union movement. Of course, when we did not negotiate with them we got prices from three stevedores. When one came in with a figure of about \$500 000 less - because it was not a union-dominated organisation - we had what was, first, a national strike and then a state strike.

Hon Kim Chance: How is it a union-dominated organisation?

Hon E.J. CHARLTON: That is what they are. The Opposition uses FOI for its own political advantage. In this case, I was not in a position, nor was Stateships, to respond immediately to that FOI request. All the information requested involved the three stevedoring companies. We had to allow those companies to judge whether they were

prepared to make that commercially confidential information public in the Parliament. Whether they do or do not, they will make the decision, not I nor members opposite.

At the end of the day, this application will follow the normal procedures as laid down in the Freedom of Information Act. Ultimately, the document may be released, either by consent or, if necessary, following an order of the Freedom of Information Commissioner. That means that if the three companies collectively or individually decide that they do not want the document released they can appeal to the commissioner and he will determine what documentation will be made available. I support that procedure. I have no role to hold up any information being made available. In fact, quite the contrary: I totally support every piece of information being tabled.

I imagine that members are interested in the financial position. We were halfway through the 10-year program that we were locked into by the previous Government. In round figures, that remaining 5-year arrangement would have cost the Government about \$62m - for the lease of the vessels and the residual value of the leases. We have been able to arrange a buy-out of those leasing arrangements. That buy-out has cost the Government \$29.2m. We are now completely out of any arrangement with or responsibility to Westpac Bank. Members should remember that the vessels were always owned by Westpac Bank and not the Government. The Government should have purchased those vessels, but it went into a leasing arrangement for 10 years, at the end of which it was required to buy the vessels. We have come to an agreement with Westpac Bank involving a discounted pay out of the remaining lease.

The closure of the operation will involve the expenditure of \$8.5m. Those costs include redeployment and redundancy payments of \$5.4m; container re-delivery of \$1m; insurance termination of \$700 000; finalisation of cargo expenses \$400 000; and associated closure costs of \$1m. Those costs would have been incurred whenever the Government terminated the operations. Therefore, they cannot be seen to be a consequence of this decision.

*Adjournment Debate - Patient Assisted Travel Scheme (PATS), Tabled Paper 553*

**HON KIM CHANCE** (Agricultural) [5.54 pm]: I wish to refer to the issue of the paper tabled by the Minister for the Environment today at the request of Hon Bob Thomas. The Minister said that he was not keen to table the document because of references it made to me. When I had the opportunity to look at the document I could see that there was another reason for the Minister's not being over keen to table it. The first sentence of tabled paper No 553 states -

The government members suggested the implementation of the modified PATS policy with a strong recommendation that all savings be channelled back to improving rural health services.

When the Minister referred to "government members", later statements established that he was referring to government members of what is called the ministerial advisory committee, which includes all members of the agricultural region, other than the Minister for Transport.

I believe that I know precisely what my colleagues' view was and I am quite happy to accept that my colleagues may well have taken to the Minister the point of view that there was something wrong with the PAT scheme and that it needed modification. However, I do not believe that the Minister's statement as tabled in this paper is correct. When the Minister for Health's office approached me for my opinion I was told by the officer of that department that the proposals had been developed in the Minister's office; they had been put to each of the other members of the ministerial advisory committee - that is, Hon Bruce Donaldson, Hon Murray Criddle and Hon Murray Nixon - and each of those members had acceded to the points put to them. However, they did not say that those three points, which were the fundamental changes in the health policy, actually came from those three members. Indeed, the reverse was stated. The Minister's office said to me that the proposals developed were put to each of the members and that they had acceded.

What we have here in the tabled paper is the Minister's saying that the government members suggested the implementation of the modified PATS policy. There is no way that one can misunderstand that. I believe that the position of my colleagues on that ministerial advisory committee has been grossly misrepresented by the Minister in this tabled paper.

*Adjournment Debate - Questions on Chief Executive Officers Appointment*

**HON A.J.G. MacTIERNAN** (East Metropolitan) [5.58 pm]: I refer to some questions that I asked today and some concerns that I have arising from the Government's intention to be accountable. I find myself now in a rather puzzling situation, not knowing where to go for further information.

I asked a series of questions of the Minister for the Environment in his capacity representing the Minister for Labour Relations concerning the appointment and vacancy of the chief executive officer's position in the Department of Productivity and Labour Relations. The answer came back that it was not within the portfolio responsibilities of the Minister for Labour Relations to answer questions regarding the appointment of the chief executive officer of his department. Indeed, that was a matter within the purview of the Minister for Public Sector Management.

It so happened that I had on notice a whole series of questions of the Leader of the House in his capacity representing the Minister for Public Sector Management. The questions related to the appointment of chief executive officers. I framed the question about the chief executive positions that fell within the portfolio of the Minister for Public Sector Management, not within the portfolio of the Premier or the Minister for Tourism. I then received answers that related only to the portfolio for which the Premier, as opposed to the Minister for Public Sector Management, had responsibility. The Government must be embarrassed about its failure to appoint chief executive officers across a range of portfolios. We have found out already from limited information that at least four positions have been vacant for more than seven months. I point out the inconsistency in these answers. I am told that the Minister for Labour Relations cannot answer questions about the chief executive officer of his department; that must come from the Minister for Public Sector Management. When I asked questions of the Minister for Public Sector Management the clear implication was that -

Hon Peter Foss: It was your very inexact phrasing; you should know better as a lawyer.

Hon A.J.G. MacTIERNAN: I was not inexact. We are used to the pedantry the Minister has introduced into this House.

Hon Peter Foss: You are useless with your questions.

The PRESIDENT: Order, Minister! Hon Alannah MacTiernan should talk to me.

Hon A.J.G. MacTIERNAN: Yes, Mr President. I find it a bit strange that when I seek to answer interjections, your displeasure falls on me and not on my colleague.

The PRESIDENT: Order! It will fall on Hon Alannah MacTiernan if she suggests I single her out. I dispense justice in this place in accordance with a very strict set of rules. There are times when people do things when the atmosphere and the context in which they are done are not as grievous as at other times. Two people can do the same thing. On one occasion they may not invoke my wrath, but on the next occasion, because of the prevailing circumstances, they may invoke my wrath. Hon Alannah MacTiernan may be referring to a recent incident when she thought I was being hard on her. The circumstances were quite different from what they are today. I had forgotten about that; every day is a new day for me.

Hon George Cash: I will consider both questions and provide an answer next week during the Estimates debates. If there is any need for clarification I will ensure you get it.

Hon A.J.G. MacTIERNAN: I will be very pleased if that can be done. I would like to know whether, as is implied in the answer from the Minister for the Environment, the appointment of the chief executive officers of all departments falls within the portfolio of the Minister for Public Sector Management.

Hon George Cash: It has to do with the Public Sector Management Act. I must do some research, but I will provide you with some additional information.

Hon A.J.G. MacTIERNAN: I appreciate that. Once again the Leader of the House has taken a far more responsible approach than the Minister for the Environment.

Hon Peter Foss: Rubbish! It was a properly answered question.

*Adjournment Debate - Patient Assisted Travel Scheme (PATS), Tabled Paper 553*

**HON PETER FOSS** (East Metropolitan - Minister for the Environment) [6.03 pm]: I think I have been misrepresented unintentionally by Hon Kim Chance over the matter to which he was referring. I understand he did not suggest that the Minister to whom he was referring was me. I hesitated to table the document in question because I was aware it contained material that Hon Kim Chance considered to be misrepresentative of him. Before tabling that document I took the opportunity to make that clear and ensure he had no objection to my tabling it. I would have hated to have been the instrument of a document being tabled to which I knew he would take objection. He indicated across the table that he had no problems with my doing that.

Hon Kim Chance: I was correct; I was referring to the Minister for Health.

Hon PETER FOSS: I listened carefully to the question raised by Hon Alannah MacTiernan and she asked the Minister for Public Sector Management who are the chief executive officers who are in an acting capacity in his portfolio. As any member knows, questions must be answered as asked. The Minister has only certain chief executive officers in his portfolio.

Hon A.J.G. MacTiernan interjected.

Hon PETER FOSS: They are not; he appoints them all, but I have some in my portfolios. Neither I nor the Premier carry out the interview process. If Hon Alannah MacTiernan wrote her own questions they might be done more properly.

Hon A.J.G. MacTiernan: The Minister would be interested to know who wrote it.

The PRESIDENT: Order! Members should get on with this because another member rose at the same time as three other members and I want to give him an opportunity to say something, at which time I will have to deny him in a few minutes.

Hon PETER FOSS: The question was answered quite correctly as is required of any member of Parliament.

*Adjournment Debate - O'Connor, Ray, Case*

**HON MARK NEVILL** (Mining and Pastoral) [6.07 pm]: I refer to a question I asked about Ray O'Connor. I have no view about his innocence or guilt, but a constituent in Kalgoorlie approached Graeme Campbell MHR about some matters relating to Ray O'Connor's case. As with other cases, Mr Campbell passed the job on to me because he was off to Russia with a delegation. I examined the material and thought some questions should be asked in Parliament. The gist of what this constituent said was that the staff of the Royal Commission into Commercial Activities of Government and Other Matters had said to Mr Connor that a certain cashbook was missing. The implication was that Mr O'Connor was concealing, or had destroyed, that cashbook. Mr O'Connor told the royal commission staff, according to the story I was given, that he thought he gave the cashbook to the royal commission staff. In the process that followed, the royal commission people took out three search warrants to look for the cashbook at his house, property or office or wherever they went. They questioned his secretary about it for several hours and she was subsequently subpoenaed to court. When she went to court she was advised that she would not be required as the cashbook had been found.

I asked a series of questions to see whether those events occurred. I do not know whether someone made them up or whether they happened. I was told also that the royal commission did not advise Mr O'Connor it had found the cashbook. I asked the royal commission about the matter but did not receive an answer. I was also told that the royal commission said it would give a written apology to Mr O'Connor. That apology did not

arrive. I asked the commission whether it said it would issue him with a written apology. I was told that the royal commission then issued a press release stating it wanted an April 1984 cashbook rather than a July 1984 cashbook. That is quite important because the royal commission was considering the Ray O'Connor consultancy which started in July 1984. It therefore seems very strange that it would suddenly put out a press release stating it was looking not for a July cashbook, but an April cashbook.

I asked a series of questions about that. The answer was, "The Royal Commission into Commercial Activities of Government and Other Matters reported to the Governor in 1992. The answers to those questions the member was asking can be found in the report." Not one of the answers can be found in the report. What is going on? There should be plausible answers to those questions. Many of those royal commission staff have been on fat retainers for a long time since the royal commission wound up. I am sure the documents relating to Ray O'Connor's case are not buried in the archives where we sent them when that Bill went through this place. They should be quite accessible and those people should be available. The second question related to a media release put out by the Director of Public Prosecutions or the royal commission stating that staff had found Mr O'Connor's 1984 diary on his desk. It was alleged it was the diary he had sworn under oath he could not find. I was told later that royal commission staff discovered that the diary they had seized was that not of Mr O'Connor but his son. I asked whether that was correct. I was also told he would receive a written apology from the royal commission about that error but he has never received one. I asked those four questions to see whether they were facts. Quite clearly they could very easily have settled the matter. The answer I received was that the Director of Public Prosecutions cannot answer for the royal commission. He has access to all the documents, a task force under him as well as the royal commission prosecutions unit and the police unit working under him. He says that the DPP made no media release. He does not say whether the royal commission put out a media release at all. I am none the wiser as to whether this information is correct. They are in a position to tell the House. The answers to questions (2) and (4) were that the DPP had no relevant knowledge relating to the honourable member's questions.

These are two of about eight questions I asked relating to Mr O'Connor's case. It was as a result of an approach by a constituent of mine. His son works in my electorate at the Loongana lime mine, I think. It was not his son who approached me. Let me disabuse anyone of that thought. It was a woman in Kalgoorlie who approached Mr Graeme Campbell and then through me seven or eight questions were asked. As usual I got those answers back. They are an insult to this House and to me as a member of Parliament trying to establish the facts. As I have said, I have no view about Mr O'Connor's innocence or guilt. I have concerns about the process, as most members will be aware. Most of these questions can be answered quite directly, but it appears no-one wants to answer them. I intend to take further action about this matter and take advice from you, Mr President, and perhaps other people in this House who are more experienced than I am.

Question put and passed.

*House adjourned at 6.13 pm*

---

# QUESTIONS WITHOUT NOTICE

## HOSPITALS - MANDURAH, PUBLIC AND PRIVATE *Collocation Model Proposal; Private Operator Decision*

587. Hon J.A. COWDELL to the Minister representing the Minister for Health:

- (1) Will the Minister confirm that the ministerial community reference group established to report on health services in the Peel region recommended that -
 

a private hospital development be supported, however, collocation rather than the privatisation of current public hospital services is the preferred option (Recommendation No 6)?
- (2) Does the Minister support this recommendation?
- (3) Is the Minister now prepared to give the people of Mandurah an assurance that the planned upgraded public hospital in Mandurah will not be privatised?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2)-(3) A collocation model with a public and private hospital sharing the same site and some services is supported. A decision will be made in the next two months as to whether the public hospital will be operated by the public sector or the private sector. Either way, the people of Mandurah will be getting an expanded public hospital and a new private hospital.

## WESTRAIL - PATROL OFFICERS, WORKPLACE AGREEMENTS

588. Hon A.J.G. MacTIERNAN to the Minister for Transport:

- (1) Does the Minister deny that workplace agreements were offered to a group of approximately 30 Westrail patrol officers on 20 July 1995, in relation to positions for customer security and services officers?
- (2) Were offers of those positions then withdrawn when workplace agreements had not been signed by 24 July 1995?
- (3) Has the Minister sought legal advice on whether the conduct of Westrail in this regard breached section 70 of the Workplace Agreements Act?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1)-(3) Yes. A set of conditions and a proposed roster were presented at the meeting to provide the group with an indication of Westrail's position. The group was advised that the conditions could form the basis of an agreement with the union in the federal or state jurisdiction. It was indicated to the group that these were the conditions preferred by Westrail, and that Westrail was prepared to negotiate with the union. At no time was a workplace agreement offered.

## WOYLIES - PORT KENNEDY TRAPPING PROGRAM

589. Hon J.A. SCOTT to the Minister for the Environment:

- (1) Have investigations into the circumstances surrounding the discovery of woylies at Port Kennedy been completed?
- (2) Has any person been charged with an offence in relation to this matter?
- (3) Has Jeff Anderton or any other member of the Port Kennedy land



conservation district committee been charged with or found guilty of any offence?

- (4) Has the wildlife trapping licence held by the Port Kennedy LCDC been revoked and if so, why?
- (5) Was Mr Bob Holze commended by Cathy Lambert in the report on a woylie trapping program presented in the House on 2 May 1995?
- (6) Has Mr Holze returned his trapping licence to the Department of Conservation and Land Management and if so, why?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Field investigations have been taken as far as they can at this time.

(2)-(3) No.

- (4) No, it has been suspended under section 15 of Wildlife Conservation Act 1950 because the licensee was determined to have failed to abide by the conditions of the licence in relation to the furnishing of returns and release of captured threatened fauna.
- (5) Yes, it reads, "I acknowledge the great help that Bob Holze, from the Port Kennedy LCDC, has given me during this study. I thank him for sharing his knowledge of the reserve, details of the fox-baiting programme, and his freely given time in helping to empty and reset traps".
- (6) Yes, Mr Holze decided that he did not intend to continue trapping and returned his licence in June 1995. He is welcome to apply for a trapping licence again in future.

#### PRODUCTIVITY AND LABOUR RELATIONS, DEPARTMENT OF - CHIEF EXECUTIVE OFFICER POSITION

590. Hon A.J.G. MacTIERNAN to the Minister representing the Minister for Labour Relations:

- (1) How long has the position of chief executive officer of the Department of Productivity and Labour Relations been vacant?
- (2) When were interviews conducted for the position?
- (3) How many persons were interviewed?
- (4) Who were the members of the interview panel?
- (5) Have any of those interviewed been selected for the position?
- (6) If not, why not?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) The previous occupant of the position of chief executive officer of the Department of Productivity and Labour Relations resigned on 13 January 1995.
- (2)-(6) In accordance with the provisions of the Public Sector Management Act, the Minister for Public Sector Management is responsible for all chief executive officer appointments. The Commissioner for Public Sector Standards has a statutory responsibility to undertake a selection process and recommend to the Minister for Public Sector Management the person or persons suitable for appointment. Any further queries should be directed to the Minister for Public Sector Management.

**PUBLIC SECTOR MANAGEMENT PORTFOLIO - CHIEF EXECUTIVE POSITIONS**

591. Hon A.J.G. MacTIERNAN to the Leader of the House representing the Minister for Public Sector Management:

- (1) How many chief executive positions are being filled on an acting basis within the portfolio of the Minister for Public Sector Management?
- (2) For what period has each such position been filled on an acting basis?
- (3) Has any assessment been made of the impact of this failure to appoint permanent chief executives to those agencies on the morale and performance of those departments and agencies?
- (4) Has the Government received any legal advice, or is it seeking any legal advice, as to whether the failure to fill these chief executive positions means that the Minister, or any other Minister, is in contravention of section 10 of Public Sector Management Act, or is in conflict with section 10 of that Act?
- (5) If not, why not?
- (6) Have these delays undermined the ability of the acting chief executives to comply effectively with their duties under section 29, particularly section 29(1)(a), of the Public Sector Management Act?

Hon GEORGE CASH replied:

I thank the member for some notice of this question. The Minister for Public Sector Management has provided the following information.

- (1) The following positions are filled on an acting basis -  
 Chief Executive Officer for the Western Australian Tourism Commission;  
 Director General of the Ministry of the Premier and Cabinet; and  
 Chief Executive of the Public Sector Management Office.
- (2) Tourism Commission: Mr Harrison was appointed as chairman and chief executive officer on 1 April 1993. Following the departmental restructure and the splitting of the positions, he has been acting as chief executive officer since 1 January 1995.  
 Ministry of the Premier and Cabinet: Acting since 27 February 1995.  
 Public Sector Management Office: Acting since 27 February 1995.
- (3)-(4) No.
- (5) The Minister for Public Sector Management is proceeding with all the appropriate procedures and urgency to fulfil his responsibilities under the Public Sector Management Act.
- (6) Chief executives and acting chief executives are required to fulfil their responsibilities under the Public Sector Management Act, and ensure that both the letter and spirit of the Act are complied with in the interests of the public and public sector employees.

**CONCRETE BATCHING PLANT - NEERABUP**

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

I refer the Minister to his answers to questions without notice 499 and 500 on 27 June 1995, reported on pages 5908 and 5909 of *Hansard*. With respect to reserve No 27575 Neerabup, where a concrete batching plant is being operated by a group associated with Mr Buckeridge -

- (1) Has a lease been entered into?
- (2) If so, when did that occur?
- (3) Who are the parties to it?
- (4) Will the Minister table a copy of the lease and if so, when; and if not, why not?
- (5) If a lease has been entered into, why is that so?

Hon GEORGE CASH replied:

I thank the member for some notice of this question.

- (1) No.
- (2)-(4) Not applicable.
- (5) The lease offer and acceptance has been agreed to; however, the lease cannot be formally put in place until the survey of the lease areas has been completed and plans drawn and lodged at the Department of Land Administration.

Subsequent to the acceptance of the conditions of the lease - and members will recall that Mr Buckeridge disputed the conditions - the necessary clearance under section 16(3) of the Mining Act 1978 was sought and obtained from the Department of Minerals and Energy in relation to mining lease 70/717 with the prior written consent of BGC Contracting Pty Ltd. The section 16(3) clearance was obtained on 26 July from the department. On 21 July 1995 survey/graphic instructions were issued to the company's nominated survey firm, Automated Surveys. Actual costs of survey/drafting will be borne by BGC Contracting Pty Ltd and the proposed lease area will be defined as Swan location 12476.

The latest advice from Automated Surveys on 16 August confirmed that the ground survey was in progress and the job is anticipated to be returned to the Department of Land Administration this week. The ground survey has been delayed due to a shortage of surveyors for fieldwork. Upon finalisation of survey and graphics immediate action will proceed to finalise the lease documents to ensure completion of this matter at the earliest possible date.

#### WOYLIES - PORT KENNEDY TRAPPING PROGRAM

593. Hon J.A. SCOTT to the Minister for the Environment:

- (1) In the investigation into the woylie colony at Port Kennedy, did the DNA tests carried out by the Department of Conservation and Land Management fail to establish a genetic link between the woylies from Port Kennedy and any other group of woylies found in WA?
- (2) Why did the Department of Conservation and Land Management fail to take gut samples to establish whether the woylies at Port Kennedy were eating local vegetation?
- (3) Of the three woylie carcasses mentioned in the Minister's tabled report of 2 May 1995, what tests were carried out to establish when they had died, what were the results, and who carried out these tests?
- (4) Is it correct that woylies have a historic connection with the Port Kennedy area, and it has been reported that they have been sighted in that area in the past?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1)-(4) The information being sought has relevance in the investigation of

possible offences against the Wildlife Conservation Act 1950, consequently I am not able to provide a response until the investigation and any subsequent legal proceedings have been finalised.

**STATESHIPS - STEVEDORING CONTRACT**  
*Freedom of Information Application*

594. Hon A.J.G. MacTIERNAN to the Minister for Transport:

In the light of the Commission on Government's recommendation that freedom of information requests be met within 14 days rather than 45 days, and the public interest in the circumstances surrounding the grant of Stateships' stevedoring rights to BAAC Pty Ltd, will the Minister now table in Parliament all relevant documents which are the subject of the Opposition's FOI application in respect of this matter?

Hon E.J. CHARLTON replied:

I understand that the Leader of the Opposition has been advised that I had intended to seek leave today to make a statement on that issue at 3.30 pm. I had intended to speak with the Leader of the Opposition about this matter, but he was absent from the Chamber on parliamentary business, and I left the matter until he returned. At the conclusion of question time I will seek leave to make that statement. I will ensure that the FOI information is made available. The Leader of the Opposition must acknowledge that the delay in the FOI inquiry is based upon the involvement of a third party. That third party must approve the release of any such documents and that approval is being sought. The delay has nothing to do with Stateships.

**ABORIGINAL HERITAGE ACT - REVIEW**

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

I refer to the review of the Aboriginal Heritage Act conducted by the law firm Minter Ellison Northmore Hale for the Government at taxpayers' expense announced this year and finished weeks ago.

- (1) Why has the report not been released to the public?
- (2) Will the Minister undertake to table the report and a breakdown of the cost?
- (3) If not, why not?
- (4) If yes, when?

Hon N.F. MOORE replied:

(1)-(4) I thank the member for some notice of this question. The Minister for Aboriginal Affairs has provided the following information.

In view of the unworkability of the Native Title Act and its procedures, together with the current examination of heritage issues occurring in the Hindmarsh Island bridge and Broome crocodile farm cases, the Minister has decided that the final report produced by Dr Senior of Minter Ellison Northmore Hale should not be released for public comment at this time. Further consideration of the report will be held in abeyance until the native title legislation and procedures have been clarified. The Minister will advise the member of the final costs of the report when they have been calculated by the Aboriginal Affairs Department.

**HEALTH DEPARTMENT - HEALTH SERVICES, BUDGET ALLOCATION;  
 LOANS**

596. Hon Val FERGUSON to the Minister representing the Minister for Health:

- (1) Can the Minister guarantee that the Health Department has reached

agreement with all the State's health services, particularly hospitals, over the 1995-96 Budget allocation?

- (2) If not, which health services have yet to reach agreement?
- (3) Is it true that some health services must take out loans to pay their Bills in 1994-95?
- (4) If yes, which ones, and are the loans repayable from the 1995-96 Budget allocation?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1)-(2) Each of the State's health services now operates on the basis of a contract for service in which funds are provided in return for the provision of a negotiated range and number of services. To date none of the 1995-96 contracts has been finalised; however, it is expected that they will be finalised in the next two weeks.
- (3) Yes; arrangements have been in place for many years for the Health Department to provide loans to individual health services. I emphasise that they are not external loans.
- (4) (a) Rockingham; Eastern Wheatbelt; Geraldton; Bunbury; Central Great Southern; Peel; Wellington; and South East Central health services.  
(b) These loans are repayable in whole or part during 1995-96; however, this is being reviewed in contract negotiation and the matter is not yet finalised.

#### POLICE - BRENNAN CAR SCAM INQUIRY

597. Hon MARK NEVILL to the Leader of the House representing the Minister for Police:

- (1) What has caused the delay in the investigation relating to the theft of vehicles from Mr R. Brennan, considering this matter has been under investigation for about three years?
- (2) When does the Minister expect this investigation to be completed?

Hon GEORGE CASH replied:

I thank the member for some notice of this question. As the Commissioner of Police has not had sufficient time to provide me with a response I suggest the member place the question on notice.

#### EDUCATION DEPARTMENT - BAYSWATER EDUCATION OFFICE *Catwalk Facility to Access Air-conditioning Units*

598. Hon JOHN HALDEN to the Minister for Education:

- (1) Will the Minister confirm that the Bayswater Education Office, which is on the grounds of the West Morley Primary School, is to have a catwalk-type construction erected on its roof so that potential air-conditioning maintenance personnel can have access to the air-conditioning?
- (2) What is the cost of catwalk-type construction?
- (3) Why is it being built?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) The estimated cost is \$9 000.
- (3) The facility will provide safe access to the air-conditioning units.

## TEACHERS - INDUSTRIAL DISPUTE

599. Hon JOHN HALDEN to the Minister for Education:

I refer to an article in today's *The West Australian* which discusses the possibility of teachers in the State taking stronger action to force the Government to adopt a more reasonable approach to their demands for better pay, resourcing and school maintenance. I ask -

- (1) What action will the Minister take to resolve this damaging dispute, particularly as we now face a threatened crisis?
- (2) Is the Government currently contemplating any measures that would see teachers forced to lift industrial action or be sacked or otherwise penalised?

Hon N.F. MOORE replied:

(1)-(2)

The article in *The West Australian* is speculation about the intention of the President of the State School Teachers Union to escalate the dispute to an all out strike. I listened to Mr Lindberg on radio this morning and I understood him to say that is his view and he will recommend that view to his executive at the weekend. I hope the executive will reject in no uncertain terms this proposition from Mr Lindberg as being a most inappropriate and quite irresponsible course of action which will cause significant concern to all students and the vast majority of parents. The Government has made a very reasonable offer to the teachers' union that we use the enterprise bargaining approach to reach an enterprise agreement. In the context of what most people are paid these days, that offer is very generous. It involves a pay offer of 15 per cent, in three 5 per cent instalments: 5 per cent upon signing the agreement, 5 per cent 12 months later, and 5 per cent 12 months after that. In exchange for that 15 per cent pay rise, teachers are being asked to perform unpaid relief for up to four hours a term. We have chosen that figure because when the Victorian Government required teachers in Victoria to perform all relief without pay, the union took the Government to the federal Industrial Relations Commission, which ruled that four hours per term unpaid relief was reasonable. The teachers' union wants a federal award, so we assume it will regard that condition as reasonable and have included it as part of our offer. That involves some savings which are translated into that 15 per cent pay rise.

We have also asked teachers to perform their professional development out of school hours. At present, secondary school teachers are engaged to teach for essentially four days a week and have one day off for duties other than teaching, called DOT time, and primary school teachers teach for four and a half days a week and have half a day off for DOT time. In addition to that DOT time, there are many occasions when teachers go on professional development courses which are provided by a range of organisations but principally by the Education Department. We want that professional development to be undertaken in teachers' out of class time so that it minimises the disruption to classes and does not require the Education Department to engage relief staff while teachers are undertaking those courses. I think that is a fair and reasonable proposition. They are the two trade-offs we are asking for which involve any change to teachers' work habits; I will not say conditions because they are not necessarily part of any award.

In addition, we have asked teachers to contemplate the changing world of education and be prepared to be part of a more flexible schooling arrangement where decisions can be made at the local school level to enable schools to operate in a less strict and regulated way and to allow school communities to run their programs and education system in a way that is more appropriate to the needs of the children in that school. They are the only trade-offs that are being asked for in exchange for the 15 per cent pay rise.

In addition to the 15 per cent pay rise, individual teachers can, if they wish, trade-off conditions other than the ones which I have described; and we estimate that could be worth another 10 per cent. That is a pretty reasonable offer in the circumstances, bearing in mind that not many people in this community are receiving that type of offer for that quantum of trade-offs. However, the problem is that after the Education Department and the union had negotiated the content of that package for several weeks, the Education Department said to the union, "That is it; go away and think about it and let us know what you decide", and the union then said, "Of course you realise that this 15 per cent package is being considered on top of the 20 per cent that we have already asked for, and in addition we have not wavered in our demand for what we call our quality of education package."

We have estimated the quality of education package to be worth \$300m, and when that is added to the cost of the 20 per cent pay rise, the total cost will be about \$430m per annum, which represents a 40 per cent increase in the Education budget. We have explained to Mr Lindberg and the teachers' union that the Government cannot afford \$430m, or a 40 per cent increase in the Education budget, at this time and probably will never be able to afford it. We now have a situation where the teachers' union wants us to give teachers a 20 per cent pay rise for no trade-offs, an additional \$300m for education expenditure, and a 15 per cent pay rise, about which it is prepared to argue in the context of an enterprise agreement, provided there are no trade-offs. Therefore, the teachers' union effectively wants a 35 per cent pay rise for virtually no trade-offs.

The teachers' union is now telling the public of Western Australia that if teachers do not get that pay rise, they will go on a general strike. I do not think that is a reasonable position for any union to take and I do not know of anyone who thinks it is reasonable. I cannot tell the teachers' union not to do that - I can tell it, but it does not have to take any notice of what I say; that is a decision which the teachers' union will make - but if the teachers' union does take that course of action, it must bear in mind that increasingly as the public is coming to understand the magnitude of the teachers' claim, its support for the union's actions is diminishing.

I have no intention of sacking anyone who goes on strike because I have neither the capacity nor the desire to do so, but teachers who go on strike will, like all other employees in Western Australia who go on strike, take the consequence of that action, which I understand to be that they will not be paid. I genuinely hope that the teachers' union executive will tell Mr Lindberg that the proposition which he put forward today about a general strike is inappropriate, unwarranted and uncalled for, and will cause significant damage to the education of our children. I hope the union will tell Mr Lindberg exactly that and will not proceed with that course of action.

#### HOSPITALS - GERALDTON REGIONAL *Physiotherapy Services Review*

600. Hon CHERYL DAVENPORT to the Minister representing the Minister for Health:

I ask, on behalf of Hon Val Ferguson -

- (1) Can the Minister indicate whether a review into physiotherapy services is being conducted at Geraldton Regional Hospital?
- (2) If yes, who is conducting the review?
- (3) Did the review go to competitive tendering before it was commenced?
- (4) Can the Minister guarantee that the paediatric physiotherapy service at the hospital will be maintained?
- (5) If not, how will children who require such a specialist service be catered for?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) Mr Dennis Holzberger, Director of Physiotherapy, Launceston General Hospital, and Vice President of the Australian Physiotherapy Association.
- (3) No. The contract was significantly less than \$5 000.
- (4) Yes. A general paediatric service is routinely provided for low acuity inpatients and will continue to be provided.
- (5) Geraldton Health Service does not and has never provided a specialist paediatric service. However, the need for such a service will be examined by Mr Holzberger.

**HOSPITALS - HARVEY AND YARLOOP**  
*Management and Clerical Services Tender*

601. Hon DOUG WENN to the Minister representing the Minister for Health:

- (1) Will the Minister confirm that a private company has taken over the management and clerical services of the Harvey and Yarloop hospitals?
- (2) If so, what was the successful tender price?
- (3) What are the specific responsibilities of the successful tenderer?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) No. The management of the Harvey and Yarloop hospitals is vested in the respective boards of management. The boards of management for the Harvey and Yarloop hospitals have accepted a tender to provide them with general management and clerical services to aid them in this process.
  - (2) The price was \$155 000 per annum.
  - (3) The specific duties are the provision of general management and clerical services for the Harvey and Yarloop hospitals on behalf of their respective boards of management.
-